

Guidance Note On Limiting Eligibility For Scholarships By Nationality

A good number of scholarships and other awards available to LSE students, some of long standing, are explicitly limited to nationals of one or more countries. Some others are described as being for students “from” certain countries – which could be taken to mean discrimination by nationality.

Race is a “protected characteristic” under the Equality Act 2010. The Act is unambiguous:

S.9(1) Race includes –

- (a) colour;*
- (b) nationality;*
- (c) ethnic or national origins.*

It is illegal under the Act to discriminate against someone because of a protected characteristic.

Discrimination by residence is not illegal and no concerns arise where scholarships are limited to residents of one or more countries, or where stipulations of nationality or being “from” a country are defined as or augmented by language stating that the criterion is one of residence.

In some cases we advertise scholarships provided by third parties that do not come through LSE and are not limited to LSE students. In such cases, where we have no involvement in a scholarship that becomes a legal relationship between a student and third party donor, we take the view that we may advertise their existence to actual or potential LSE students but cannot be held responsible for ensuring that their terms and conditions are and remain within the law.

This leaves a number of LSE-specific scholarships that are almost certainly illegal under the Equality Act because they are limited to students of one or more specific nationalities.

We regard it as unlikely that we would be challenged on the technically-illegal scholarships we offer, perhaps especially where the arrangement is of long standing and predates the relevant legislation. Also, a random sample of other UK universities suggests that some others are in a similar position: see Annex A. Nevertheless, it seems worthwhile taking reasonable steps to protect ourselves from legal challenge, especially in respect of new scholarships or awards.

Legal advice (see Annex B) suggests that it may be legitimate in many cases to amend the conditions of a scholarship funded by a gift or donation after receipt so that it is defined as being for the residents of somewhere rather than for certain nationals.

Our advice to those concerned around the School is as follows:

1. Where it is reasonably practicable, ask the funders of any relevant existing scholarships to allow us to define or redefine the relevant criterion as residence.
2. Where it isn't reasonably practicable to go back to the funders, consider whether it would be reasonable and proportionate to make the change regardless, on the lines suggested by our legal advisers.
3. Try to talk any future donor who wants to limit by nationality into using residence as the criterion instead.
4. Preface our scholarship information on the website and elsewhere with a disclaimer: “Scholarships listed as intended for nationals of a particular country or countries are

open as well to residents of those countries, except where scholarships are funded by past donations or legacies stipulating certain nationalities and the conditions cannot now be changed”.

Governance, Legal and Policy Division
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