

## **Scottish Government Debate - Protecting Our Interests: Scotland's Response to the UK Government and EU's Withdrawal Agreement and Political Declaration**

Wednesday 05 December 2018

### **Our position**

The Withdrawal Agreement and Political Declaration put on offer by UK Government is clearly unpopular with many and all indications are that it will not be passed by Parliament.

The possibility of leaving the EU with 'no deal' would cause severe damage to our economy and society. We believe that other options must be explored, beyond the two being offered by the UK Government. Withdrawal of the (prematurely submitted) Article 50 letter would be one such option – allowing more time to conduct a proper conversation about the way forward.

SCVO has always advocated remaining in the EU, however, we have continuously consulted with and attempted to ready third sector organisations since the referendum outcome. Scotland's charity sector clearly has grave concerns about 'Brexit' – not least on issues related to human rights/standards, funding and freedom of movement. The current deal on offer does little to assuage these fears.

For a fuller view of SCVO's position, please see the comments of SCVO's Chief Executive, Anna Fowlie in the *Agenda* section of *The Herald* on 29 November [here](#).

## Introduction

SCVO have long held the position that continued EU membership would be the best outcome for Scotland and its civil society organisations. However, we have since attempted to work with the Scottish Government, UK Government, European Commission and pan-European Civil Society colleagues to establish and aid the passage of a less damaging version of Brexit – including retained membership of the single market and customs union.

[Along with civil society colleagues from across the UK](#), we have been in support of a Withdrawal Agreement which sees devolution enhanced – pursuing a devolution by default process (unless otherwise agreed between parliaments).

In assessing the manifold options and suggestions brought forward by those of all parties and none, we have applied the guiding principles of Scotland's charities: a deal that protects human rights underpinned by EU laws; guarantees on funding that organisations rely on and a commitment that EU citizens can continue to live, study, work, volunteer and contribute in Scotland.

We do not believe that either of the options presented by the UK Government (i.e. the negotiated deal or leaving the EU with 'No Deal') are in keeping with these principles and we do not accept that real democracy can be reduced to what we see as a choice between a bad deal and a worse one.

A 'No Deal' withdrawal would cause immeasurable damage to the Scottish economy and this decision – the decision likely to cause the most upheaval – must not be reached as a result of a Parliamentary impasse.

Given that the binary choice and limited information offered during the referendum campaign was insufficient to allow for clear and well-informed decisions to be made, the people of Scotland – and, indeed the wider UK – must have a chance to properly explore and influence decisions related to EU Withdrawal. This should include the option to remain in the EU; given the new information that has arisen since the referendum.

The opinion offered by the Advocate General of the ECJ in Luxembourg on the 4<sup>th</sup> December opens the door to the UK withdrawing the Article 50 letter – allowing for proper consultation, the avoidance of a sudden no-deal Brexit and the possibility for reconsideration about our future.

## **Third Sector Concerns**

### **Human Rights**

Scotland's voluntary sector has grave concerns about potential human rights regression in the UK and the erosion of EU migrants' rights – particularly that they will have to pay to secure the rights they already enjoy and the removal of local election voting rights.

Loss of oversight from, and recourse to, the European Court of Justice will remove a layer of rights protection from UK citizens, whilst a continued unwillingness to confirm the status of EU nationals leaves those resident in the UK in a precarious situation.

The inclusion of statutory instruments (so called Henry VIII powers) in the European Union (Withdrawal) Act is also of considerable concern. With there likely to be an unprecedented use of these powers, this creates a risk that rights are accidentally or deliberately removed.

The Human Rights Consortium Scotland (HRCS) have developed a series of briefings covering a range of matters relating to human rights protections and the potential threat posed to these by the UK's withdrawal from the EU:

- [Brexit and the Continuity Bill](#)
- [Brexit and EEA Citizen Rights](#)
- [Brexit and Equality Rights](#)
- [Brexit and Human Rights](#)
- [Brexit and Employment Rights](#)
- [Brexit and the Environment](#)
- [Brexit and Transition](#)
- [EU Withdrawal Bill: Key areas of proposed amendment](#)
- [Brexit and Women's Rights](#)

SCVO has worked with HRCS to draft and promote the [Scotland Declaration on Human Rights](#) – which calls for rights to be protected and advanced, whatever the Brexit outcome. To date, 169 civil society organisations have added their voice.

## **Funding**

Funding has also been essential to many of our members and has allowed them to carry out innovative work to reduce poverty, increase social inclusion and improve employability outcomes.

For the 2014-2020 programming period, [Scotland secured a total investment of €941m](#) (approximately £800 million) split across the European Regional Development Fund (ERDF) and European Social Fund (ESF). This will be split in to an ERDF allocation of €476m and an ESF allocation of €464m.

Until the end of this first phase we will not be able to assess how much of this flowed to the third sector. However, we are aware that the Scottish Government Third Sector Division received £9.7 million for the Social Economy Development Programme (Social Innovation and Growth Fund) and £18.9 in Aspiring Communities Fund - a total of £28.6 million.

The UK Government is about to open consultation on the UK Shared Prosperity Fund – which is set to replace EU funding. However, with only months until withdrawal, nothing is known about the value, management and purpose of the fund; causing concern among third sector organisations.

While current administration of EU funding is far from perfect and is overly-bureaucratic; it is a known quantity with laudable aims that has made a real impact in communities the length and breadth of Scotland.

## **Freedom of Movement**

Ensuring free movement of people has been highlighted as a key concern for many charities. The implementation of the Scotland Act 2016 means public spending will be based on the performance of the Scottish economy and the demographic make-up of the country. Scotland needs to address its demographic imbalance and immigration will play a key role in this – particularly given the fact that EU migrants tend to be younger and more likely to be in employment than the population as a whole.

Some charities have pointed out that the services they provide – particularly in the field of medical research and the care sector – are heavily reliant on an immigrant workforce.

British Heart Foundation, for example, pointed to the £62 million worth of research they carry out in Scotland and warned that end of freedom of movement would see an exodus of Principal Investigators (PIs) – individuals who leverage funding, administer grants and lead research projects. It was pointed out that within six months of Switzerland's referendum rejecting freedom of movement, the number of PIs dropped from 21 to 2.

Camphill Scotland also have serious concerns. Founded in Aberdeen by Austrian refugees, it remains a profoundly European movement – with 40% of its total workforce coming from other parts of the EU.

SCVO supports continued freedom of movement across the EU, allowing citizens from across the EU to continue to work, study, volunteer and contribute to our society.

We have created the [EUareValued](#) campaign to provide accessible advice to EU citizens, their families and employers.

## **About us**

The Scottish Council for Voluntary Organisations (SCVO) is the national body representing the third sector. There are over 45,000 voluntary organisations in Scotland involving around 138,000 paid staff and approximately 1.3 million volunteers. The sector manages an income of £4.9 billion.

SCVO works in partnership with the third sector in Scotland to advance our shared values and interests. We have over 2000 members who range from individuals and grassroots groups, to Scotland-wide organisations and intermediary bodies.

As the only inclusive representative umbrella organisation for the sector SCVO:

- has the largest Scotland-wide membership from the sector – our 2000 members include charities, community groups, social enterprises and voluntary organisations of all shapes and sizes
- our governance and membership structures are democratic and accountable - with an elected board and policy committee from the sector, we are managed by the sector, for the sector
- brings together organisations and networks connecting across the whole of Scotland
- SCVO works to support people to take voluntary action to help themselves and others, and to bring about social change.

## **Contact**

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