OFFICIAL REPORT
AITHISG OIFIGEIL

Education and Skills Committee

Wednesday 18 September 2019

Session 5

The Scottish Parliament
Pàrlamaid na h-Alba

Wednesday 18 September 2019

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EDUCATION AND SKILLS COMMITTEE

25th Meeting 2019, Session 5

CONVENER

*Clare Adamson (Motherwell and Wishaw) (SNP)

DEPUTY CONVENER

*Daniel Johnson (Edinburgh Southern) (Lab)

COMMITTEE MEMBERS

*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)
Jenny Gilruth (Mid Fife and Glenrothes) (SNP)
*Iain Gray (East Lothian) (Lab)
*Ross Greer (West Scotland) (Green)
Alison Harris (Central Scotland) (Con)
*Rona Mackay (Strathkelvin and Bearsden) (SNP)
*Gail Ross (Caithness, Sutherland and Ross) (SNP)
*Liz Smith (Mid Scotland and Fife) (Con)
Beatrice Wishart (Shetland Islands) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Liam McCabe (National Union of Students Scotland)
Oliver Mundell (Dumfriesshire) (Con) (Committee Substitute)
Gil Paterson (Clydebank and Milngavie) (SNP) (Committee Substitute)
Mary Senior (University and College Union Scotland)
Alastair Sim (Universities Scotland)
Maree Todd (Minister for Children and Young People)

CLERK TO THE COMMITTEE

Roz Thomson

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education and Skills Committee

Wednesday 18 September 2019

[The Convener opened the meeting at 10:00]

Decisions on Taking Business in Private

The Convener (Clare Adamson): Good morning and welcome to the 25th meeting in 2019 of the Education and Skills Committee. I remind everyone present to turn mobile phones and other devices to silent for the duration of the meeting. Apologies have been received from Alison Harris and Jenny Gilruth. Oliver Mundell and Gil Paterson are substituting for them today; welcome to the committee. We have also received apologies from Beatrice Wishart.

Agenda item 1 is to make a decision on taking business in private. Is the committee content to take agenda items 5 and 6 in private?

Members *indicated agreement.*

Subordinate Legislation

Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2019 [Draft]

10:00

The Convener: Agenda item 2 is on draft subordinate legislation that is subject to affirmative procedure. Information about the instrument is provided in paper 1. There is also a submissions pack, including letters from the minister on issues that were raised during scrutiny of an instrument on funded childcare. The affirmative instrument will be dealt with under two agenda items. First, the committee has the opportunity to ask questions of the minister and her officials. After that there will be a formal debate on the motion that is published in the agenda.

I welcome Maree Todd MSP, who is the Minister for Children and Young People; Dr Alison Cumming, who is the deputy director of early learning and childcare; and Claire Cullen, who is a solicitor in the school education branch of the legal directorate of the Scottish Government. Ms Todd will make an opening statement.

The Minister for Children and Young People (Maree Todd): Thank you very much, and good morning. The eligibility criteria for the funded early learning and childcare offer to two-year-olds are set out in legislation, and include looked-after children and children who are subject to kinship care or a guardianship order. The funded provision also covers children whose parents receive certain qualifying benefits—for example, universal credit and the benefits that will be superseded by universal credit. The order is concerned with one of the qualifying benefits.

Legislation currently specifies that a two-year-old is eligible when their parent receives the maximum child tax credit and maximum working tax credits, and when their annual income does not exceed a threshold that has been set, in United Kingdom, regulations at £6,420.

Due to changes in UK Government policy, it is now technically no longer possible for a parent who is aged 25 or over to meet that criterion. The UK Government has decided to increase the national living wage, but it has also frozen income thresholds for the maximum award of working tax credits and child tax credits at £6,420. The combined effect of the changes is that a parent who is over 25 and who works the minimum hours to qualify for working tax credits—16 hours a week—can now earn no less than about £6,800. Left unchanged, those UK Government policies would result in a significant decrease in the

number of two-year-old children who are eligible for funded early learning and childcare in Scotland, despite there being no significant difference in the household circumstances of their families.

Scottish Government and local government agree that we do not wish those children to be unable to access funded early learning and childcare. It is important to be clear that no two-year-old who is currently receiving funded early learning and childcare will be affected by the changes, because once a child has met the eligibility criteria, they remain eligible despite any changes in circumstances.

The purpose of the order is to protect eligibility for two-year-olds whom we would expect to be eligible for funded early learning and childcare. The order will increase the income threshold to £7,320 per year for households that are in receipt of both child tax credit and working tax credits. That will mean that a similar profile of children will remain eligible for the entitlement, thereby ensuring that the two-year-old children who stand to benefit most will continue to have access to high-quality funded early learning and childcare.

Stakeholders that represent children and families, including Save the Children and One Parent Families Scotland, have indicated their support for the order. Our local government colleagues and Convention of Scottish Local Authorities representatives are also supportive of the legislative change. Although we do not expect a significant financial impact for local authorities, we have agreed, with COSLA, measures to monitor and respond jointly to any impact. Thank you.

The Convener: Thank you, minister. We move to questions.

Daniel Johnson (Edinburgh Southern) (Lab): Thank you very much, convener. From looking at the numbers in the policy note, my understanding is that, without the change, the number of eligible two-year-olds would decrease by 4,000. What proportion of the 14,000 children who are currently eligible are taking up places, and how you think the instrument might impact on that?

Maree Todd: Daniel Johnson is quite right—we need this Scottish statutory instrument to protect eligibility for the children whom we are trying to target. We think that, at the moment, about 25 per cent of the two-year-old population in Scotland is eligible, and that about 10 per cent of the whole two-year-old population take up the offer, which is about 40 per cent of the eligible children. We are putting in a lot of work across the board to improve uptake. A number of measures are in place, which I can elaborate on if you want.

Daniel Johnson: Could you elaborate a little bit? My understanding is that you committed in 2018 to doubling uptake to 60 per cent. It sounds as though some progress has been made on that, if uptake is 40 per cent, but what steps are you taking to ensure maximum take-up of this important benefit?

Maree Todd: That is an absolutely key aim of the Government, which recognises that the ELC expansion will deliver real benefits to eligible children and families. It will reduce the poverty-related attainment gap, more parents will have the opportunity to be in training, work and study and family resilience will improve. We are very keen—as are our local authority partners—to ensure that parents of children who are eligible are aware of the offer and are encouraged to take it up. We are working with local authorities and with private and third sector services to increase uptake.

At national level, the Scottish Government has been working with the children and young people improvement collaborative since September 2018 to support nine local authorities, through multi-agency teams, to use improvement methods to increase awareness and uptake of funded ELC for two-year-olds. The collaborative is due to report this month. We will then share across the country the lessons that those nine local authorities have learned.

We are also working with the UK Government to develop a legal gateway and a data-sharing agreement. You will be aware that, in England, local authorities have had access to Department for Work and Pensions data since 2011, which has helped them to identify eligible parents. We have been working very hard with the UK Government to try to deliver that legal gateway so that our local authorities can also identify eligible families and target the offer.

We are working to improve the information that is given to parents and carers in order to help them to make informed decisions about ELC. Once we have identified eligible parents and carers and we are able to make them the offer, we give them good information that helps them to make a good decision on whether it suits their family circumstances to take it up.

Daniel Johnson: Forgive me, minister, but what does that mean? You said the Government is working with local authorities. What is the content of that work? Given that your own figures say that 20 per cent of people who are eligible do not take up the offer because they are not aware of the provision, what steps are you are taking? What information are you providing and how are you communicating information about the scheme?

Maree Todd: We are improving the information that is available to parents and carers in order to

help them to make informed decisions about ELC, particularly through the ELC parent club. We are continually exploring opportunities to promote the offer for eligible two-year-olds through other services, including the financial health check, the new best start payments, and health visiting, in which ELC is included as a topic that can be discussed at child health development reviews. Unlocking uptake will really be supported by the legal gateway.

Since I became minister, we have been working to try to ensure that we can obtain the legal gateway from the UK Government. There has been real frustration about the slowness of progress, but I can report today that we have made progress. We had agreement back in July that a legal gateway is required, so we are working with UK Government legal drafters on legislation that will be out for consultation before the end of year, I hope. Obviously, the committee would be very welcome to respond to that consultation. Work will be on-going, but unfortunately we will be absolutely at the mercy of the UK parliamentary timetable over the next year. However, we are very keen to see the provision progress through Parliament and become law.

Alongside all that, we are working on technical aspects: as well as work on obtaining the legal gateway, we are working very hard to find out how we will use that gateway so that once it is in place we will be able to hit the ground running in terms of ensuring that we get the offer to where it is required.

Iain Gray (East Lothian) (Lab): When you were here in May, I asked you some questions around children whose entry to primary 1 is deferred. I appreciate that you have provided quite a substantial response in advance of today's meeting. That response is really about how you intend to collect information on those children on a wide range of characteristics—gender, ethnicity, disability, additional support needs, home postcode and so on. That is interesting, but I am puzzled about where that is going. Once you know those characteristics about the deferred children, what do you intend to change?

Maree Todd: Iain Gray is quite right that, over the summer, my officials have been reviewing the current data and working with COSLA to consider other sources of data in order to better inform our understanding of deferral and uptake of ELC. I have written to inform the committee of that work.

I believe that the ELC census will help us to understand the picture around deferral. You will remember that, at the previous meeting, there was a suggestion that some groups in society are particularly disadvantaged by deferral decisions, so we need to understand that picture better before we make decisions about what we will do, going forward.

Iain Gray: Core disadvantage has nothing to do with any of those characteristics, though, does it? The core disadvantage is that a child whose parent exercises their absolute right to defer, whose birthday lies between August and December, will be denied free funded hours of ELC. How will counting those children help to address that?

Maree Todd: That is not correct at all, Mr Gray. Any child who would not be five at the start of August is automatically entitled to defer that year. For children who are born in January and February, there is an automatic entitlement to funded further ELC. For children who are born between August and December, that right to funded ELC is not automatic: a decision on that must be made with the local authority. In order to improve that decision making, and to improve consistency around the country, I am bringing in statutory guidance that will help local authorities to involve parents in that decision making, to ensure that the decision is based on the principles of getting it right for every child. We are also working hard to improve communication. If you remember—

Iain Gray: I am sorry, but are you suggesting that you want to try to change parents' minds about deferral?

Maree Todd: No—not at all.

Iain Gray: You said authorities would work with parents to ensure that they make the right decision.

Maree Todd: Absolutely.

Iain Gray: The decision is entirely the parents'.

Maree Todd: One of the things that we have established is that, in different parts of the country, parents get very different responses when they ask about deferral. We want to ensure that responses are consistent and that decisions are made with the parents, based on the principles of GIRFEC.

Iain Gray: The decision about deferral is not the local authority's to make.

Maree Todd: No.

Iain Gray: The decision about deferral is the parents' decision to make. Is that correct?

Maree Todd: That is absolutely correct, but the decision about funding—

Iain Gray: If the parent makes a decision to defer, as they are entitled in law to do, they will be denied automatic funding of the 1,140 hours, after

next year. That is where there is unfairness, is it not?

10:15

Maree Todd: I have been very clear. The situation at the moment is that those parents are free to decide to defer. The decision about which there is discretion for the local authority is about whether that deferment should be funded.

Iain Gray: Okay—and have you no intention of changing that?

Maree Todd: I am not saying that I have no intention of changing it. What I am saying is that I require more information in order to make the decision. I will meet the give them time campaign later this month. I want to discuss progress that we have made on some of its asks and what more might be required to ensure that the campaign's aims are fulfilled. The campaign's work so far has been incredible—it has done really well to highlight the issue and to improve communication about it. When I meet the campaigners at the end of this month, I will certainly be happy to discuss any options that they want to explore.

Gil Paterson (Clydebank and Milngavie) (SNP): Maree Todd may have already answered this question in her introduction when she talked about working with COSLA, but I will ask it to avoid any doubt. There is a cohort of vulnerable children and families that would benefit from the change. Will funds be made available to local government if there is a shortfall?

Maree Todd: We have worked hard with local authorities to understand the potential financial impact. We expect that it will be manageable within the current ring-fenced ELC settlement, which provides for a higher uptake of two-year-old offer than is currently the case.

We have agreed with our local authority colleagues that we will monitor the impact of this legislative change. If any action is required, both sides are absolutely committed to taking that action. This is a high priority for both central Government and local authorities. We are very keen to work together and to make sure that the relevant group of families is effectively targeted, because we think it will have a transformative impact on them.

Gil Paterson: I kind of got that idea in your preamble, but I thought that it was worth while to put it on the public record.

I have a general question about childcare. I was impressed when you answered a question by using a bridge analogy. You said that, before we can cross a bridge, we need to build it. I am wondering about the general infrastructure. Are we making progress on the complement of staff and, of course, the estate—the places for children and families to go—that are required for the change? Are you going to meet the targets that you have set for the endgame? I get the bridge analogy—that is right. How are we with regard to the finish line?

Maree Todd: I am confident that we are going to be able to deliver our commitment in August 2020. We have a joint delivery board with a number of local authority partners and Care Inspectorate partners around the table, and we look closely at both intelligence and data. The last data collection was in April, and we proactively published that. We are keen that everybody who is interested in the progress on our commitment is able to access that data. In the future, we will make sure that we let this committee know when we are publishing information, but we are confident that we are absolutely where we would expect to be at this time.

As I have said many times when I have been criticised for the fact that we are not quite there yet, we still have a year to go. The analogy that I used was the Queensferry crossing. Nobody expected to be driving over that Queensferry crossing a year before it was ready.

Gil Paterson: That explains it. Thank you.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): You mentioned that you had a concern that different local authorities were using different criteria when measuring some of the issues around a child's readiness to go to school and what that meant for funding decisions. Can you say a bit more about what kind of criteria you would like local authorities to use and how you would like to see that standardised?

Maree Todd: Is this with regard to the deferral issue?

Dr Allan: I am asking about funding decisions related to deferral and the tests that local authorities apply to those decisions.

Maree Todd: Central Government is very clear that the schools should be child ready, rather than children having to be school ready. We are very keen that decisions on deferral should be made in a child-centred way. We have seen a number of different deferral policies and there were concerns from parents that they were not able even to see those deferral policies. We have worked hard with local authorities to improve that, so that they take a more child-centred approach and make sure that their policies are transparent and that parents can access them, so that parents can work with the local authority to make a good decision.

There are real improvements and significant changes happening around the country. As well as, we hope, better quality decision making and

more standardised criteria, there is a significant shift happening in the way that education is delivered. For example, last week I visited Canal View primary school in Wester Hailes, which made the decision a couple of years ago to switch to play-based pedagogy in ELC and the early years of school. That has made a significant difference to children's transition into school, with regard to how straightforward it is, how ready they are and how able they are to take advantage of the education that is on offer in early primary. There is an awful lot of change happening, and I am confident that we will make progress on this issue.

Liz Smith (Mid Scotland and Fife) (Con): Can I seek clarification on something that you just said? I may have misheard slightly. You said that you wanted schools to be ready for the children rather than the children to be ready to go to school. What do you mean by that?

Maree Todd: Canal View is an example of exactly that. Children in the early years at school are very young. Some of the concerns that I have expressed around deferral are that those children are not ready to sit at desks yet, for example, or to write. Last week, when I went to Canal View primary school, which is using play-based pedagogy, I walked into the primary classrooms, and they looked just like a nursery. There is free play and the work is child led, and children have made significant improvements in their acquisition of language and numeracy as a result of that change.

Liz Smith: Do you make that comment because you feel that provision is not entirely in line with the demands of parents whose children are going to be in those places?

Maree Todd: One concern expressed by parents who wish to defer is that they do not want their children to go into a formal learning environment aged five. I am saying that there is a significant shift happening in early years education in schools in Scotland, where there is more evidence of a play-based pedagogy, and the transition into primary is not as challenging for many children.

Liz Smith: To confirm, is the Scottish Government having very extensive conversations with councils about that?

Maree Todd: Yes, always.

Rona Mackay (Strathkelvin and Bearsden) (SNP): One criticism of the current situation is that the assessment of whether the child is suitable for deferral is being made by people who do not know the child or their background well enough. Is that something that you see changing? Will you discuss that with the give them time campaign?

Maree Todd: Yes, undoubtedly. I have heard stories from around the country about parents who feel that they have not been involved in the decision. That is not appropriate. Parents should absolutely be at the centre of the decision. As I said, we are refreshing the statutory guidance, which we hope will improve the quality of decision making so that parents will feel that they are well informed and involved in the decision.

The Convener: I think that that has exhausted questions from the committee. Agenda item 3 is the formal debate on motion S5M-18219, in the name of the minister. I remind everyone that officials are not permitted to contribute to the formal debate and I ask the minister move the motion.

Motion moved,

That the Education and Skills Committee recommends that the Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2019 (SSI 2019/draft) be approved.—[*Maree Todd*]

Motion agreed to.

The Convener: The committee must report to Parliament on the instrument. Are members content for me, as convener, to sign off a report to the Parliament on the instrument?

Members *indicated agreement.*

The Convener: I thank the minister and her officials for their attendance, and I suspend the meeting to allow witnesses to change over.

10:25

Meeting suspended.

10:27

On resuming—

Brexit and Higher Education

The Convener: Agenda item 4 is an evidence session on the impact of Brexit on higher education. I welcome Liam McCabe, president of the National Union of Students Scotland; Mary Senior, Scotland official for the University and College Union Scotland; and Alastair Sim, director of Universities Scotland. I invite the witnesses to make some introductory comments. Mr McCabe, would you like to go first?

Liam McCabe (National Union of Students Scotland): Thank you for giving me and NUS Scotland the opportunity to reflect on the impact of Brexit on the higher education sector. For those who might not be aware, NUS Scotland represents about 500,000 students across the country through our membership in colleges, university student associations and student unions. We work to promote, defend and extend the rights of students and to champion strong student associations in colleges and universities. NUS Scotland welcomes the opportunity to give evidence to the Education and Skills Committee on the impact of Brexit on higher education, but we wish to make clear at this early stage that Brexit will have a significant impact on our further education sector, too, and on the opportunities that are available to further education students and apprentices.

Since 2016, the NUS has been campaigning to ensure that the final Brexit deal that is offered, whenever one might be offered, delivers the best possible scenario for students and, since 2018, we have been pushing for a people's vote on any deal. The NUS has been calling for the UK to remain a member of the Erasmus+ scheme, both now and in the future; a fair and accessible immigration system after Brexit; the protection of vital funding; and a clear agreement on how the movement of people, goods and services will operate on the island of Ireland post-Brexit to safeguard the rights and protections in the Good Friday agreement.

NUS presidents—that is me in Scotland and my colleagues in Wales, the north of Ireland and for the wider UK membership—have written to the Prime Minister, Boris Johnson, outlining our concerns about the prorogation of the UK Parliament and the impact of a no-deal Brexit in a more general sense. That letter is attached to NUS Scotland's written submission for the committee's benefit.

I will wrap up there to give as much time as possible for questions.

10:30

Mary Senior (University and College Union Scotland): I echo Liam McCabe's thanks to the committee for looking at the issue and for inviting us to give evidence. The UCU is a trade union that represents academic and professional support staff in Scotland's universities.

Education does not observe national borders or geographic boundaries. It is about breaking new ground, driving innovation, sharing ideas and pushing knowledge boundaries. The fact that Scotland attracts staff and students to live, work and study here is a great strength. Those people contribute to making our sector world-class and to making our campuses vibrant, diverse and multicultural centres for learning and knowledge exchange.

That is all positive, but Brexit has come along and created uncertainty, chaos, crisis and fear. Particularly for European Union nationals and, indeed, other overseas nationals who work and study in our universities, the situation has created uncertainty. There is a lot of fear and there is confusion about the messages from the UK Government. It is difficult to say what will happen on 1 November, and a similar situation has applied for the past three years, because we really do not know what will happen. That is damaging for our sector in Scotland and is the antithesis of what education is about.

I want to touch on the hostile environment and the fact that the Brexit vote in 2016 has driven hostility and uncertainty. Scotland has not been immune to a rise in racism and all of that, which is playing out on our campuses. It is concerning that the hostile environment is being promoted, either consciously or unconsciously, by the UK Government. Last year, the then Prime Minister talked about EU citizens potentially queue-jumping, and we now have a Prime Minister who has described Muslim women wearing the hijab as "letter boxes". That plays into a dangerous narrative that has been created by Brexit and is affecting people who are from overseas, either internationally or the EU, and who live and work in Scotland. We have a really uncertain and potentially dangerous situation in our communities, so I am glad that we have the opportunity to look at that and at how we can alleviate some of the concerns and issues in Scotland.

Alastair Sim (Universities Scotland): Thank you for inviting me to give evidence on behalf of Universities Scotland. I represent the leaders of Scotland's higher education institutions, all of whom are seriously concerned about the prospect of a no-deal Brexit. Scotland's university leaders want to be able to assure students that their opportunities to study in different countries and to settle where they choose will be undiminished

after Brexit. Those leaders want to be able to tell current and prospective staff that they and their families are welcome and will be able to settle and work on a basis that gives them equal rights with UK citizens. Those leaders want researchers to thrive in an environment where partnership with our closest European neighbours supports a shared enterprise of discovery.

Universities' success and our contribution to society depends on the free exchange of talent and ideas across boundaries. It is extremely troubling to be so close to 31 October and to have the prospect of crashing out of the EU without arrangements that support that openness. We welcome the Parliament's support for our continued partnership with our European neighbours, whatever form Brexit takes.

I thank my colleagues from the NUS and the UCU, who have been strenuous in campaigning for the openness that maintains the vitality of universities.

The Convener: Thank you. We will move to questions from the committee.

Daniel Johnson: From the submissions and the information that is out there, it seems that the two clear impacts on the university sector are on people, be they students or staff, and on research funding. I would like to focus on the latter. We know that around £116 million-worth of research funding comes directly from the EU, which I understand is about 10 per cent of all research funding. Will the panel outline the importance of research in general to universities and, specifically, the importance of EU funding and the challenge that the loss of that funding presents?

Alastair Sim: That is a hugely important issue. One thing that European funding does for the research ecosystem is that it funds, through the European Research Council, some of the highest-quality discovery-led research in the world. That is one thing that supports the excellence of our universities. Scotland, along with the rest of the UK, is a real leader in that environment and in getting European Research Council support for world-leading science.

The horizon 2020 programme is also important for supporting research. It has innovation impacts that lead to industrial advances, new products and new processes that will improve society. When I talk to colleagues across the university sector, obviously, the worries are partly financial, because discovery is a fundamental mission of universities and it will be compromised if the European funding goes. However, again and again, I hear that the really important thing is the way that the European funding supports partnerships. Our closest academic collaborators are most often in our European neighbour countries. Horizon 2020 has created a well-understood and smooth mechanism for building partnerships to do world-leading research. Even if one were to put UK substitutions in place, they would not do what the European mechanisms have done, which is smooth the path to building effective transnational collaborations with the best researchers across Europe. Evidence shows that the research that tends to make the biggest impact is research that is done internationally, because you just get greater fertility of perspective and idea. We are worried that a core mission of the universities will be compromised if we are no longer able to take part in that.

The UK Government's published policy is that it would like to reassociate into horizon Europe, which is the successor scheme to horizon 2020. However, to be candid, that is an uncertain prospect if we are heading towards a no-deal Brexit, and that is of significant concern.

Liam McCabe: I echo the concerns that Alastair Sim has raised. Horizon 2020 brings money into the Scottish education sector to support research, and there are implications for students who participate in that research. Tremendous work has been done across the education sector on widening access, particularly in universities and colleges. That is a welcome movement and we welcome the effort that has been put in more generally by the Scottish Government and Parliament on the issue. One of the next major frontiers of widening access will be postgraduate education, on which we have yet to make the inroads that we should make or should have made long ago. Through horizon 2020 funding, there is more funding available to support research, which often means bringing in students who are doing PhDs on scholarships to support research projects. If that funding disappears, that is a potential avenue for students from widening access backgrounds that will be shut down.

I mentioned briefly in my opening statement that there will be impacts on colleges and apprentices. I would appreciate the opportunity to go into more depth and detail on that later, but the implications for widening access as a consequence of leaving Europe go from the earliest stages of further education all the way up to the upper echelons of academia, with PhDs and things of that nature, which will be affected if funding is lost as a consequence of lack of access to horizon 2020 or its successor schemes. As president of NUS Scotland, I find that immensely concerning, especially as someone who was a postgraduate student at the University of Strathclyde and who found that tremendously difficult financially. I would hate to see those avenues shut down.

Mary Senior: I echo the concerns around funding and around collaboration with European

partners. The uncertainty is a problem, too, as is the fact that our sector feels quite low down the pecking order in the UK Government's dealings on Brexit. As we get closer and closer to 31 October, the issue of whether we are part of horizon 2020 and its successors is clearly not at the top of the UK Government's agenda, even though it will be so important for us. That is depressing.

Daniel Johnson: May I follow up on a point that Alastair Sim raised about the UK Government's position on voluntarily opting back into the horizon programme? What steps have been taken? Has any practical progress been made on exploring that, and what are the possibilities of that happening? Indeed, is there even a possibility that Scotland could look at that separately? I would be interested in hearing your perspective on that.

Alastair Sim: When the UK Government published a series of position papers on Brexit under Theresa May's Administration, the paper on science research was clear that, at that time, the policy was to associate with the future European programmes. That is referred to in very general terms in the political declaration, as it stands. When I was at the Universities UK conference last week, Gavin Williamson stood up and said that that remained a possibility but that the UK Government was also looking at alternatives.

From my point of view—and, I think, from the point of view of my members—the idea that we may not be heading towards that depth of participation and partnership with our European neighbours is concerning. I know that work is in hand, led by Professor Adrian Smith, to look at alternatives to the European programmes, but from my members' perspective that is second best to something that maintains partnerships across Europe that really help us to exercise our mission of discovery.

Daniel Johnson: In looking at the breakdown by institution, I note that, of the £160 million of research funding that was received by Scottish institutions in 2017-18, more than half was received by the University of Edinburgh and the University of Glasgow between them, so the funding is not evenly distributed. Does that tell us something about the research picture, maybe touching a little bit on Liam McCabe's points? Are there institutions that have particularly high levels of exposure to that? Indeed, are there particular areas of research that are exposed to the risk of the loss of funding?

Alastair Sim: As you said, the European Research Council's horizon 2020 funding is concentrated in universities that have the biggest concentration of research intensiveness. That will be the case arithmetically, because, if a university has a very high concentration of research, it will be pursuing those funds in quite an enterprising way to make sure that it supports that mission.

Other universities have been successful in getting other European funds—for instance, through Eramus+ support for research collaborations, which catalysed some important research in the modern universities. I think that horizon 2020 supports a very wide range of research. I am conscious, for instance, that Scotland is a leader in drug discovery. If we ceased to be as close a partner in the European collaboration on that, that would be bad for our universities as life science leaders in Europe and the world. Frankly, it would also be bad for the common academic endeavour if we were a more distant collaborator from what is happening at European level.

I think that everyone has concerns. There are different intensities of research, but everyone benefits from working in an open environment in which they have access to one or other European scheme to support the research and innovation mission.

The Convener: In your opening statements, you all highlighted the personal impact on academic staff and their families. With the best will in the world, although individual departments' reputations will have a part to play in that, the academic leads are really important in getting that funding. Is there any evidence of people from the EU moving to new institutions to protect their research funding through horizon 2020? Are they concerned that research funding will not be available in the UK post-Brexit?

10:45

Alastair Sim: It is quite hard to quantify. However, when members were surveyed by Universities UK about their concerns relating to Brexit, about half of them said that they had come across cases of European staff either leaving or, more often, choosing not to come here if they had been offered a job here. They were just thinking, "The prospects for me and my family are sufficiently uncertain that I'm not going to take that offer."

Anecdotally, I have heard of some researchers perhaps intensifying their engagement with European partners so that they have somewhere to go if they feel that the UK, and Scotland, is no longer a congenial environment for the things that they are trying to do.

Overall, I think that the sense is that staff are nervous rather than that they are running for the door. One of the indications of that nervousness is that, so far, only relatively small numbers have applied for settled status; most institutions are finding that about 25 per cent or a third of people

who are eligible have so far applied. That may just reflect a general resistance on the part of people who have been settled here for a long time having to jump through another hoop to show that they have a right to stay here. That is quite natural, but I think that there is also a degree of nervousness that it might reflect people hedging their bets and not being quite sure that they want to stay.

Mary Senior: The process whereby EU citizens apply for settled status has been a big mess. Last year, we were making a big push, because HE was the first sector to participate in a pilot for staff to get EU status, and we lobbied the universities to pay the fee. To their credit, they agreed to do so, but then Theresa May stood up in Parliament and said that there would be no fee. However, the system was not geared up for that, so people still had to pay and then they had to get a refund. It was really confusing.

Having to apply for UK citizenship is quite a personal thing for people—many do not want to relinquish their own identity and nationality, and they see it as an attack. It is concerning that we will have people who have not applied for settled status but who are EU citizens. How will they be able to show the documentation to stay here?

There is a real danger of the Windrush scandal that we saw earlier this year and last year being repeated, because people might not have the documents. That is very true for international staff who are relying on their spouse and treaty rights, if they are married to an EU citizen or a European Economic Area citizen. How will they have the documentation? Will they be asked intrusive and inappropriate questions to prove their family relationships? There are lots of dangers and lots of things that might put people off remaining and living, working or studying in the UK. The situation is really confusing.

Liam McCabe: I think that the main thrust of the question was about the impact on staff, but naturally, as the president of the NUS, I would like to raise the concerns of students.

Mary Senior hit the nail on the head when she said the whole Brexit process has caused uncertainty, chaos and fear. I will read directly from correspondence that I received from a Danish student at a Glasgow college, who is also a part-time student representative, in order to reflect on her experiences for committee members. She said:

> "I don't have anything specific, other than the fact that I am an EU national, and I have no idea what my future looks like. Will I be able to continue studying? Will I be able to get a job after I've finished my studies? Will I be able to get a flat? Should I continue setting my roots here, or should I give up and go back? The worst thing is not knowing, and that there is no one to ask, as the people who decide these things don't know either."

I could not have put it better myself. That is an absolutely crystal clear articulation of the anthropic nature and character of this entire Brexit process.

We totally welcome and appreciate the moves that have been made by the Scottish Government on providing guarantees for tuition and, indeed, continuity of study for EU students from the next academic year. Obviously, we appreciate that it is hard, given the nature of the Brexit debate, to provide any longer-term guarantees than that. Again, I return to the approach of the UK Government and how it has handled the process so far. First, every day it changes the specifics on its stance on freedom of movement post-31 October if there is a no-deal Brexit. On the one hand, it is saying that it will end, while on the other hand it is saying that it will not. Then, even though it has said on its website that it will not end freedom of movement, it says that it is unclear. That is not helpful to students like the one I just spoke about.

Additionally, if we look at the temporary leave to remain proposal and the proposals for the tier 4 study visa, we see that the changes will reflect only a three-year period of study. That is a wider concern across the UK for people who are studying medicine or undertaking postgraduate education in every country of the UK, but in Scotland there is a specific concern because, as we all know, the four-year undergraduate degree is a central pillar—if not the central pillar—of our entire university system. If the ability of international students to engage with that four-year undergraduate degree programme is undermined, that will have a major impact on their ability to come here. I am sure that Universities Scotland shares serious concerns about that, given what it means for the financial stability and continuity of the institutions.

I am aghast at the situation that we find ourselves in. The uncertainty that has been created by the UK Government's approach is not helpful. Indeed, Universities Scotland's findings that were published earlier this week said that one third of institutions in Scotland are already reporting worrying trends in the level of interest from European students studying in Scottish institutions. The uncertainty is affecting everyone—not just staff, but students, too. The UK Government must do better. Any clarity that the committee can demand from the UK Government and acquire for the benefit of the wider sector would be very much appreciated.

The Convener: Yes. We have written to the UK Government on that and have invited the minister to come to the committee, but we await an answer.

Liz Smith: I have some questions on the back of the questions from Mr Johnson and the

convener about table 3 in your briefing paper, Mr Sim. Those figures are for 2017-18 and I think we expect the 2018-19 table very shortly. The table shows an EU total of £116,325,000. Is it your expectation that that figure will have diminished for 2018-19?

Alastair Sim: I am sorry; I am not sure that I have the right table in front of me.

Liz Smith: Sorry—it is table 3 in your briefing paper. I think that it is taken from PISA statistics.

Alastair Sim: Is it the table in the SPICe briefing?

Liz Smith: Sorry—yes. It is the table that Daniel Johnson referred to. Do you have it?

Alastair Sim: Yes. So far, the experience of institutions applying for EU funding from horizon 2020 has been that it is not quite business as usual. They have been reasonably successful in getting in resource from horizon 2020, but they have tended to find a degree of polite exclusion in that they are not being invited to lead projects as often. Partners are sometimes looking a bit edgy about including UK partners in case of what might happen in the future. Looking beyond Brexit, a lot depends on what sort of Brexit we have. If we have a transition period along the lines of what was proposed to the UK Parliament last year, there is the potential for us to keep going in horizon 2020 and to continue to be successful. If we have a no-deal Brexit, I think that that prospect collapses.

Liz Smith: How many projects do you have evidence for in which the Scottish lead is no longer in place as a result of the Brexit scenario? How many universities are being told that they may lose their Scottish lead in a knowledge exchange or whatever it might be?

Alastair Sim: That is very hard to quantify. I pick up anecdotal evidence more than quantifiable evidence that people are prepared to share. From conversations that I have had across the sector, everyone is saying that they have experience in their institution of the leadership role that they could have taken being downgraded because partners have been uncomfortable about a UK university being in the lead on a horizon 2020 project or other European partnership.

Liz Smith: Would it be possible to ask the universities to provide that information? As far as I am concerned, that is one of the most compelling cases in which the concern about Brexit is real. If Scottish universities are losing their lead in a knowledge exchange or an international project, it is fundamental that we know exactly how many such cases there are and what kind of money is attached to that. If you could provide that information to us, that would be very helpful.

Obviously, research funding also comes in from non-EU international sources. Referring back to table 3 in the SPICe briefing, am I right in thinking that the £49,969,000 total in the second-last column has increased in the post-Brexit referendum period?

Alastair Sim: I think that it has. People are looking to build collaborations wherever they can. I cannot give you the exact figures on that off the top of my head, but from my interactions with members I am conscious that, while participation in European partnerships continues to be seen as really important—I think that our six largest collaborators are in the EU—we are part of a worldwide research and discovery endeavour. As we look towards the turbulence of future times, people are trying to build partnerships wherever they can.

Liz Smith: In the case of knowledge exchange projects that are led by international money as opposed to EU money, have you heard the same anecdotal evidence that the Scottish lead has been downgraded?

Alastair Sim: No, I have not heard that. I have heard other stories that there can be impediments. For example, I think that the United States tends to be particularly restrictive about intellectual property crossing borders, so it is not a simple proposition of being able to substitute European partnerships with other international partnerships, because some of those partnerships will have a less free environment for the exchange of ideas than we have across Europe.

Liz Smith: Is it accurate to say that while the overall funding that comes into the university sector in Scotland might increase, you are worried about the balance, given that the EU element is probably likely to decrease and the international element might increase?

Alastair Sim: I would be very surprised if the international element increased proportionate to the loss of European funding. If that were to happen, it would happen quickly, because the European funding reflects the depth of partnerships that have been built over many years. Certainly, my members would feel that those partnerships, beyond their monetary value, are facilitating world-leading research and the exchange of ideas, which maintains the vitality of universities. I do not think that there is a direct substitution there. Obviously, in a different environment one would be competing for resources from different places, but I certainly would not expect a straight substitution to be possible there.

Liz Smith: The next set of statistics for 2018-19 will help to identify some of that. I want to pick up on an interesting question that Daniel Johnson

asked about different universities. Is it the case that the universities that have the highest attraction for research funding are those that have a better pull on the international research projects rather than just EU projects, or is that not accurate?

Alastair Sim: I think that there is something in that. Basically, if you are a research-intensive university, you are building your partnerships across Europe and you are building your partnerships internationally. It is in the nature of the research effort that it needs to cross borders. Yes, I think that there is a gradient of intensity, as you describe it, but to return to the original point, the European element is absolutely central and fundamental. That reflects the mature relationships with the free exchange of ideas that are highly supportive of our world-class research endeavour.

11:00

Iain Gray: We have spoken quite a lot about horizon 2020. In the course of your answers on that, Mr McCabe, you mentioned how some of the widening access work is underpinned by European funding. I want to ask about European structural and innovation funds, although I am conscious that some of the potential effects might lie in FE rather than HE. I am interested in the panel's views on where the dangers lie with regard to structural funds in terms of impact.

Mary Senior: Again, I guess that I am not the expert in this area but, as an institution, the University of the Highlands and Islands has benefited from European funding—from the social fund and from structural funds, which Iain Gray flagged up. There is real concern about what is going to happen. How will that money be replaced? I do not have the answers, but I think that the committee should perhaps probe the issue further.

Alastair Sim: It is a major worry. As Mary Senior points out, at the University of the Highlands and Islands, quite a lot of infrastructural investment has been supported partly through European regional development fund money, and a lot of educational provision has been supported partly through the European social fund.

However, the issue goes beyond that. The graduate apprenticeship programme is increasingly successful in enabling people to do work-based learning. It is hard to get published figures on the exact cost, but I believe that we are looking at recruiting around 1,300 graduate apprentices next year, which Skills Development Scotland is funding with approximately £9 million. That work is supported through the European social fund. It is the right thing to do: it supports people from diverse backgrounds into education, employment and successful outcomes.

Looking ahead, knowing what the UK shared prosperity fund is going to look like is one of the things that would give us more assurance. Consultation on that has been imminent for two years, so we are well beyond the point at which we thought we might see what it would look like. We have an opportunity to recreate for Scotland and for the wider United Kingdom arrangements to support regional development in our more deprived communities and to support people into education and the workforce. At least, that is my hope, but I do not know what the fund will look like because it has been so long since we were promised sight of a consultation on it.

Iain Gray: On certainty that resources will remain in the sector beyond Brexit—whatever kind of Brexit there may be—one of the issues that Universities Scotland has raised before with the committee is the Scottish Government's investment in tuition fee support for European Union students. Universities Scotland has made the point in the past that it would like to see a commitment that that sum of money—it is some tens of millions of pounds—will remain in the higher education sector even if it is no longer required to pay for tuition fee support for European Union nationals. Have you had any success in getting any reassurance to that effect from the Scottish Government?

Alastair Sim: We have continued to make the point. Obviously, there is a political decision to be made—I do not think that it has been made yet—about what the fee status of EU students should be in future. There is a debate to be had at the political level about whether you roll forward the current fee status for a bit longer or look at alternatives.

If you were to look at alternatives, I think that it would be absolutely essential to keep the money that is currently committed to EU students in the system. We have so many important things to do on widening access and on making sure that we have the right people coming through with the right skills and capabilities to support our economy post-Brexit. We have the potential to invest in maintaining at least some openness to our EU partners at student level. There are so many important things we can do for Scotland that, to my mind, it is incredible that we are even talking about the possibility of that money being taken away from an underfunded higher education sector. We are arguing strongly that, in the 2019 spending review, the Scottish Government should make an absolute commitment to that money staying in the sector, because there are so many important things that we can do for Scotland with it.

Liam McCabe: I will comment on the back of what Alastair Sim has just said. You will find unanimity across the three of us on that point. We have all, collectively and separately, made overtures to the Government about the requirement to maintain within the education sector what I think is in the realm of £90 million-worth of funding. That money is going into the education sector at the moment; even if it is being funnelled through the avenue of EU student tuition, it is still going into the education sector—full stop. If it is removed, that will create a £90 million black hole. Considering that there are going to be a multitude of black holes appearing all over the education sector in the event of a no-deal Brexit, we should at the very least try to stop the creation of another one, given that it is within our power not to create it.

In relation to Mr Gray's question, I am not 100 per cent sure on structural and innovation funds, but I can certainly pass comment on the loss of the European social fund and the impact on apprenticeships in Scotland. Unless I am mistaken, the overwhelming majority of foundation apprenticeships are paid for either in full or in part through the European social fund. As I alluded earlier in the conversation, from losing horizon 2020 funding and jeopardising access to the highest echelons of academia all the way through to the impact on the apprenticeships and foundation apprenticeships that give people a step up and out of deprivation and into well-paying and sustainable jobs, there will be a massive impact on student opportunities across the range of opportunities that exist in our education sector.

On the extent to which further education and higher education continue to be useful terms in a system that is increasingly becoming tertiary by its nature, Mary Senior mentioned the University of the Highlands and Islands, which is a combination of a university and 13 academic partners that are colleges. Scotland's Rural College is truly tertiary in its nature as well, and a lot of colleges are now doing the majority of their teaching hours in higher education courses rather than in further education courses. We cannot understate the position just because this conversation is about higher education. There are implications for the other end of the sector of leaving the European Union and the funding that we will lose from doing so, which will have a knock-on effect throughout the education sector by undermining the initial steps that people might take through further education and colleges into our universities.

As I said, I am frankly aghast that we are even having this conversation. We are 40-odd days out from the current Brexit date—whether it is no deal or otherwise—and the situation is one that absolutely should have been shored up a very, very long time ago. If we are to have a no-deal Brexit, it is NUS Scotland's concern that, as Alistair Sim alluded, it will be much more difficult to negotiate good terms with the European Union on access to successor schemes for horizon 2020 and for Erasmus+, which have such a huge impact on our sector. An opportunity later in these conversations to reflect on the impact of the loss of access to Erasmus would be very much appreciated.

Gil Paterson: I would like to follow up that question in relation to retention. I understand the argument for retention of moneys in any sector. I also understand it in relation to support that is given to overseas students. If the overseas students do not arrive in Scotland, what happens to the money? In the argument that you are making, have you looked at the overall benefit that the Scottish economy gets? We fund the students directly to enter university, but where would what the students bring to the Scottish economy—their spend—be replaced in your argument if you retained that money? Would you replace the considerable spend that that investment makes in the Scottish economy?

Alastair Sim: That spend is part of the contribution that EU students make and it is extremely welcome. They come here and contribute to our economy while they study here. From my point of view, it is also really important that they are able to contribute to our economy afterwards. If we look at the demographic and skills needs of Scotland as a part of the UK with a disproportionately ageing population, we can see that we are really dependent on that throughput of talent coming in from the EU and beyond being able to settle in Scotland and make a contribution to our industries and public services.

My main concern on the economic contribution of EU students is that we maintain an openness that enables people to come here, put down their roots, as Liam McCabe said—in, I hope, welcoming soil—and make a contribution to the growth of our society and economy.

Gil Paterson: I agree very much with that argument. I ask the convener to indulge me with a follow-up question. We should be concerned about the value that EU students bring to Scotland. There has been a drop of 940 EU student applicants over one year; at the same time, there has been an increase in England. Do you have anything to add in terms of the whys and wherefores? That is quite a significant dunt to the Scottish economy in itself.

Alastair Sim: Yes, it is. It obviously reflects nervousness about what the prospects are for those students. Will they be welcome? Yes, they will. Will they be able to stay? Well, we do not know yet. It is hard to say exactly why there has been a slightly different pattern in England. If I had

to offer a possible interpretation, it would be that the situation has maybe stabilised a bit. The picture changed a great deal when EU students faced the high fee levels that were introduced in England, which had an effect on demand. Maybe things have stabilised a bit since then, with some EU students deciding that it is worth making the investment to come to the UK, or to England in particular, and take on the deferred fee. Without market research, it is hard to really give you an absolute answer. That is just my interpretation.

Liam McCabe: I appreciate the concern about the wider knock-on positive economic benefit that comes from having an attractive education sector that attracts international students. However, let me share a comment that was made by another student whom I represent. The student, who sits on the executive committee of the National Union of Students Scotland and is a vice-president of communities for the organisation, said:

> "It is incredibly worrying and frustrating that your settlement and ways in which you try to make a living, which is no way different than that of any other Scottish or British person, is reduced to a moral debate wherein your worth and relation to society is placed in the context of a mere economic value."

I am not trying to indicate by any stretch of the imagination that that was the sole point of your question. I am sure that every member of the committee appreciates the wider knock-on benefits. Mary Senior is here to speak on behalf of the UCU Scotland about the sheer volume of European university staff that we have. Indeed, Alastair Sim has reflected on the impact on diversity in our campus communities from being in the European Union, which is incredibly important to the distinctiveness of the Scottish education system.

In the role that I occupied before I became president of the National Union of Students Scotland, I was a vice-president at the University of Strathclyde student union. Among the most enjoyable parts of that job were welcoming and working with international students, whether they were there for the duration of their studies or were there simply for an Erasmus exchange. It is incredibly difficult to overstate the huge impact that they make socially and culturally on our campuses and institutions and, indeed, on the communities in which they are situated. They make our universities better, more diverse, more colourful places. They make our students more open minded and aware of the world beyond Scotland and the people from other parts of the world who are in Scotland and around them. It broadens people's horizons and increases their cultural competence.

For all those different reasons, in addition to the economic value that international and EU students bring, we cannot lose sight of the social and cultural impact of having an attractive education sector that is open to those students.

Gil Paterson: You second-guessed my second question.

Liam McCabe: Apologies.

Gil Paterson: I am grateful for your answer. Thanks for that.

Rona Mackay: I was going to ask about the impact of Brexit, and of a no-deal Brexit in particular, on workplace mobility, but that has really been covered in the earlier answers.

If there is a deal, what would benefit the sector most? What would be at the top of the witnesses' wish list? I presume that it would be free movement of people, but I ask the witnesses to clarify what they think would be most helpful to the sector.

11:15

Mary Senior: As three organisations working in the sector from different perspectives, one of our main campaigns since 2012 has been on seeking the return of the post-study work visa. I know that we have had the support of the committee for that campaign; indeed, we have had cross-party support in Scotland, which is really welcome. Last week, we learned that it is returning, so that is a first step.

I think that we have to go much further in terms of clarifying freedom of movement or the right to come and live, work and study here and ensuring that the system is not based on arbitrary thresholds. My understanding is that the prorogation of Parliament means that the Immigration and Social Security Co-ordination (EU Withdrawal) Bill that was in train now falls and has to start again, so we do not know what the system is going to be. We have to ensure that it does not have earnings and income levels that prohibit people who work in our sector from coming here. That is particularly important for staff in the early part of their career—people who are postgraduates who then go on to do some teaching. The levels could limit their opportunity to work in the sector and continue their career.

For our part, it is about having an immigration system that is open and welcoming—a system that is not backed up by the negative rhetoric that we have heard so often, unfortunately, or the hostile environment that has become common, or the prevent initiatives, which are really damaging on campus. Education is supposed to be about opening up, sharing ideas and exploring controversial issues. Prevent and the hostile environment do not sit right with the open and inclusive approach that we want in higher education.

Rona Mackay: I know that colleagues have more questions on the post-study work visa, so I will leave that.

You talked about representations that you have made to the Scottish Government regarding budget and so on. Have the education institutions been able to offer input to the UK Government about your fears, what you need and so on, and have you been listened to?

Mary Senior: I am sure that my colleagues can speak for themselves, but I think that doing that with the UK Government has been incredibly difficult. The relationship that the UCUS has with the political parties here, the Scottish Government and the committee is very different to what we have at UK level. Our general secretary wrote to Boris Johnson a couple of weeks ago about the prorogation of Parliament and concerns about EU citizens' rights to live, work and study in the UK, and will meet Gavin Williamson on Monday. I think that that is the first time that the union will meet the Secretary of State for Education on that issue. We can report back on how that meeting goes.

Liam McCabe: I will be brief. I echo Mary Senior's feelings. NUS Scotland's position in relation to all the political parties in Scotland, the committee and the Scottish Government is that there is a positive and open relationship with and among those partners. That warmth and openness is absolutely categorically not reflected for my colleagues in NUS UK, south of the border. They have found it tremendously difficult to make any significant inroads on communication with the UK Government.

I will not to get too far into the weeds, but I think that that certainly comes down to the fact that the UK Government is looking at the pressures on it within Parliament and internally from its own party, rather than looking at the interests of people outside the sphere of elected representatives who are impacted by its decisions day to day. That is extremely disappointing for us and, I am sure, for everyone else around the table—although they might not characterise the situation using exactly the language that I used.

As I said earlier, I and all the presidents representing the students' perspective from the different corners of the United Kingdom have written to Boris Johnson, the Prime Minister, on a number of different fronts, but as far as I am aware we have received no response. I hope and pray for more openness and clarity in the future, but seeing as we are, as I have said, about 40 days out from Brexit, I am not overly optimistic.

Alastair Sim: I might give a slightly different perspective. Directly and through Universities UK, the university sector actually had quite a lot of influence on the UK Government's published positions last year. The political declaration, in the white papers that were published, about the sort of Brexit that the Theresa May Administration was looking for reflected that.

I have to say now, however, that the prospect of a no-deal Brexit—if the overwhelming political priority is to leave the European Union with no deal on 31 October—leaves us with considerable anxiety about the very real prospect that the things that were understood then will be collateral damage in the exercise, and the priorities that were identified for the sort of relationship that we want with the European Union after an orderly Brexit will just go out of the window.

Dr Allan: You have talked about the prospects that exist for different types of Brexit—specifically, what a no-deal Brexit might mean. As Liam McCabe has pointed out, Halloween is only 40 days or so away, and no deal is starting, sadly, to look like more than a mere scenario. I am not asking you to reveal the university sector's operation yellowhammer, if you have one, but I am interested to know—you have talked a bit about no deal—whether it is possible to plan. How do you plan as a sector and as student bodies for the no-deal scenario?

Alastair Sim: From talking to my members and looking at our survey information, I know that there is a lot of planning going on to try to mitigate the eventualities of a no-deal Brexit. If you speak to people at senior leadership level, they will say that although they are doing what they can, the environment is so uncertain that they do not know whether the planning that they have in train will be resilient against events.

As one of our members has said, a university is like a small town: it has the same vulnerabilities to supply-chain disruption. Even if everything possible has been done to make sure that we have all the chemicals that we need and that supply chains are protected, all that it takes is for an oil tanker not to arrive, and universities cannot fill up for oil heating, the pipes burst, there are huge bills and there is disruption to student accommodation. Everybody is doing what they can to plan, while feeling that they are standing on very thin ice over some deep uncertainties and uncontrollables that go beyond what university leaders can plan for.

I was talking to a colleague last week who asked what will happen to students when they cross the border. If they go home for Christmas, will they have to prove when they come back that they are entitled to be here when they show their EU passports, or will they be questioned about whether they have the right to remain here? Will they have to produce documentation? The situation adds stress and uncertainty: we can prepare as much as possible, but we do not know

what will happen and what difficulties might be thrown up.

Mary Senior: That uncertainty is also true for staff. A number of institutions had advised international staff to ensure that they had six months on their passports if they were going to be overseas on 29 March, and perhaps to do so if they were not yet overseas, but were at the point of departure. Clearly, the situation is interfering with the normal business of the institutions.

It is fair to say that many universities have been very supportive in terms of giving information to staff and students. I have seen, for example, the emails that the University of Glasgow and the University of St Andrews have sent out advising EU staff to apply for settled status. That is what UCUS has done, as a trade union. There is only so much that we can do and—as we have spoken about—people might, for whatever reason, not want to take that step. There is lots of uncertainty, and it is a difficult area in which to plan and prepare thoroughly.

Liam McCabe: I am happy to reflect more on that. The impact on student mobility has been mentioned by Alastair Sim: it is, obviously, the main concern of NUS Scotland. We find ourselves in a situation in which European students are utterly uncertain as to whether they are able to leave the country at all in the intervening period, and whether, if they do so, they will be allowed to come back. For students who are currently in Europe and are seeking to begin their education in Scotland, that has implications in respect of whether they will be able to get into the country to do so. Students who are currently studying in Scotland who leave the country do not know whether they will be allowed back in.

It is not just about EU nationals: the situation also has implications for UK students. If a student is to leave for their Erasmus+ exchange at some point in the next couple of months, or if they have done so already, what is the nature of that exchange? I am keen to talk about that in more detail, but on the mobility dimension of Erasmus+, are those students 100 per cent sure that they will be allowed to be in the country if there is a no-deal Brexit and there are no arrangements for visas or free movement and so on? The lack of clarity on that is affecting students broadly.

I will finish this reflection by harking back to what my union's vice-president for communities, who is Dutch, has said to me. He came here when he was a teenager and has started a family here, having just recently had a baby. He said that he can go back to the Netherlands if things get ugly here. That is people's concern—that things will get nasty. Mary Senior alluded in her opening statement to the fact that we, in Scotland, have not been immune to increases in xenophobic and racist incidents. My colleague can go back to the Netherlands and can take his family with him, but neither his partner nor his child is Dutch. What does that mean for them? That would totally uproot them. Brexit is totally changing their experience—it is totally changing their lives. Their opportunities are already being limited, and their options are not ideal, ready to hand or convenient.

I thought that it was important to reflect on that mobility dimension from a student perspective—for Scottish and UK students going in and out of Europe and, probably more so, for European students coming in and out of the UK.

Dr Allan: You mentioned settled status and the issues around that; I think you said that perhaps 25 per cent of EU students have applied for settled status. Obviously, there are—as you said—reasons why some people might not wish to apply, but that is a concerning figure, given that everyone had assumed that the university sector would be one of the sectors in which there would be a higher application rate and a relatively high level of information available about the application process. That raises a concern about how many people outwith the university sector are applying for settled status. Can more be done to work with the body of students to make them aware of the process and to make them aware of their rights? Clearly, it is not a process that they want to go through, or that we want them to go through.

Alastair Sim: I think that it will probably be more an issue for staff than for students. It is cause for concern for everyone. I echo what Mary Senior said: from the management side and the trade union side the point is being made strongly that if people want to protect their right to stay here, they should, please, make the application for settled status. The application rates being so low—along the lines of the percentage that Dr Allan mentioned—partly reflects the real and deep anger among people who are settled here and are being asked to prove that they have a right to be here. Having made the choice, whether as a student or as a member of staff, to come here to build at least part of their life in Scotland, they are being asked to prove that they are entitled to that. There is anger about that. Some people might be hoping that it will all go away, but it does not look as though it will.

Dr Allan: You see this as being not about awareness but about people's understandable reaction to the predicament they have been put in.

Alastair Sim: From my work around the universities sector, I would say that it is more about people thinking that they will hold out against it as long as they can, because they really do not like it, than it is about their not being aware.

11:30

Mary Senior: I suggest that there might also be a bit of unease. There are well-publicised cases of people who have applied being rejected. There is, potentially, nervousness about being in more trouble if you apply and the application is rejected. That shows me that there is system failure. The technology requires, in my understanding, that people who want to apply should have an Android phone rather than an iPhone. All such things are barriers and difficulties. It feels as though the system has not been set up in a way that is accessible or that supports people to use it.

Liam McCabe: People who do not—as some people in the universities sector are doing—hold out and resist application for as long as they can but are keen to apply are, as Mary Senior said, being bounced out by the system. That is not because they have misspelled their name or something; it is because of the demands of the system, which EU nationals have, when they have sought to go through it, found in the main to be surprisingly strenuous and intensive. In many cases, it puts a great burden on applicants to the scheme to provide a great deal of evidence about a great period of time.

For example, the UK president of the National Union of Students, Zamzam Ibrahim, is a Swedish citizen. Her family has had difficulties, with people struggling to find bits of valid certification to prove that they were in the country at certain periods of their lives. That has led to their application being queried or rejected—I am not 100 per cent sure which—by the people who are in a position to approve or deny requests.

We know that being an academic is a stressful job and that being a student is incredibly stressful. The things that are going on are very intense. The lives of people in the education sector generally are often very intense and stressful for various reasons. The application process is the last thing EU nationals need. It was totally within the power of the UK Government to make the system accessible, but it has chosen not to do so. It has chosen to make the system rigorous and difficult, and it has chosen to put the burden on the shoulders of the people who are already shouldering the majority of the weight of the entire Brexit shambles. It is, quite frankly, a disgrace.

Dr Allan: That seems to be an appropriate note on which to end, convener.

The Convener: I was interested to hear Mr Sim say that people are angry. Anecdotal evidence that I have from speaking to academics and hearing people's reactions is that individuals react very differently. Some have reacted with anger, some with antipathy and some with just worry. I think that that shines a light on just how stressful the system is, and how great an impact it is having on individuals. We will move on to questions from Ross Greer.

Ross Greer (West Scotland) (Green): I will stick with the issue of settled status. The issues with the scheme that you have just raised—from the fact that it works with the software of only one of the two most popular types of mobile phone to issues relating to capacity and basic competence at the Home Office—have all been well repeated and raised over a number of years. We are three years into the process. Has the Home Office engaged at any point in the process with your organisations on the development or the operation of the scheme?

Alastair Sim: The simple answer to that is yes, and we have told the Home Office that it is not working terribly well. We are waiting to see what happens. We had quite a patient explanation about its all being terribly difficult to get things to work on an Apple phone, but we are now in the odd situation in which some of our members are making Android phones available to staff at various points around the universities so that they can make an application. Those things are immensely complex, but, from the citizen's point of view, one would have hoped that that interface had been designed.

Things are a bit chaotic. From my conversations with the Home Office, I know that people were planning on the assumption that there would be a transition period and a period of a substantial number of months—in fact, over a year—in which to build systems that worked. The prospect of not having a transition period suddenly means that things are being put in place without a proper timescale in which to ensure that they work. From a citizen's point of view, that is a very unsatisfactory place to be.

Liam McCabe: The National Union of Students Scotland has not, to my knowledge, been engaged in those conversations, but we are the Scottish contingent of the wider UK National Union of Students, and I cannot speak to its experience. It may or may not have been engaged in them; I do not have that information readily to hand.

Mary Senior: I am in the same position with UCU Scotland that Liam McCabe is in. I am not aware of that having happened at the UK level.

Ross Greer: On the figure of 25 per cent that was mentioned a moment ago, the Polish ambassador to the UK is doing the rounds of television studios today because of the publication of the fact that only 25 per cent of Polish citizens in the UK have applied to the scheme. Obviously, that is massively concerning for the Polish embassy. Have you done any work on that with the embassies and the consulates in Scotland for

your staff and students from member states? Some embassies have certainly been more active than others, but there seems to be a real appetite to do more now that there is realisation of a very low rate of applications to the scheme.

Mary Senior: No, that is not something that we are doing or that we have the capacity to do.

I will reflect again on what a massive issue it is for people. I am thinking of one of our representatives who has just retired from the University of Dundee and who has lived and worked in Scotland for 30 years. That person is being asked to apply for settled status, although that has never been an issue before. The issue is significant and personal to people. It is like a rejection. People have paid their taxes, worked in education and participated in their communities, and they are being told, "By the way, you have to validate your right to be here."

Liam McCabe: To my knowledge, we have not received any correspondence from any of the consulates in Scotland that seeks a joint effort to increase registration via that system for students. I am open to that but, to be honest, I do not know where we would find the capacity as an organisation, as we are already—for obvious reasons that are based on recent reporting—trying to get as many students as possible to register to vote. That is our main consideration at the moment. The National Union of Students Scotland is doing a number of other things in relation to Brexit, and taking that on as another issue would really push our capacity as an organisation to do the broader work that students expect us to do on housing, student support and mental health, for example.

That reflects the fact that the Brexit debacle has utterly distracted the minds and efforts of all of civic society and, indeed, beyond from many issues that most affect vulnerable people and communities in this country. It is greatly disappointing that we find ourselves in that situation. We are, rightly, trying to protect the mobility of our citizens and European citizens in Scotland and across the UK to go back and forth and to protect the pots of funding that make our sector relevant, and that has drawn away from the wider conversations that affect all people. That is greatly disappointing to us in the NUS, as members would imagine.

Ross Greer: I want to touch on something in UCU Scotland's briefing paper. It mentions the immigration advice line that has been set up for your members. What people are reaching out to that line for advice on is a really interesting source of information. Will you expand a little on whether they are people who are attempting to go through the process and are finding difficulty? I am thinking of people who are—Alastair Sim mentioned this—resistant to the process for a variety of well-justified reasons or people who simply would not know where to begin. You mentioned someone who has been here for 30 years and who has, I presume, never required over that 30-year period to gather the kind of paperwork that would now be needed to evidence their residency here. What are the reasons for folk reaching out to that advice line?

Mary Senior: In late 2016 and early 2017, it was very much people who were uncertain and unsure about what the situation was. Before I came here, I had a conversation with our national legal officer. It is maybe not right to say that he was cynical, but he said that we were paying lawyers and all that they could do was repeat the advice on the Home Office website, because that was the available information. Obviously, that was reassuring to a number of our members, and it is fair to say that most—if not all—universities offered similar services to staff who were unsure about their status, their right to be here and how that will be affected by Brexit.

Oliver Mundell (Dumfriesshire) (Con): I find what the panel has to say very depressing in one sense, because they are very serious concerns and it is disappointing that we are at the point where people have them, but also because if we had left in March, with the transition period, a number of the things that we are talking about now would not apply.

This question is primarily for Alistair Sim. You have mentioned the transition period and Theresa May's withdrawal agreement a couple of times. Do you think that we are at a point where the uncertainty is worse than even some of the worst consequences of that withdrawal agreement?

Alastair Sim: We would probably rather live with a little longer period of uncertainty than face the prospect of a no-deal Brexit on 31 October, because, as we have described over—

Oliver Mundell: I was talking about going back to the withdrawal agreement that was voted on three times in the House of Commons earlier this year and at the end of last year. Would it have provided a better position than the uncertainty that we have seen since?

Alastair Sim: It has been for Parliament to approve that or not. That is slightly above my pay grade. Certainly, we are looking for an orderly transition out of the European Union—if and when that happens—that allows us to negotiate a new close partnership with our European neighbours. Obviously, at the UK level it has not been politically possible to agree one so far, but we hold out hope that doing that remains politically possible, because the consequences of crashing out with no deal would be very serious.

Oliver Mundell: I am not asking you to talk about the political bit of it—in your submission, you say that your views are not a judgment on the outcome of the 2016 referendum. However, your submission seems to give the sense that no deal would be really negative. It is a political reality—I think that other members have referenced this—that, by not progressing with the withdrawal agreement that included the transition period, no deal has become more likely. Would the sector have been better off with the transition period?

Alastair Sim: I can only look to the future. We will be better off if there is a managed transition from the European Union that keeps up our capacity to maintain close relationships of partnership and collaboration with our nearest neighbours.

Oliver Mundell: Does anyone else have a comment?

Liam McCabe: Fundamentally, irrespective of what deals have been on the table or not been on the table, or those witheringly close deals that may yet be on the table—though I doubt very much that characterisation from the Prime Minister—the NUS wants a deal that guarantees a fair and accessible immigration system and continued membership of the Erasmus+ scheme, protects vital funding within our sector and does not create a hard border on the island of Ireland. At the end of the day, irrespective of whether we were leaving in March or are leaving on Halloween, or whether that is pushed back as a consequence of the current political rigmarole, that is what we want for students. It is incredibly important that we do not lose sight of the tangible, material impact that Brexit is having on the lives of people the length and breadth of not just Scotland but the rest of the UK. The political wrangling does not help in any way, shape or form to relieve people's woe or concerns.

So long as that is delivered, NUS Scotland will be content, but ultimately we do not see any kind of departure from the European Union as being beneficial to students. As Alastair Sim indicated—apolitically, I might add—any systems or pots of funding that may be brought in to replace the systems that we would no longer have access to as a consequence of leaving the European Union would not be as good, because the mature relationships that we currently have offer opportunities in a much broader sense.

Again, irrespective of what deals have been on the table and may yet be on the table, it is not NUS Scotland's position that adequate clarity has been provided at any stage. The UK Government just has to do better, frankly.

11:45

Mary Senior: We have real concerns, which we have covered at length, about a no-deal Brexit and the impact that it will have on the sector, including staff and students, and on workers' rights and working conditions across the UK. That is a real worry to us and the wider trade union movement.

Oliver Mundell: Would you prefer to see a deal?

Mary Senior: Last year, we did a consultation of all of our members, which had a massive participation rate, and 89 per cent of our members indicated that they would like the UK Government to put whatever deal or agreement was going to happen to a public vote. That was where we were and that is where we are as a trade union.

Liam McCabe: My final point, to be perfectly clear, is that if there is to be a departure, there must be a deal, and if there is to be a deal, it must include a fair and accessible immigration system, continued membership of Erasmus+, protection of vital funding and no hard border in Ireland. Whatever the outcome, those things have to be guaranteed, as far as we are concerned.

The Convener: It is quite easy to understand what we mean by free movement of people and free movement of physical goods and services. What I am a bit unclear about—I do not know whether the panel can shed some light on this—is what happens to the intellectual property of the existing collaborative research projects if we fall out with no deal?

Alastair Sim: I am not sure whether there is a simple answer to that, because, if we fall out of data-sharing arrangements with our European partners, that may well affect science. The sharing of data across boundaries, which is necessary to provide the raw material from which one can make research inferences, may become more difficult. That is a serious problem.

Another problem related to intellectual property that we have not really touched on is recognition of qualifications. For instance, if I were to train in Scotland as a doctor, vet, lawyer, architect or whatever, European law means that, if I go back to a European country, my qualification will be recognised there. Without a managed transition from the European Union, that might fall over immediately. If I had come here from a European country and trained as an architect, for example, I would be left in doubt as to whether I could practise.

There are problems regarding intellectual property and accreditation and a related set of issues that absolutely need managed solutions, rather than our bursting out of the European Union without managed arrangements.

Liam McCabe: Off the back of the comment on professional qualifications, I am that sure Mary Senior will naturally have thoughts on the potential implications for qualified professionals who are currently working here. They are going to be thinking about whether their position might be in jeopardy because their qualifications might not be recognised by the UK Government. The issue has the capacity to pull the rug out from underneath a huge number of students' feet.

Students have known themselves to be European citizens all their life, and international mobility is within their reach if can we raise their aspirations to realise that. The widening access agenda is testament to the fact we are broadening that hope to as many people as possible.

Many students who are currently on further and higher education courses that will end up producing a professional qualification may well have gone on to them with the expectation that that professional qualification would be internationally recognised, which would mean that they would be able to work, live and do the same job wherever they went. That was a guarantee that they would be able to move around and work and live as they pleased. If you pull that rug out from underneath them by saying, "You might be three or four years through an undergraduate degree, or doing a master's degree, a postgraduate degree or a professional qualification, but what you get at the end of that might not be recognised more broadly," that might undermine people's entire plans for their future. As the president of the National Union of Students in Scotland, I find that to be totally unacceptable. It is just one more facet of the potential chaos that would be unleashed as a consequence of no deal. It reveals again the deeply integrated relationship that we have with European institutions and what we stand to lose if there is a no-deal departure.

The Convener: Ms Senior, do you want to comment?

Mary Senior: I was just going to touch on the Bologna process and the partnership work that we are all doing with Scottish Government officials, which is about comparability of higher education sectors. We are all working to ensure that Scotland does not lose out and that our education system and services are promoted in that process. That is work in progress at the moment.

The Convener: I think that that has exhausted questions from the committee. Thank you all for your attendance at committee this morning, which was really helpful. The committee is to have an evidence session with the UK Government, as we mentioned earlier. We conclude this public session and move into private.

11:51

Meeting continued in private until 12:05.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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