



Universities Scotland submission of evidence to Culture, Tourism, Europe and External Affairs Committee inquiry on Article 50: Preparedness

Universities Scotland welcomes the opportunity to respond to the Committee's inquiry on Article 50 preparedness. For the purposes of this inquiry we have focussed on the likely impacts of a 'no deal' Brexit which would have the most dramatic impact on the Scottish higher education sector.

Without a deal with the European Union (EU), Brexit would cause immediate uncertainty for EU nationals in Scottish higher education institutions (HEIs), prospective staff and students from within the EU and for those (staff and students) participating in any of the Horizon 2020, Structural Funds or Erasmus+ programmes.

Key facts: why the relationship with the European Union is important to Scottish HEIs

- Students from the EU made up 8.7% of all students at Scotland's HEIs in 2016/17 (21,245 FPE)¹
- Staff from the EU made up 12.4% of all staff at Scotland's HEIs in 2016/17 (5,495 FPE)²
- Scottish HEIs received £94m in research funding in 2014/15 from the EU, which represents 9% of our total research funding. As of May 2016, Scottish HEIs received 13% of all Horizon 2020 funding to UK HEIs. Through Horizon 2020, we have seen 480 projects with 2191 collaborating organizations and 89 collaborating countries
- In 2015, 2,098 students at Scottish HEIs studied abroad in Europe in 2015 through Erasmus+, up from 1,558 in 2014 – an increase of 35% in one year alone
- Scottish HEIs have also engaged strongly with the new International Credit Mobility strand of Erasmus+. In its first year (2015), the Scottish HE sector punched well above its weight, winning €1.2M, i.e. 21% of the total funding allocated UK-wide, sending students and staff all over the world. In 2017, an additional €9,643,175 was awarded to Scottish HEIs directly by the European Commission for the centralised actions (Erasmus Mundus Joint Master Degrees, Capacity Building in Higher Education, Knowledge Alliances and Jean Monet)

We would like to see the UK Government take a number of measures to ensure disruption to Scottish HEIs is minimised over the coming months. These measures are:

- Securing EU citizens' rights for individuals and their dependents and their access to public services
- Agreeing to make no substantive change to rules governing EU migration until 1 January 2021
- Clarify its commitment for participation in EU programmes such as Horizon 2020 and Erasmus+
- Establish back-up structures to mirror Horizon 2020 and Erasmus+

¹ Data from HESA 2016-17, analysis by Universities Scotland

² Ibid



- Agreement on the recognition of professional qualifications to allow Scottish graduates to have their achievements recognised in the EU
- How the UK Government will ensure the UK Shared Prosperity Fund will work as a successor programme to the EU Structural and Investment Funds. This is of vital importance to a number of our members, primarily the University of the Highlands and Islands in their commitment to inclusive economic growth in the Highlands and Islands

In the event of a no deal, the sector in Scotland needs the UK Government to secure an effective longer-term settlement for HEIs. There is a significant risk that in the event of a no deal Brexit then the UK would be excluded from the EU's science and education programmes with immediate effect and would not be able to return until the UK's third country status is negotiated.

Therefore a settlement is of utmost importance. This is an absolute requisite if Scotland is to remain a world-leader in the higher education sector. The UK Government should be finalising UK-EU accords on Science and Education with the EU Commission as soon as possible. This would allow progress on the UK to gain full association to Horizon Europe and Erasmus+ from the start of their programmes on 1 January 2021.

Implications of a no deal Brexit

If the UK was to leave the EU without a deal in place then the following circumstances would take effect on 29 March 2019:

- The residency rights of EU nationals already working in HEIs would be unclear. We have received commitments from the Home Secretary (below) but HEIs need details from the UK Government to provide assurances to staff and students about the rights and entitlements
- EU nationals entering the UK could be treated as third country nationals, subject to non-EEA immigration rules and requirements. The consequences of this will be an immediate restriction on the flow and staff and student talent to Scottish HEIs
- The UK's ability to participate in Horizon 2020 and Erasmus+ could cease because there is no legal obligation for the UK to pay any financial settlement on exit.

What the UK Government has done so far

The UK Government has already committed to a number of stability measures beyond March 2019 that we alongside Universities UK has actively lobbied for.

- EU citizens' rights: the Home Secretary, Sajid Javid MP, has indicated that the UK-EU draft agreement on citizens' rights will be honoured, even if the UK is unable to reach an acceptable deal with the EU 27" and that "EU citizens living lawfully in the UK will be able to stay. No matter what happens."
- Horizon 2020: in July 2018, the UK government extended a commitment to underwrite payments of Horizon 2020 awards so that it covers grants applied for even after the UK leaves the EU in March 2019
- Structural Funds: the same government guarantee of EU funding also underwrites the UK's allocation for structural and investment fund projects under the EU budget period to 2020



- Erasmus+: the UK Government guarantee to underwrite the payments of all competitive grants also includes centralised Erasmus+ actions (e.g. collaborative bids). On mobility specifically, the government has also agreed to underwrite successful Erasmus+ grant agreements applied for between the British Council and institutions whilst the UK remains a member of the EU, going as far as covering mobility in 2019/20
- EU student fee status/financial support: governments across the UK have confirmed that EU students starting a course in 2019/20 (the first cycle post-Brexit) will still be eligible for home fee status as per existing rules. We have been working closely with the Scottish Government and are seeking confirmation that 2020/21 EU student entrants will be able to study on the current fees basis as well as engaging in exploration of options with the Scottish Government for how to maintain a sustainable flow of EU student talent after that

Remaining areas of uncertainty and what action we would like to see taken

We welcome the overall objective the UK Government has taken to higher education issues as it largely follows our own thinking. It is the UK Government's stated position that it wants to *"continue to collaborate with European partners on major science, research and technology initiatives."*³

However, we wish to see details finalised as soon as possible.

There remains uncertainty facing the sector and our members in light of a no deal outcome.

We are seeking clarity on:

- What the residency, work and study rights would be of those EU nationals already working, studying or on Erasmus+ in Scottish HEIs (and their dependents)
- What the immigration rules and requirements will be in place for EU nationals
- How the UK Government's intended underwrites would work in practice, including who would be responsible for distributing funds; and what reporting and auditing requirements these would entail
- Whether Scottish HEIs could access replacements to parts of the Horizon 2020 programme, such as the European Research Council (ERC) and Marie Skłodowska-Curie Actions
- Whether Scottish HEIs could access a replacement to Erasmus+
- What the legal status of Erasmus+ partnerships between Scottish HEIs and their Erasmus+ partner universities would be
- What funding will be available to support outward student mobility to the EU in 2020/21

Research issues

Currently, the UK Government has said it would underwrite funding for UK participations but it is not clear how UK Government and the European Commission would address cases

³ HM Government, [Collaboration on science and innovation: a future partnership paper](#), September 2017



where UK organisations lead consortia and are responsible for distributing funding to other participants. Furthermore, there may be projects which, due to the UK change in status from a member country to a third country, no longer fulfil the eligibility requirements for funding (as funds may require a specific number of member states involved in a project). It is unclear what would happen to these projects.

Actions to be taken by UK and Scottish Governments

We would therefore like to see the UK and Scottish Governments take the following actions based on our concerns outlined above:

- Committing to unilaterally guaranteeing the rights of EU nationals working, studying or entering the UK by 31 December 2020, in line with the Settlement Scheme statement of intent
- Ensuring that any substantive changes to rules governing EU migration are preceded by a period of two years to allow HEIs and prospective staff & students to prepare for any new system
- Clarifying how the underwriting for EU grants will work in practice, including who will administer funds/make funding decisions and what would be required of HEIs who are in receipt of funds
- Setting out contingency plans for replacing access to Horizon 2020 funds, primarily the ERC and Marie Skłodowska-Curie Actions
- Commit to ensure, at least, the same net level of funding for research and innovation based on past performance over the lifetime of Horizon 2020. For clarity this would mean the level of funding reaching organisations, irrespective of any costs associated with establishing administrative structures; and,
- Adopt the same administrative procedures (applications, calls for grants, evaluation processes) as the successor programme to Horizon 2020 to minimise disruption and bureaucratic burden for UK researchers
- Setting out contingency plans for replacing access to Erasmus+
- Extending the existing Erasmus+ financial underwrite to also cover student mobility in 2020/21
- Scottish Government to confirm its intentions about EU student entrants in 2020/21 and its plans for EU students in the years that follow

ENDS

Contact:

Duncan McKay, Senior Public Affairs & Communications Officer,
duncan@universities-scotland.ac.uk, 0131 225 0714

