POLICY NOTE

THE RECOGNITION OF OVERSEAS QUALIFICATIONS (CHARGES) (SCOTLAND) REGULATIONS 2025

SSI 2025/67

1. The above instrument is made by the Scottish Ministers in exercise of powers conferred by section 56(1) and (2) of the Finance Act 1973. The instrument is subject to negative procedure.

Summary Box

The instrument makes provision for charges for services related to the comparability and recognition of UK and overseas qualifications. These services are provided in pursuance of international obligations. It revokes and replaces the Recognition of Overseas Qualifications (Charges) Regulations 2024 (S.I. 2024/942) so far as they extend to Scotland.

Policy Objectives

2. On 5 March 2025, the UK Government laid the Recognition of Overseas Qualifications (Charges) (England and Wales and Northern Ireland) Regulations 2025 (SI 2025/256) ("**the UK Regulations**") before the UK Parliament. The Recognition of Overseas Qualifications (Charges) (Scotland) Regulations 2025 (SSI 2025/xxx) ("**the Scottish Regulations**") make equivalent provision for Scotland.

The UK ENIC service

3. The European Network of Information Centres (ENIC)[1] service offers a range of data and support linked to comparability of qualifications from abroad. The UK's National Information Centre ("UK ENIC") provides these services ("**the UK ENIC services**"). An external provider, Ecctis Limited, carries out the UK ENIC services through a contract with the UK Government's Department for Education ("**DfE**")

4. The UK ENIC services offer comparability statements for individuals seeking to come to the UK to work or study, or in some cases refugees, and also support for sector bodies and higher and further learning institutions considering applications from potential employees or students outside the UK.

5. Individuals can apply for their own statement of comparability and organisations can be given access to comprehensive databases to make comparison judgements for themselves. The UK ENIC services are used heavily by a range of organisations in Scotland, particularly universities who use it to support consideration of applications from students from abroad. It is also used by services supporting refugees, as well as professional regulatory bodies such as the General Teaching Council for Scotland.

6. The UK ENIC services support obligations under two international treaties: the Global Convention on the Recognition of Qualifications concerning Higher

[1] https://www.enic.org.uk/what-is-recognition/lisbon-recognition-convention/enic-naric

Education, signed by the United Kingdom at Paris on 25 November 2019 and the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, signed by the United Kingdom on 7 November 1997 (together "the Conventions").

7. The Conventions aim to facilitate academic and professional mobility between states and enhance international cooperation and trust in higher education. The Conventions oblige signatory states to implement the recognition of qualifications from other signatory states and set out how recognition decisions shall be made. The Conventions also require signatory states each to establish and maintain a national information centre that facilitates access to information about higher education and qualifications. The UK ENIC services fulfil information and recognition functions for the United Kingdom.

8. Since 1997, the service has been delivered through a series of contracts procured and managed by the UK Government and operating UK-wide.

The UK ENIC services offer

9. The Recognition of Overseas Qualifications (Charges) Regulations 2024 (**S.I. 2024/942**) set the charges at cost across the UK ENIC services on an aggregate basis for the whole of the UK. The Scottish Regulations revise the services and charges for the UK ENIC services relating to the recognition of international qualifications, aligning them with a new contract the DfE has signed with an external contractor after a competitive bidding process.

10. The UK ENIC services include:

    a) '**statements of comparability**' that evidence the comparability of overseas qualifications with UK qualifications. This is useful for access to higher education and to employment in the UK including health and social care, business administration, law, ICT, construction, and engineering.

    b) '**UK qualification reference statements**' that provide information about an individual's UK qualification, such as qualification entry requirements, the level of the qualification, progression routes or information about the relevant issuing body. This can be useful to demonstrate the scope of a qualification overseas or in the UK.

    c) '**refugee bundle services**' and '**standard bundle services**' that provide a specified number of 'statements of comparability' for relevant organisations and companies. This is useful for those who make frequent applications for the 'statement of comparability' service. Bundles provide a cheaper and more convenient option than one-off 'statement of comparability' applications.

    d) '**subscription packages**' allowing subscribers access to a range of services including, but not limited to, access to an online database(s) for five to an unlimited number of users depending upon the subscription package selected.

Scottish users

Individual applications in Scotland

11. Over the three years 2022 to 2024, there were just under 1,300 individual applications from residents in Scotland to the UK ENIC service. It is not known whether these individuals intended to use them in Scotland or elsewhere in the UK, and it is not possible to obtain this information, since the purpose of requesting the comparison is not recorded.

12. The figures above do not include individuals resident overseas who paid for services before coming to study or work in Scotland, which cannot be identified because the intended destination of an individual within the UK is not requested by the UK ENIC services at point of application. We do not know, and do not have a way of knowing, how many individuals from overseas paid for services to access employment or work in Scotland.

13. Scots residing overseas would not usually use the UK ENIC services but may instead use equivalent services in their intended destination country.

Use of the UK ENIC services by Scottish organisations

14. The UK ENIC services are used heavily by a range of organisations in Scotland, particularly universities who use it to support consideration of applications from students from abroad. It is also used by services supporting refugees, as well as professional regulatory bodies, such as the General Teaching Council for Scotland.

15. There are currently 29 member organisations based in Scotland. Members receive access to comprehensive databases which they can access directly at will to make comparison judgements for themselves. Members also have the option of submitting enquiries to the UK ENIC services membership team if they need additional specific help beyond what they have been able to achieve themselves.

16. There were a total of around 7,650 queries submitted by Scottish member organisations to UK ENIC services over the three years 2022 to 2024. However, this information does not reflect the usage of the actual databases through the membership scheme. Queries only arise where members need help with something which they have not been able to work out for themselves from reviewing the information in the database.

Devolution considerations

17. A new contract for provison of the UK ENIC services has been procured by DfE to start on 28 March 2025. It has been awarded to Ecctis Limited and will run for five years.

18. During the procurement exercise for this contract, DfE determined that the fees charged for the UK ENIC services in whole or part require, or may require, a statutory basis. This was taken forward through S.I. 2024/942 which came into force in October 2024[2].

[2] Clause 51 of the UK Government's Border Security, Asylum and Immigration Bill, curently before the UK Parliament, establishes retrospective power for the charging of fees for UK ENIC services. Clause 51 relates to fees charged for services related to the comparability, recognition and assessment of qualifications, which is not a reserved matter. Therefore, the Legislative Consent process is triggered in respect of that Clause.

19. S.I. 2024/942 set the charges at cost across the UK ENIC services on an aggregate basis for the whole of the UK. At the time S.I. 2024/942 was made, it was considered by the DfE that the subject matter of the regulations was reserved as relating to both immigration (as its primary purpose) and education. As a result of subsequent detailed discussions between the DfE, the Scottish Government, Welsh Government and Northern Ireland Executive, it has been concluded that the better view is that the regulations relate to the devolved matter of education.

The UK Regulations

20. S.I. 2024/942 extends and applies to the whole of the UK. However, for reasons explained above, the UK Regulations extend and apply only to England, Wales and Northern Ireland. The UK Regulations revoke and replace S.I. 2024/942 so far as it extends to England and Wales and Northern Ireland. The UK Regulations also update the services and charges related to the comparability and recognition of UK and overseas qualifications. The UK Regulations will come into force on 28 March 2025.

The Scottish Regulations

21. The Scottish Regulations will also come into force on 28 March 2025, and largely mirror the UK Regulations. Like the UK Regulations, they update the services and charges related to the comparability and recognition of UK and overseas qualifications. The Scottish Regulations extend to Scotland and revoke and replace S.I. 2024/942 so far as it extends to Scotland. The Scottish Regulations will provide a stautory basis for Scottish customers to continue to be charged for UK ENIC services from the start of delivery of the refreshed service provision under the UK Government's new contract with Ecctis Limited on 28 March 2025.

22. The Scottish Ministers have agreed in principle with UK Ministers from the DfE and the Scotland Office to make arrangements for the function of delivering UK ENIC services to be exercised on their behalf by the UK Government, pursuant to a section 93 Order under the Scotland Act 1998. This will enable continued provision of the service by UK Government (via the contract with Ecctis Limited) to customers in Scotland, under an agency arrangement with Scottish Ministers.

23. As the section 93 Order cannot be in force for 28 March 2025, it is the agreed intention of both Governments that a Memorandum of Understanding will be put in place for 28 March 2025. This Memorandum of Understanding will set out the understanding between the two Governments as regards the delivery of the UK ENIC services in Scotland by the UK Government on behalf of Scottish Ministers, until the section 93 Order and agency arrangement can come into force.

Changes to services and charges

24. Charges for services are set out in schedules 1 to 4 introduced by regulations 3 to 6 respectively. The services provided, and the charges payable by customers, have been determined by the UK Government through the procurement of the contract.

25. The Scottish Regulations (and the UK Regulations) include the following changes in respect of services and charges compared with S.I. 2024/942:

Charges for services

26. An increase has been applied to all UK ENIC services to manage increased costs of delivery resulting from inflation.

Subscription Package

27. The description of the service has been updated to reference the subscriber query support where this is relevant.

Ancillary Services

28. The £7.50 charge for the delivery of a 'statement of comparability' or 'qualification reference statement' in electronic format containing an electronically verifiable signature has been removed as a charging option. A description of a 'statement of comparability' and 'qualification reference statement' are outlined at paragraph 9 above.

29. Charges for additional support to subscription package users from the provider of up to 300 additional queries has been added as a charging option.

30. Members rate and non-member rate charges for a one day conference and a two day conference have been included as charging options.

31. A comparison of services and charges under S.I. 2024/942 and the Scottish Regulations is in the **Annex**.

<u>The payment of charges and refunds</u>

32. Regulation 7 makes provision for the payment of charges and regulation 8 makes provision for refunds. Both regulations allow for payment of charges to be made to, or refunds to be made by, the Scottish Ministers, an organisation delivering the UK ENIC services or DfE (the Secretary of State). In the case of an organisation or the Secretary of State, this is only in the circumstances where:

- the organisation is providing a statement, service or package as set out in the Scottish Regulations;
- the Secretary of State has made arrangements with the organisation to do this; and
- the Secretary of State is acting on behalf of the Scottish Ministers.

33. In practice, customers of the UK ENIC service, in Scotland or elsewhere, will be make payments to DfE. DfE will then pay Ecctis Limited. This means that charges will normally be paid under the provision at regulation 7(1)(c) and refunds under provision at regulation 8(1)(c). The provision at limbs (a) and (b) in each case allows flexibility in case of a change to the way the charges are routed.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

34. The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Recognition of Overseas Qualifications (Charges) (Scotland) Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

35. The UK ENIC services support obligations under two international treaties: the Global Convention on the Recognition of Qualifications concerning Higher Education, signed by the United Kingdom at Paris on 25 November 2019 and the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, signed by the United Kingdom on 7 November 1997.

36. The Scottish Regulations support the Scottish Government's commitment to maintaining and advancing the high standards that Scotland shares with the EU. These instruments indirectly support the Scottish Government's policy to maintain alignment with the EU.

37. The UK ENIC services are important in supporting foreign students in progressing with studies at Scottish HEIs and foreign workers securing employment in Scotland. This is to the benefit of Scottish institutions, employers and the Scottish economy. It is also reciprocally important: Scots seeking to work or study abroad can use similar ENIC services in their destination country.

38. These instruments are consistent with EU law and practice. These instruments support: maintaining and advancing the high standards that Scotland shares with the EU, through the mutual recognition and validation of qualifications; reciprocal access to EU markets for people and services, as explained above; and a future Scotland's re-accession by maintaining cross-border ties and supporting the movement of people across borders.

Consultation

39. No public consultation has been undertaken as there is not a substantial impact on users of the UK ENIC services or fundamental changes to the services offered. However, the Scottish Government engaged with three representative Scottish member organisations to confirm the use and value of the UK ENIC service.

40. The Scottish Government has had extensive engagement on the devolution considerations and the required legislation with DfE, the Welsh Government and the Northern Ireland Executive. Agreement that the better view is that the regulations relate to the devolved matter of education was only reached shortly before implementation of the new contract, procurement for which began in April 2024. On this timeframe, and in these circumstances, there was no meaningful alternative option to present to Scottish stakeholders.

Impact Assessments

41. A Child Rights and Wellbeing Impact Assessment has been completed.

42. A Data Protection Impact Assessment has not been completed. This is because the Scottish Regulations do not make any changes to the way personal data is gathered or processed.

43. An Equalities Impact Assessment is being prepared.

44. No other impact assessments have been undertaken, as there are no realistic alternative to the Scottish Regulations as part of a package of measures to ensure the UK ENIC services continue to be delivered in Scotland from 28 March 2025, in support of the Conventions.

Financial Effects

45. The Scottish Regulations do not directly regulate or deregulate business. There is no significant impact on business, charities, or voluntary bodies because the Scottish Regulations do not create any new requirements for any of these sectors and do not impact an organisation carrying out its business activities wholly or in part as a private service.

46. While there are some changes in the charges for services, the Scottish Regulations have been prepared quickly to ensure a continuation of a service which is used either directly by businesses and other organisations, or which supports them indirectly. The Scottish Regulations are required to meet international obligations, and failure to implement them would have more of an impact on businesses than taking them forward.

47. Accordingly, the Minister for Higher and Further Education confirms that no BRIA is necessary for the Scottish Regulations, but any future changes to the UK ENIC services delivered in Scotland will be subject to appropriate impact assessment.

Scottish Government
Lifelong Learning and Skills Directorate

13 March 2025

ANNEX

UK ENIC SERVICES: EXISTING AND NEW CHARGES FROM 28 MARCH 2025

1. The tables below set out the charges for the UK ENIC services up to 27 March 2025 under S.I. 2024/942 and the charges for services from 28 March 2025 under the Scottish Regulations.

Statement of Comparability

2. A Statement of Comparability compares an individual's overseas qualification to a UK qualification or level of UK qualification.

Type of application	Charge under S.I. 2024/942	Charge under Scottish Regulations
Statement of Comparability (standard service of 15-working days)	£49.50	£58.00
Statement of Comparability (Priority Service 48-hours on working days)	£173.50	£186.00
Statement of Comparability (Super Priority service 24-hours on working days)	£223.50	£237.00

UK Qualification Reference Statement

3. A UK Qualification Reference Statement provides information about an individual's UK qualification. UK qualification means a qualification issued by a body that is based in the United Kingdom. The UK Qualification Reference Statement service takes 20-working days and there is no quicker turnaround option available for this service.

UK Qualification Reference Statement	Charge under S.I. 2024/942	Charge under Scottish Regulations
UK Qualification Reference Statement	£49.50	£58.00

Bundle Services

<u>Statement of Comparability Bundle Service</u>

4. Provides a solution for organisations to apply on behalf of an individual client or applicant on a frequent basis. The provision of a specified number of Statements of Comparability, with each statement processed on an expedited basis.

Number of Statements of Comparability	Charge under S.I. 2024/942	Charge under Scottish Regulations
5	£400.00	£412.00
10	£750.00	£773.00
20	£1,400.00	£1,442.00
30	£1,950.00	£2,009.00
40	£2,400.00	£2,472.00
50	£3,000.00	£3,091.00

Refugee Bundle Service

5. The Refugee Bundle Service provides a solution for organisations and charities working with refugees on a frequent basis. The provision of a specified number of statements of comparability, with each statement processed on an expedited basis.

Number of Statements of Comparability	Charge under S.I. 2024/942	Charge under Scottish Regulations
5	£125.00	£128.00
10	£250.00	£256.00
15	£375.00	£384.00
20	£500.00	£513.00
25	£625.00	£641.00
30	£750.00	£769.00
40	£1,000.00	£1,025.00
50	£1,250.00	£1,281.00
60	£1,500.00	£1,538.00

UK Qualification Reference Statement Bundle

6. The UK Qualification Reference Statement bundle is the provision of a specified number of Qualification Reference Statements.

Number of Qualification Reference Statements	Charge under S.I. 2024/942	Charge under Scottish Regulations
5	£400.00	£410.00
10	£750.00	£769.00
20	£1,400.00	£1,435.00
30	£1,950.00	£1,999.00
40	£2,400.00	£2,460.00
50	£3,000.00	£3,075.00

Subscription Package

7. A subscription package is a provision of a range of services for a period of 12 months including, but not limited to, access to a database(s).

Description	Charge under S.I. 2024/942	Charge under Scottish Regulations
Maximum of 5 individuals, each of whom are given access to 1 database	£925.00	£953.00
Maximum of 5 individuals, each of whom are given access to 5 databases	£1,300.00	£1,339.00
Maximum of 10 individuals, each of whom are given access to 5 databases	£2,150.00	£2,215.00
Maximum of 30 individuals, each of whom are given access to 5 databases	£3,200.00	£3,296.00
Unlimited number of individuals, each of whom are given access to 5 databases	£4,800.00	£4,944.00

8. Subscribers can benefit from and access 4,000 qualifications from secondary to postgraduate level are detailed, spanning 200 countries, former countries and territories, with detailed information on education systems and qualification frameworks. There is also information on professional and vocational frameworks.

Ancillary services

Type of Service	Charge under S.I. 2024/942		Charge under Scottish Regulations	
	Charge	Charge to a Subscriber	Charge	Charge to a Subscriber
The delivery of a statement of comparability or qualification reference statement in electronic format containing an electronically verifiable signature.	£7.50	£7.50	Not applicable	Not applicable
The dispensation of any need for a certified translation into English of any documents that evidence an overseas qualification as part of an application for a statement of comparability.	£40.00	£40.00	£41.00	£41.00
S.I. 2024/942: Provision of a half day of training regarding education, qualifications and the services. **The Scottish Regulations:** Provision of half a day of training regarding education, qualifications and the recognition of overseas qualifications.	£255.00	£210.00	£263.00	£216.00
S.I. 2024/942: Provision of a full day of training regarding education, qualifications.	£355.00	£310.00	£366.00	£319.00

The Scottish Regulations: Provision of a full day of training regarding education, qualifications and the recognition of overseas qualifications.				
S.I. 2024/942: Booking for an individual to attend as a delegate at a conference regarding education or qualifications. **The Scottish Regulations:** Booking for an individual to attend as a delegate at a two day conference regarding education or qualifications and further to obligations deriving from a relevant international agreement.	£545.00 per delegate	£495.00 per delegate	£558.00 per delegate	£507.00 per delegate
Booking for an individual to attend as a delegate at a one day conference regarding education or qualifications and further to obligations deriving from a relevant international agreement.	Not available	Not available	£355.00 per delegate	£310.00 per delegate.
Support to the subscriber from the provider of the service (within five working days) for up to 300 additional queries.	Not applicable	Not available	Not applicable	£900.00
Support to the subscriber from the provider of the service (within two working days) for up to 300 additional queries.	Not applicable	Not available	Not applicable	£2,000.00