

**RSE YOUNG
ACADEMY
OF SCOTLAND**

BREXIT: the impact on Scotland

September 2017







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preface

In 2011, the Royal Society of Edinburgh (RSE), Scotland's National Academy, created the Young Academy of Scotland. We wanted to bring into the RSE 'family' a new body that could harness the talents of a younger generation of academics, entrepreneurs and creatives to the benefit of Scotland and, in particular, to the Society's commitment to 'Knowledge Made Useful'.

The Young Academy is self-governing and is responsible for the recruitment of its own members. It sets its own agenda, decides what topics to investigate and what to publish. Its contribution to the work of the RSE, especially through the participation of its members in working groups that produce policy papers in response to government and parliamentary consultations, is of great value. Even though the YAS has been in existence for only six years, the RSE now regards it as indispensable.

In that spirit of independence, intellectual rigour and public engagement, the YAS has responded to Brexit by producing this collection of papers. Each examines a particular facet of what James Blake, a member of the Young Academy's Facilitating Group, describes in his introduction as the 'unique challenges' that leaving the European Union present for Scotland. Individually, the papers are stimulating and thought-provoking. Taken together, their contribution to public debate and understanding complements the work that the RSE itself is doing, through its Europe Strategy Group, to inform and influence the process of withdrawal and the creation of new policies and new relationships.

PROFESSOR ALAN ALEXANDER

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introduction

It has been six months since Theresa May triggered Article 50 and set in motion the Brexit process. Now, as both the Holyrood and Westminster governments return from their summer breaks, the Brexit negotiations begin in earnest. In Scotland, the political and social reverberations of the Brexit Referendum present unique challenges. Here, a significant majority of people (62%) voted to remain in the EU and, over the past 18 months, it has become clear that both governments remain in a stalemate over our future relationship with Europe – particularly around the single market and the movement of people.

Six months is a very long time in politics. One General Election campaign later, and whilst the party of government hasn't changed in Westminster, the tone and political landscape across the UK is markedly different. The SNP won a majority of Scottish seats, but lost a third of its MPs compared with 2015. The First Minister Nicola Sturgeon has stated that talk of a new Independence Referendum was “a factor” in the losses. Meanwhile, Labour made some significant gains in Scotland and the Scottish Conservatives won 13 seats – the best result for the party since 1983. As a result, the Prime Minister Theresa May is now more reliant on the Scottish Conservative Party, but she still starts the Brexit negotiations without a majority in the House of Commons.

Even in the midst of this political turbulence, this is a good time to reflect on the ongoing and likely future impact of Brexit for Scotland. This report also seeks to assess how communities, companies and policy makers might face up to the challenges of Brexit and make the best of any opportunities.

The Young Academy of Scotland

The Young Academy of Scotland was established by the Royal Society of Edinburgh in 2011 to provide a platform for young professionals to address the most challenging issues facing Scotland. There are currently 129 people in YAS, with members coming from all areas of academia, business, third sector organisations and public life. The articles in this special report were each written by a member of the Young Academy of Scotland with relevant expertise in that specific area. So there are articles which cover the implications of Brexit on education, the economy, research funding, politics, immigration, national identity and the creative industries, to name but a few. Each article represents the opinions of the authors themselves, and should not be taken as the view of the Young Academy of Scotland or of the RSE as a whole.

JAMES BLAKE

Facilitating Group, RSE Young Academy of Scotland

Pitching a 'Big Tent' for Citizenship and National Identity in a post-Brexit Scotland

By Nasar Meer

The Challenge

In light of Brexit, there is a serious risk that paths to UK citizenship will become much more restrictive, and our national identities more insular. The challenge for Scotland is to look outwards and buck this probable trend. As a small country that profoundly benefits from diversity across a variety of labour market sectors and industries, as well as in education, science and the creative arts, it is imperative that Scotland continues on its current trajectory in which a Scottish national identity is being remade to include ethnic differences.¹

In some areas, such as the political narratives about Scottish identity and what it means to be 'Scottish', the agenda can be set in Scotland. In other areas, such as citizenship rights, a principled pragmatism is necessary. In other words, the Scottish Government and partner agencies must be intelligent in making the most of spaces for innovation within current constitutional configurations.²

While national identity questions are relevant for everybody, the citizenship question is most immediately relevant for non-citizens, principally because their status will become more precarious since Brexit will remove the right of EU nationals to freely travel to, work and reside in Scotland. National identity is more 'discursive' than citizenship because it reflects unfinished stories about who 'we' are as a collective – either as a multinational country, distinct nations, local communities, or indeed, something else. British, Scottish and Welsh national identities are meant to

convey something about characteristics that are sufficiently broadly shared across other people in *these* nations. These characteristics are not the same as valuing constitutional systems (democracy), moral ideals (justice) or ethical practices (tolerance) that are common to all liberal democracies. National identities have cultural content. The danger that Scotland as a nation will have to overcome is the temptation to fall back on historical characteristics that preclude migrants and their children. The challenge in this regard is to cultivate a 'big tent' Scottishness that is open to the kinds of revision and addition that come with the distinct characteristics of new groups.

The Current Trajectory

In a simple sense, citizenship post-Brexit will be about who has the right to remain in the UK. There are currently three million EU citizens who live and work in the UK, about 181,000 (3.4%) of whom are in Scotland. Nearly half of the EU nationals resident in Scotland are Polish and half of the net increase in the Scottish population between 2000 and 2015 has come from people born in EU countries.³ At present, once they have been in the UK for five years, nationals of EU member states automatically qualify for permanent residence. Under the system as it currently exists, the EU nationals must apply for proof of permanent residency, and after one year can apply for citizenship. It is not at all clear which, if any, of these rights will be afforded to EU citizens once Britain leaves the EU.

Non-EU citizens must obtain indefinite leave to remain, which entitles the holder to many of the privileges of citizenship: they can live permanently in the UK, are able to enter and leave the country freely, have access to social welfare and public services, and can sponsor family members to come to the UK. After one year's indefinite leave they may apply for citizenship.

Citizenship is a reserved matter and much of the existing administrative architecture is, in the first instance, expected to remain in place after Brexit, even though the automatic right of EU nationals to work and live in the UK will be repealed. Brexit will change the terms of the devolution settlement since, at present, the Scottish Parliament cannot make law which is incompatible with EU law (Scotland Act 1998 s29). On the face of it, this suggests that, post-Brexit, the Scottish Government will have broader powers. However, there are concerns that most of these powers will be repatriated to the UK Government, rather than be devolved to Scotland.

The Future

While citizenship will remain a reserved matter, the *social* and *civil* features of citizenship can take on a distinctly Scottish form, if there is a desire to promote this. The extent to which Scotland would be able to realise a more welcoming policy towards those seeking citizenship will rely on intergovernmental co-operation between the UK and Scottish Governments that will enable Scotland to realise a more inviting policy than the rest of the UK.

The current Scottish Government has been keen to stress the need for Scotland to remain outward-looking and open to immigration in the aftermath of the Referendum on EU membership and is presently committed to sustaining immigration as a means of strengthening international ties, and fostering diversity.

“ There are, nonetheless, lingering identity questions in terms of the ownership over what Scotland might be and become. ”

There are, nonetheless, lingering identity questions in terms of the ownership over what Scotland might be and become. There is a longstanding trend of self-identification and making claims on ‘Scottish’ as an identity by other ethnic minorities. Some people have argued that ‘being Scottish may be thought of as an inclusive club with a low entry tariff’, a kind of “‘Big tent’ Scottishness’ where ‘everyone living in the country has a claim’.⁴ The important aspect is the subjective confidence and willingness amongst these minorities to make such a claim to the Scottish identity. Yet, it is not clear whether Brexit will advance or hinder this. The Scottish Government and partner agencies will therefore need to make a concerted effort, especially through educational policy as well as across civil society, to sustain this progress.

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¹ Meer, N. (2015) 'Multinationalism, Multiculturalism and Scottish Nationhood', *Ethnic and Racial Studies*, 38 (9), 1477-1496.

² Hepburn, E. (2017) *Options for Differentiating the UK's Immigration System. A report prepared for the Culture, Tourism, Europe and External Relations Committee*. Edinburgh: Scottish Parliament.

³ Hudson, N. and Aiton, A. (2016) *Financial Scrutiny Unit Briefing EU nationals living in Scotland*. November 2016 16/86 SPICe Information Centre: http://www.parliament.scot/ResearchBriefingsAndFactsheets/S5/SB_16-86_EU_nationals_living_in_Scotland.pdf

⁴ McCrone, D., and F. Bechhofer. 2010. "Claiming National Identity." *Ethnic & Racial Studies* 33 (6): 921–94. p. 926.

Brexit and the future of EU-born young people living in the UK

By Daniela Sime

Children and young people born in Europe who have settled in the UK are faced with an increasingly uncertain future post-Brexit.

One of the groups most affected by the UK's decision to leave the European Union is young EU nationals living in the UK. While some have come to the UK as children and have lived most of their lives here, others were born in the UK to parents of an EU nationality. This means that they see Britain as their home and many have followed with anxiety the outcome of the Brexit vote, especially as their age and/or nationality meant that they could not vote in the EU Referendum. Like their parents, young people with EU nationality are now faced with an increasingly uncertain future in terms of what Brexit will mean for their rights to stay in the UK, access to public services such as education and their long-term future.

As Brexit may affect EU citizens living in the UK more than any other group, the decision to leave the EU was made for them by British nationals with voting rights, and it is important to reflect on the implications of the EU citizens' exclusion from that vote. Their lack of say in a key decision on the future of the country and their own future has implications for young Europeans' sense of belonging and recognition of their rights as citizens. There was an element of solidarity among young voters aged 18 to 24, who disproportionately voted against Brexit, with 73% of this age voting to remain in the EU. A YouGov poll at the time of Brexit revealed that, when compared with older age groups, young people were more in favour of the EU and freedom of movement, and more likely to feel that the EU had been successful in securing peace across the continent.

In a research project entitled *Here to Stay?*¹ on which I am leading at the University of Strathclyde, we asked young people aged 12 to 18 from Eastern Europe living now in the UK how they felt about the Brexit vote. From a UK-wide sample of over 1000 young people who took an online survey, 54.1% said they felt 'worried' and 56.4% were 'uncertain' about their future (n=948). Many young people commented on the anger, disappointment and sadness they felt at the outcome. Romek, aged 16, said: *'I feel like I belong in the UK, however I am fearful of what will happen now. I'm scared for my future and how the Referendum will affect me and also the whole country'*. The Referendum has impacted not only on young people's sense of belonging in the UK and sense of security, but also on their perceptions of how others see them, which has created feelings of not being wanted.

In the same survey, a third of the respondents thought that people in their area were prejudiced against Eastern European migrants, with 49.2% of young Eastern Europeans saying they have seen an increase in racism since Brexit (n=881). Many young people described in detail racist incidents they experienced, such as verbal abuse and physical attacks in schools from peers and teachers, and in public places, such as parks or on public transport. Marta, 16, wrote: *'I've been told to go back to my own country, had rocks thrown at me and have been chased down the street by a group of teenage boys shouting racist comments'*. These reports of rising racism post-Brexit are a serious cause for concern and are likely to impact on young Europeans' mental health, their sense of belonging and their decisions for the future.

“ I feel like I belong in the UK, however I am fearful of what will happen now. I'm scared for my future and how the Referendum will affect me and also the whole country. ”

Scotland can benefit substantially from the considerable capital that young Europeans and their families represent for its economy and socio-cultural fabric. This will only be possible by tackling the uncertainties and anxieties European families have over their futures and by ensuring their place in society as equal citizens. Immediate political action is needed to secure European citizens' rights to stay in the UK, without any further delay. Reports of European citizens making plans to leave the UK already abound in the press and on social media. Scotland's ageing population is a strong argument for ensuring young Europeans and their families choose to stay here. However, this is only possible if they feel valued and have access to full rights, such as non-discriminatory and unrestricted access to education, services and employment.

A sense of belonging will also be enhanced for many young people through naturalisation as British citizens. At the moment, refusal rates for EU citizens seeking permanent resident status are at 28%, and the costs for applying for British citizenship are prohibitive for many families (the current fee is £1282 per applicant), making citizenship a 'right for sale' for the benefit of those who can afford it. For schools and educators, the rising levels of racism reported by European-born young people signal a clear and immediate priority for tackling racism in schools and supporting young people to settle here by addressing their concerns over their uncertain future. In the long term, schools must continue to uphold the values of an inclusive Scottish curriculum and education system, which treats all young people as equal and encourages them to have a voice in current debates on issues of national identity and Scotland's future in Europe.

Daniela Sime is Reader in Education and Social Policy in the School of Social Work & Social Policy at the University at Strathclyde. She is currently leading an ESRC funded grant entitled Here to Stay? Identity, citizenship and belonging among settled Eastern European migrant children and young people in the UK.



¹ *Here to Stay? Identity, citizenship and belonging among Eastern European migrant children and young people in the UK (a decade after the EU enlargement)* is a two-year project funded by the Economic and Social Research Council (ESRC). Project findings will be published regularly on our website www.migrantyouth.org

If the debate around Indyref was, at times, politically divisive in Scotland, then the atmosphere post-Brexit has become toxic. Uncertainty around a second Scottish Independence Referendum (triggered in part by the Brexit vote) and the campaigning ahead of the June 2017 General Election (much of which was Brexit-related) fed this competitive political dynamic. With attitudes to Brexit and Scottish independence (among other issues) pulling voters in sometimes conflicting directions, differences between parties became particularly exaggerated in the General Election lead-up,² and hopes of cross-party collaboration and common ground became more remote.

This polarisation of positions has contributed to some dramatic changes in Scotland's political landscape (already underway, following the Indyref). SNP surges in the 2011 Scottish Parliamentary Election and the 2015 General Election were followed by more mixed results. In the 2016 Scottish Parliamentary Election, with Indyref behind us and Brexit campaigning well underway, the SNP narrowly lost their overall majority, the Conservatives made significant gains and Labour slipped to third place. In the 2017 General Election, the SNP lost 21 of their 56 seats, with the Scottish Conservatives securing 13, Labour seven and the Liberal Democrats four. With both parliaments now more politically divided than they were before Brexit, and with Scotland's power to influence the UK's Brexit negotiations more unclear than ever, there is even greater need for cross-party consensus building on issues that matter for Scotland. Paradoxically, cracks within parties following the 2017 General Election may contribute to that. For instance, with a coalition between the Conservatives and the DUP on the table, Scottish Conservatives began asserting their increased influence at Westminster just days after the Election; for example, by speaking out in defence of LGBT rights.

Consensus building for and with the people of Scotland

We began this article by noting the high levels of political en-

agement in Scotland in recent years. The 2014 Independence Referendum saw a record turnout of 84.6%.³ Turnout across the UK was also relatively high for the 2016 EU Referendum (at 72.2%), but lower than the national average in Scotland (at 67.2%).⁴ Similarly, while voter turnout increased across the UK in the 2017 General Election (68.7%, compared with 66.1% in 2015), early indications suggest that turnout actually went down in Scotland. To draw a different kind of comparison, Independence marches mobilised thousands of people in 2012⁵ and 2013,⁶ while Brexit marches in Scotland mobilised hundreds (compared with thousands south of the border).⁷

Clearly, voter turnout and march attendance are very different kinds of political participation, and it would be wrong to draw firm conclusions from the small dataset available, primarily through media sources. The differences noted from this small dataset might be a reflection of campaigning levels in Scotland during the Independence Referendum and the EU Referendum; equally, they may point to election fatigue amongst Scots, or suggest that Brexit was a slightly less pressing issue in Scotland than in other parts of the UK. The number of young voters involved (or left feeling disenfranchised) must also be a factor, as both Indyref and the 2017 General Election indicate.⁸ However these figures are interpreted, one thing is clear: the high levels of political engagement that have been seen and celebrated in Scotland recently are no guarantee of the future.

Perhaps that, after all, is Brexit's legacy one year on: a divided political culture that is now showing signs of convergence as well as division. A hung Parliament makes it difficult to govern, but it does not mean that there are no overlapping areas of consensus. To capitalise on this, we (politicians, the media and the people of Scotland) must do what we can to foster a politics of inclusion that seeks out common ground across the boundaries of party affiliation, and prioritises collaborative debate and action in the pursuit of common goals.

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¹ <http://www.youngacademyofscotland.org.uk/pols-and-profs.html>, <http://www.youngacademyofscotland.org.uk/news/politicians-professionals-2017.html>

² <https://community.theferret.scot/t/ffs-blog-we-want-your-election-leaflets/926>

³ http://www.electoralcommission.org.uk/__data/assets/pdf_file/0010/179812/Scottish-independence-referendum-report.pdf.

⁴ <https://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/past-elections-and-referendums/eu-referendum/electorate-and-count-information>

⁵ <http://www.nationalcollective.com/2012/09/23/review-march-and-rally-for-scottish-independence-2012/>

⁶ http://www.heraldsotland.com/news/13123907.Yes_Scotland__thousands_show_up_for_independence_march/

⁷ <http://www.dailyrecord.co.uk/news/politics/pro-eu-rally-sees-protesters-8277395>

⁸ http://www.parliament.scot/ResearchBriefingsAndFactsheets/SS/SB_16-34_Election_2016.pdf, <https://www.theguardian.com/politics/2017/jun/09/corbyn-may-young-voters-labour-surge>

What does the future hold for Employment Law post Brexit?

By Jillian Merchant

Over the last 40 years, the UK has seen swathes of new employment rights which have been extended to workers rights. Many of these have been derived by virtue of our membership of the European Union (EU). This therefore raises the question, what is likely to happen to those rights after Brexit?

It is important to note that a number of the UK's employment rights have no origin in Europe and therefore Brexit will have no effect upon them. These rights include unfair dismissal, the national minimum wage and the law preventing unlawful deductions from wages. It should also be noted that all employment law is UK wide and therefore any changes to it post-Brexit will directly affect Scottish workers.

However, there are also significant employment rights which are derived directly from the EU. These include:

- laws protecting employees in the event of a transfer (TUPE);
- protections for agency workers;
- rights for employees dismissed from insolvent employers to compensation for wages and redundancy paid by the Government;
- discrimination laws;
- rights of fixed term and part time workers;
- maternity and parental rights, including minimum levels of maternity leave and pay and the prohibition on detriment or dismissal due to pregnancy; and
- working time regulations, including the right to four weeks paid annual leave.

Some of those rights have now been transferred into UK legislation through primary legislation (e.g., The Equality Act 2010) and therefore will not be affected by the UK's exiting of the EU. The rights more vulnerable to change are those located in secondary legislation, such as agency worker and working time rights. These are at risk, because it will now be much easier for those rights to be repealed following the UK's exit from the EU. For example, business and employer groups within the UK have lobbied for repeal of the working time regulations for some time, and this lobbying could impact and effectively create this change, given that it would now be legal to make these changes upon the UK leaving the EU.¹

A key outcome and change for employment legislation following Brexit is that it will be much easier for a future UK Government to reduce current employment rights, as the fear of challenge in the European Courts will no longer apply. Additionally, there is the issue of what status will be given to decisions, and case law, from the European Court of Justice (CJEU).

European Court of Justice (CJEU)

In many cases, the CJEU has increased the nature of rights beyond the limits that have been set by UK courts. After Brexit, UK courts will no longer be required to follow existing and future decisions set by the CJEU. In August 2017, the UK Government indicated that Britain will leave the jurisdiction of the CJEU but its judgments will still apply in the UK law until the point of exit.² However, this does not prevent changes by future legislation. The current Government is unlikely to scrap many of these existing rights, and the Conservative Manifesto has promised retention of all EU employment legislation, but there is no guarantee of this happening.

In recent years the trend at UK level has been to make working and employment rights harder to access, rather than removing specific rights. Examples of this include measures such as introducing (the now illegal) fees to lodge Employment Tribunal claims and restrictions on the amount of compensation available in these tribunals.³ It may be that this is an approach that will be taken more frequently post-Brexit.

Briefly, some areas of concern are:

Compensation for discrimination: At present, under EU law, there is no cap on the amount an employer can be ordered to pay in compensation to an employee found to have been discriminated against. This could change after Brexit. In 2010, the UK Government commissioned a report by Adrian Beecroft⁴ that recommended introducing a cap on compensation payable after a finding of discrimination; and after leaving the EU, the UK Government will be able to follow this recommendation if they wish without restriction from the EU.

Holiday Pay: In recent years, CJEU decisions have created significant advancements in holiday pay. For example: workers now must accrue holidays during sick leave and holiday pay includes variable elements of pay beyond basic pay (for example, overtime and commission payments). The position in respect to the latter was recently confirmed by the Court of Appeal,⁵ which held that UK Law should be interpreted to give effect to EU Law. This means that results-based commission should be included in the calculation of holiday pay. Thousands of cases are currently lodged at the Employment Tribunal, with substantial liabilities for a large number of employers. Given the commitments stated by the UK Government in their 2017 General Election manifesto it is likely (but not guaranteed) that these rights will be honoured, even after the UK leaves the EU.

Agency workers: The Agency Workers Regulations 2010 require that after a 12-week period, agency workers must receive the same working terms and conditions as permanent employees. Before these Regulations were implemented into UK Law, the Government resisted them, and a concession was secured specifically for the UK on the 12-week waiting period. These are exactly the type of regulations which may be repealed after Brexit.

Employment rights are always a bellwether issue between those on the left and those on the right and, therefore, are always vulnerable to change in line with the political views of those in power at the time. This means that the public must be vigilant about any proposed changes to employment rights post-Brexit and consider carefully whether exiting the European Union will be used as an opportunity to reduce the rights of workers across the UK.

Jillian Merchant is a solicitor based in Glasgow for Thompsons Solicitors working on their employment team. She has previously worked in the Scottish Parliament and for the Scottish Government, and is a passionate labour and trades union activist.



¹ Working Time Regulations should be scrapped, urges CIPD, Personnel Today 24 May 2010, <http://tinyurl.com/jy624ul>

² House of Commons Briefing Paper, Brexit: Employment Law. Number CBP 7732, 10 November 2016

³ The UK Supreme Court held that the fee regime was illegal on 26 July 2017 in the case of R (on the application of UNISON) v Lord Chancellor

⁴ <https://www.gov.uk/government/news/beecroft-report-on-employment-law>

⁵ *British Gas Trading Ltd v Lock* [2017 ICR 1]

The Creative Industries: recasting Scotland's relationship with Europe

By James Blake

In 1947, Edinburgh became the world's Festival City. In August 2017, to mark this 70th anniversary, the Edinburgh International Festival hosted shows focused on global artistic collaboration under the broad theme of "Edinburgh's invitation to the world". Yet, just one year after the EU Referendum, the capital's festivals are already suffering the impact of Brexit. The sudden devaluation of sterling in the wake of the vote meant that many European performers asked to be paid in euros instead of pounds.¹ However, the effect of Brexit on Scotland's cultural life goes far beyond economics and logistics. Until now Scotland's creative output has portrayed a nation that is diverse, open-minded, accepting, innovative and fiercely global in perspective. However, in the wake of the vote to leave the EU, the perception of many in Europe - rightly or wrongly - is that the UK has become insular and detached.

As a sector, the creative industries constitute one of Scotland's key growth areas. They employ almost 74,000 people and contribute nearly £4 billion to the Scottish economy, up from £2.7 billion in 2010.² Since the Brexit Referendum, parliamentary committees in both Holyrood and Westminster have heard evidence on the impact of Brexit from a variety of creative industry organisations. From these sessions, a general consensus has emerged over the main challenges and threats to the creative sector. These can be listed under three main headings: access to EU Funding, the movement of people, and the Digital Single Market (including regulation and intellectual property). By contrast, some have also tried to identify opportunities for the creative industries after Brexit. However, so far these have proved to be limited and dependent on the negotiating priorities of the new minority UK Government.

Access to EU Funding

There are a number of different European funding sources relevant to the creative industries, including *Horizon 2020*, *LEADER*, *Erasmus+* and, perhaps the most important in this context, the *Creative Europe* scheme. According to a recent report by Euclid, at least £23million of European funding has been awarded to the creative industries in Scotland over the past 10 years.³ During this time, the *Creative Europe* fund itself has given £8.2 million to Scottish culture and media projects. It has become a vitally important fund to enable creative ventures to get off the ground. Last autumn, Creative Scotland surveyed 188 arts organisations and 40% said they'd been awarded EU funding in the past.⁴

After the UK leaves the EU, the UK could opt to pay into Creative Europe in the same way as Norway does at present. However, it's not clear how much this would cost, nor whether there would be appetite for this from Westminster. Could Scotland buy into European funding schemes without the rest of the UK? As things stand, there is no precedent for this. However, pro-Remain policy makers in Scotland might take comfort from the fact that the EU has apparently decided to bypass President Trump and the White House to deal with US State Governors directly, to continue the implementation of the Paris Climate Agreement. This could prove to be a model in possible future dealings with Scotland.

Movement of People

The reality of creative projects is that many are short-term, fast-turnaround collaborations which often require access to a diverse range of talent. The Edinburgh festivals are a good example of this and the prospect of visas for EU artistes could become a major hurdle for the event. In a recent

speech in the Scottish Parliament, Ash Denham MSP (SNP) suggested that any change in immigration rules could pose a serious risk to arts festivals. She quoted a ‘Festivals Edinburgh’ statement which highlighted “increased caution in international partners in committing to medium-to-long-term collaborations because of the uncertainty.”⁵ According to the group ‘Culture Counts’, the likely restrictions on movement “risks deterring new creative collaborations, risks complicating touring productions and potentially threatens the attracting and retaining of talent.”⁶

By contrast, the Conservative MSP Jackson Carlaw told the Holyrood Parliament: “Brexit is a challenge, not a brick wall and, by working together with the UK Government, we can secure a flourishing future for the arts and tourism.”⁷ So could there be a silver lining here? The outgoing Chair of the Arts Council in England, Sir Peter Bazalgette, told MPs that Brexit could be seen as an opportunity if we choose to make Britain’s visa systems “more responsive to creative industries needs and more able to bring in short-term artists.”⁸ For this to happen, the UK would need to develop bilateral agreements with EU member states to ensure the continued free movement of people for arts projects.

Digital Single Market

Large swathes of the creative industries - TV, film, music, photography, social media and journalism - rely on digital platforms for content and dissemination. As a result, the ongoing EU discussions around the creation of a Digital Single Market (DSM) will have a huge impact on the sector. The vision behind the DSM is to turn the online world into a level playing field. A hugely ambitious task, it would break down digital trade barriers, and establish regulation, whilst protecting against illegal downloads and copyright infringement. According to the UK Creative Industries Federation: “The outcome of these negotiations will be critical for the UK and its future trading relationship with Europe.”⁹

Until now, both UK and Scottish ministers have been involved in these negotiations, but that is likely to stop as the UK edges its way out of Europe. However, the proposed DSM will be a rough patchwork of laws that have already proved controversial: the obligation upon service providers to monitor online content, for example, as well as territorial TV rights and protecting intellectual property. Brexit, then, could provide Scotland with a chance to carve out its own digital regulation framework more in tune with Scottish creative needs. As Creative Scotland outlined in its evidence to the Scottish Parliament, this could be an opportunity for “more control over industrial strategy, for example copyright enforcement.”¹⁰

The creative industries in Scotland appear to be bracing themselves for impact as the UK leaves the EU. There will certainly be difficult challenges ahead. So much is uncertain about the Scottish Government’s own involvement in the Brexit process particularly after the result of June’s General Election for the SNP. However, there are some possibilities emerging here and the future of the creative industries could be the arena in which Scotland forges its own unique relationship with European partners.

James Blake is the Director of the Centre of Media and Culture and a Senior Lecturer at Edinburgh Napier University. His book ‘Television and the Second Screen’ was published by Routledge in 2016.



¹ http://www.parliament.scot/S5_EconomyJobsFairWork/Inquiries/Note_of_meeting_-_Edinburgh_Festivals.pdf

² <https://beta.gov.scot/news/brexit-threatens-creative-industries/>

³ <http://www.creativescotland.com/resources/professional-resources/research/creative-scotland-research/assessing-the-european-unions-contribution-to-the-arts,-media-and-creative-industries-in-scotland>

⁴ http://www.creativescotland.com/_data/assets/pdf_file/0006/36681/EU-Referendum-Creative-Cultural-Sector-Scotland-Survey-Findings.pdf

⁵ <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10657>

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Riding the wave of financial uncertainty

By Ian LeBruce

I'd like to start by being open and transparent; I have a biased view over Brexit, having personally lost money, time and opportunity in the aftermath of the vote. I will refer to my own experiences in this report, but note that these are experiences of one person and two businesses. I believe that I have been in the majority, but there will certainly be others who have thrived as a result of the vote.

Uncertainty

Following the Brexit vote, HSBC polled 850 business owners to ask them how they thought the Brexit Referendum result would affect their business; 28% of respondents felt that Brexit would affect their business negatively and 10% said Brexit would impact them positively.¹ The majority of respondents said that they didn't know or that it was too early to say how Brexit would impact them and their business. It is this uncertainty that business owners have that needs to be focused on. Business owners work hard to lower variance and uncertainty wherever possible; in many cases it is better to know that there will be a negative impact than not know at all. Businesses importing from the EU will be hit particularly hard post-Brexit, with ten times more owners importing from the EU expecting that the result of the vote will have a negative impact than those expecting a positive one. One simple example of this negative impact can be found at my local coffee shop. They get their coffee from Sweden and prior to the vote they imported coffee at £20/kg; this price has since risen to £26/kg which is likely a result of the Brexit vote, as these cost rises have come at an increase of 30% virtually overnight.

As a business, in November we required some extra capital; which should have been a straightforward routine process using Seed Enterprise Investment Schemes (SEIS) to raise the relatively small amount of £150,000. However, this was made much more difficult due to the aforementioned uncertainty. It is very common to raise further funds from the same investors in future rounds; however, not knowing how the economy will be looking in future makes this commitment difficult for an investor to make. This hesitancy is extremely damaging to the eco-system and takes up time that could be better spent actually growing the business.

Perhaps the biggest hit, in the long term for the UK, is saying 'no' to top talent from across the EU. By adding a barrier to working in the UK, we are turning away people who could do so much good for our country, a point which has been echoed by my academic counterparts.

“ We have the opportunity to be more targeted and focused with our trade links... we have more choice over what to do as a business in the UK. ”

Opportunity

It is not, however, all doom and gloom; the value of the pound has recovered and, except during the lead up to the General Election has been relatively stable despite expectations. Things are also looking good for Small Medium Enterprises (SME) who don't plan to work outwith the UK with many of the major institutions expecting them to perform better as a result of the vote. Research by Hampshire Trust Bank forecasts that SMEs will contribute £217bn to the UK economy by 2020; up 11% from 2015.² I believe this is positive for two main reasons. Firstly, it should be easier to set up a new business on British shores in the future; previously, if you were not trading outwith the UK, you would be constrained as a business by EU rules and regulations, despite not receiving the benefits of trading outwith the UK in the EU. Secondly, there will be further incentives for SMEs from abroad to establish their businesses in the UK, for both the aforementioned reason and because we are already seen as a business-friendly country; I expect this to be even stronger in the future.

The financial uncertainty Brexit has brought upon us comes with both opportunity and choice; we now have the option to have more, or less, free trade; more, or less, investment into infrastructure; and we have a choice over where our money goes (to an extent). By leaving the EU, we are saving ourselves from the inevitable diplomatic pressure to leave the pound behind and join the Eurozone and, if we choose, we can now take advantage of the world markets outwith the Common Agricultural Policy. We have the opportunity to be more targeted and focused with our trade links, to encourage more UK-based SMEs and start-ups, and we have more choice over what to do as a business in the UK.

Ian LeBruce is the founder of Critical Path and Cappuccino Ads, two businesses based in the UK. His expertise lies in social entrepreneurship and marketing, his experience is varied including working at the Large Hadron Collider in Geneva and in the video games industry.



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Brexit and the Scottish Economy: Risks, Opportunities and the Revenge of the Disadvantaged

By Theodore Koutmeridis

The world is taking another pivotal turn. The route is uncharted and even though it is hard to foresee the end of this phase, it seems that it can be characterised as the age of extreme antitheses. Technological innovation has been moderated by major threats that endanger the sustainability of the globe, such as climate change and rising inequality. In these critical times of socio-economic opportunity, but also of global risks, several advanced democracies are looking inward. This anti-globalising esoteric turn has been expressed through phenomena such as the outcome of the Brexit vote, the election of Trump in the US and, to an extent, the demand for independence in Scotland. These events are arguably contributing to the dividing of society and destabilisation of the economy, and pose a direct threat to our already fragile democratic institutions.

In particular, Brexit offers a unique historical example of top-down populism which has led to an economic crisis and has fuelled xenophobia in the UK, threatening the key comparative advantage of the Scottish and the UK economy: its skill-diverse international labour force. Brexit is generating some moderate opportunities too, although these, surprisingly, remain understudied. For us to fully comprehend the consequences of Brexit, it is essential to acknowledge its fundamental causes. Some key, but often overlooked, aspects are: the differential impact in different regions; the misuse of evidence; and, most importantly, the significance of socio-economic inequality and disadvantage as a cause and consequence of the Brexit vote.

Heterogeneous Impact across Regions and Sectors

Analyses from various different sources, such as the OECD, the HM Treasury and the Centre for Economic Performance at LSE, consistently indicate that Brexit will have a negative impact on the economy. Brexit is expected to reduce GDP by anything between 1.3% and 9.5%, depending on the type of Brexit (e.g. Soft Brexit within EEA vs Hard Brexit with FTA).¹ However, such forecasts should be treated with care in the absence of appropriate counterfactuals for comparisons between Brexit and Remain. The impact of Brexit is estimated to be similar in magnitude in the UK and in Scotland, but it is most likely that the harm will be allocated differentially across industries and socio-economic groups in each region, indicating the significance of heterogeneity. The Brexit debate in Scotland will have more meaningful outcomes if it is based on evidence concerning this heterogeneous context. For example, it is suggested that Scotland should seek beneficial trade agreements in major industries related to energy and oil, financial services, and food and drink, among others, to maintain its comparative advantages and restrict the flow of assets and businesses abroad (especially of risk-exposed small & medium-sized enterprises (SMEs)) in the post-Brexit era.

Misuse of Evidence

The Brexit political debates have also been affected by a misuse of evidence. One of the most hotly debated issues during the Brexit debates was the effect migrants might have on labour markets. Evidence does not support the claim that EU migration or migration at large generally harm the labour market outcomes of UK-born citizens, and this result holds

regardless if it is measured in terms of employment or wages.^{2,3} In contrast, the decline in EU migration post-Brexit is expected to harm the UK economy significantly in terms of GDP per capita. This risk seems to considerably outweigh any small increase to low-skill wages which a decline in EU migration might bring about.

The volume of arguments based on false evidence concerning migration and labour markets indicate that many Britons may have been misled and instead of receiving promised benefits, are more likely to suffer costs due to the outcome of the Brexit vote.⁴

The Role of Inequality and Disadvantage

Another critical, but overlooked, aspect of the Brexit debate concerns socio-economic inequality and disadvantage. Studies in the US reveal that mortality among non-minority low-educated whites has risen sharply recently, after a long period of steady decline, whilst for other groups this decline has continued.^{5,6} This same group also suffers from a sharp decline in real wages. Unfortunately, there are no such comprehensive studies for Scotland or the UK that would allow for comparisons, which is a significant gap in the academic and policy framework. Yet, there are studies which stress the severe decline in the real wages for this group for both the UK and the US.^{7,8} Such disadvantaged non-minorities may protest via a Brexit or a Trump vote against the 'Establishment', demanding an anti-globalising change, as they feel that they are the losers of global competition.⁹

Campaigns that xenophobically targeted migrants (for example, the UKIP campaigns)¹⁰ offered an easily digestible pro-Brexit narrative for low-paid workers, who, statistically, we know were more likely to have voted for Brexit.¹¹ These voters seem to prefer to act in a way that destabilises the economy and harms the elites of society, instead of securing moderate benefits for themselves. This highlights the importance of their relative position in determining their vote, despite the fact that even marginal income declines might have detrimental consequences for them.

This political behaviour, which might be called 'revenge of the disadvantaged' offers a unique opportunity to reconsider the consequences of extreme socio-economic inequalities in a post-Brexit world. It is no surprise that those who find it hard to make ends meet do not carefully examine the evidence before they cast their ballots. Instead, it should be acknowledged that the UK as a whole needs inclusive growth based on a healthy middle class, labour market reforms to support low earners and more affordable education to allow intergenerational mobility. It might be hard for Scotland to stabilise its economy via a new Independence Referendum. In fact, focusing on reducing political uncertainty seems to offer a safer avenue to prosperity after Brexit. The political arena occasionally allows the less privileged to transfer some of the risks they face on a daily basis to the rest of society. It is essential to recognize this and grasp the opportunity to build a less divided society.

Dr Theodore Koutmeridis works on economic inequality and crime. He is a lecturer at the Adam Smith Business School at the University of Glasgow and his work has been recognised with awards from the ESRC and the British Academy. He has also been awarded the Sir Alec Cairncross Prize.



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Brexit and Education: Are we really learning from Europe?

By Neil McLennan

Learning from each other

Establishing common ground in education was a driving force behind the creation and development of the European Union. Following two catastrophic World Wars in the 20th Century, the EU itself was designed to avoid conflict: a political structure within which countries could work together and learn from each other. With the onset of Brexit just over 18 months away, now is an important time to ask the questions: what have we really learnt from Europe and has Scottish education benefitted from European integration?

Scotland used to have an education system with an unparalleled international reputation. Yet, within just a few years, the performance of Scottish school pupils has seen a significant decline in international league tables. At the same time, many of our EU partners and, in particular, some of the smaller nations, have seen their position rise. Finland remains strong in the Programme for International Student Assessment (PISA) rankings and Estonia is emerging on international league tables.¹ Within this context, then, it is worth questioning the extent to which Scotland has learnt lessons from its European partners.

The existing international outlook

Certainly, despite the recent PISA results, European countries still look to Scotland for inspiration and innovation. For example, some of Estonia's learning from a Scottish local authority shed light on vocational learning approaches and skills development and supported their development.² But is this a two-way street of educational enlightenment?

Efforts have been made within Scotland to look outwards internationally. The Deputy First Minister, charged with improving education and closing the attainment gap, has set up an international advisory board.³ The Government's website states that three advisors come from 'other' European countries.⁴ Two of the ten on the board are Scottish-based, with other influencers coming from North America and South East Asia. It shows that Scotland is already looking beyond the confines of the EU for partnerships in education.

Financial implications and mobility

International input and outlook is not the only factor to consider when talking about school education after Brexit. The independent sector is currently considering the financial implications of a potential reduction in the number of children from EU families working in the UK. Student and staff mobility remain the major issues facing the Education sector post-Brexit, alongside concern over research and structural funding. Certainly, retaining EU staff is a key concern for higher education.

However, at this early stage, it is difficult to accurately estimate the numbers or the impact on universities. For example, staff mobility was highlighted in a recent headline about the number of EU staff leaving one Scottish institution.⁵ However, this has now been set in context by the institution, noting that the figures do not take into account the number of staff recruited over the same period, far outweighing EU departures.⁶

Solutions?

Continued access to European education funding may be one area where we can identify solutions to the challenges of change. For example, the Erasmus+ scheme could be maintained post-Brexit, as it is funded by the European Commission and is still open to non-EU Countries.⁷ By itself, then, Brexit does not necessarily mean a loss of access to this funding (although the influence of the UK in where the funding is apportioned will be removed). Other funding opportunities and international partners could be further explored post-Brexit including: attracting international students from beyond Europe; campus development within Europe (the Republic of Ireland, Finland and Baltic States have all been floated as options); bilateral agreements and research collaborations elsewhere (for example, drawing on Commonwealth links); and encouraging continued inward investment into research and education.

Students of modern studies and politics will continue to debate the cause of the majority 'Leave' vote in the 2016 Referendum. Those studying 'disruption theories' in our leadership education courses may be more inclined to look for opportunities, than threats, in the Brexit process. It is important to examine Scotland's core values and joint aims and then look at where and how we can make Brexit work for Scottish education. What outcomes do we want to achieve and how do we meet these? Establishing what our common goals are, in Europe and beyond, needs to be a priority for Scottish education at this time. Out of complexity and chaos, we need concise clarity grounded in fact and evidence-based approaches to our education system. During the Referendum campaign, the 'out' *battle bus* boasted there would be £350 million for the NHS if we left the EU. What would an education *battle bus* claim as we move forward? Moreover, what barriers does our education system need to overcome and upon what can we realistically deliver collectively for Scottish education? One thing is for sure, our continued learning will happen when we are connected and ready to collaborate on a truly international stage. During this current 'age of disruption' we now live in we should consider the words of Eric Hoffer; "In times of change, learners inherit the earth, while the learned find themselves beautifully equipped to deal with a world that no longer exists."⁸

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International Research and Innovation: facing the challenges of Brexit

By Peter McColl

The open society that underpins great research is a world where knowledge faces fewer barriers. However, for most people working in research and innovation, the Brexit vote has brought about unique challenges and uncertainties and the tone and tenor of the Brexit debate is exacerbating that uncertainty in both Scotland and England. Talk of a ‘hard’ Brexit has caused substantial concern for universities, with Professor Alistair Fitt, the Vice-Chancellor of Oxford Brookes University, saying: “It would probably be the biggest disaster for the university sector for many years.”¹ Indeed, the Russell Group of research-intensive Universities has argued that research and innovation should be a priority in Brexit negotiations.²

There are three key challenges for research here: immigration policy; research funding; and access to markets. Of course, so soon after a close election, it is still unclear what the settlement will be on any of these policy areas. But this uncertainty itself is very significant and the longer it remains, the more damaging it will be for future research collaborations.

High-impact research and innovation often depends on international collaboration and, as a result, the workforce involved is usually highly mobile. There are a number of important UK research clusters that have developed a critical mass in research and innovation. However, there is already evidence that these clusters may be diminished, given the current uncertainty around the outcomes of the EU negotiations.

Freedom of movement

The continued commitment to an arbitrary cap on the number of non-EU immigrants, and the likelihood that EU immigration may be included in any cap, has become a substantial challenge to continued UK and Scottish involvement in international innovation projects. Universities are at the heart of the UK innovation ecosystem, and many have already suffered from this cap and its impact on international students coming to the UK.

Research funding

Continued access to EU funding is clearly a substantial concern for many Scottish researchers, with doubts over UK participation likely to continue, causing serious planning problems for researchers. Even before the negotiations began, there was evidence, cited in the Scottish Parliament Information Centre briefing³ on Brexit, that academics have been asked not to participate in international collaborative research projects, because their colleagues fear that any UK academic involvement will reduce the likelihood of success.

Good research is about international collaboration; the excellence of our world leading research drives the performance of our university sector. The Scottish Government could decide to meet the funding shortfall for Scottish universities. However, this is not just about money. Filling the funding gap will not be enough; any decision needs to take into account the importance of European research networks and global collaboration.

Access to markets

The argument presented by the ‘Vote Leave’⁴ campaign was that Brexit would give UK institutions increased access to global markets and global funds. Yet, Theresa May’s public statements on the Brexit negotiations suggest that access to the EU Single Market will, almost inevitably, be curtailed. This will have more impact on some sectors than others, and research and development is likely to suffer more than other areas. The prospect of increased market access to the rest of the world may be an upside to Brexit. However, in some cases (for example, India) it is still difficult to see a quick and favourable trade deal happening in the future, as the Government is sceptical of the benefits of international trade. Indeed, the Indian Government has recently allowed a bilateral investment agreement with the UK to lapse.⁵

What is to be done?

Some involved in the Brexit debate seem to be using the notion of the “expert” as a pejorative term. “Experts” have found themselves being dragged into the political fray on both sides of the Atlantic. However, researchers in higher education must not now shy away from the public light as the Brexit negotiations gather pace. This will mean a shift away from ‘insider’ influencing over funding policy and towards an approach based on winning arguments in the public domain.

“ Good research is about international collaboration. ”

Peter McColl leads the policy and research work for NESTA in Scotland. He was previously the Director of Policy for Common Weal and Rector of the University of Edinburgh. Peter’s interests include big data, higher education and intergenerational politics.



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An Uncertain Constitutional Moment:

A year of complex legal questions for the UK, and Scotland

By Emma Boffey

In 1973, a seismic legal change occurred when the UK became a member of the European Union (the “EU”). An equally seismic legal event will happen with “Brexit”, as the Referendum vote to leave the EU still creates shockwaves in the UK constitutional and legal framework.

The year since the Referendum has raised fundamental issues within our constitutional matrix and, in particular, with Scotland’s relationship with the UK. It might be said that, more than a year after the Referendum, the only thing currently certain about the UK’s legal constitution is its inherent uncertainty.

A constitutional watershed: the Miller appeal before the UK Supreme Court

In the wake of the Brexit vote, the UK Supreme Court considered an appeal brought in the matter of *R (on the application of Miller and another) v Secretary of State for Exiting the European Union* [2017] UKSC 5 – more commonly known as “the Article 50 Brexit Appeal”. This was the most significant constitutional decision made by the UK courts for a generation. A number of interested parties intervened in the proceedings, including the Lord Advocate, who is the Scottish Government’s principal legal adviser and the Senior Scottish Law Officer. The Lord Advocate sought permission to intervene because of the significance of the complex constitutional issues engaged in the case and, in particular, its importance for Scotland.

The Court ruled by a majority of eight to three that the UK Government could not trigger Article 50 of the ‘Treaty on European Union’, (giving notice of the UK’s exit of the EU) without first being authorised by an Act of Parliament. The Court also held, unanimously, that there was no requirement for the UK Government to consult with the devolved legislatures of Scotland, Wales and Northern Ireland, before giving notice to trigger Article 50.

The judgment, at 96 pages in length, was a watershed moment for constitutional law in the UK. The judgment enshrined the overall sovereignty of the UK Parliament and cast new light on the Union’s relationship with its devolved legislatures, including the Scottish Parliament. The judgment highlighted the strength, power and supremacy of the UK Parliament, which was confirmed as sovereign and, ultimately, senior to government ministers in the hierarchical matrix of the UK constitution.

“ It will be, by its very nature, one of the most complicated and intricate tasks for this generation’s legal profession to draft, scrutinise, and advise clients on. ”

What of Scotland, Wales and Northern Ireland?

While confirming the overall supremacy of the UK Parliament, the UK Supreme Court was also required to consider the nature of the devolution settlements for Scotland, Wales and Northern Ireland: did their respective devolved legislatures also require to be consulted? The UK Supreme Court ultimately held that while the devolution settlements were made at the time on the assumption the UK would be a member of the EU, they did not oblige it, with foreign affairs ultimately being a matter reserved solely for the UK Government.

Although the “Sewel Convention” (through which the UK Government would not normally legislate in respect of devolved matters, without the consent of the Scottish Parliament and Welsh and Northern Irish Assemblies) was acknowledged by the Court as an important political constraint on the activities of the UK Parliament, the Court held that its operation in practice is not a matter for the Courts. It held that while the Sewel Convention may embody an “expectation”, it did not amount to a legal rule which could be enforced and policed by the Courts. Ultimately, the Court held that there was no legal requirement for the devolved legislatures of Scotland, Wales and Northern Ireland to be consulted before Article 50 was invoked.

The next chapter

With Article 50 now duly triggered, the focus for the next year is likely to be centred on how the Brexit negotiations will progress. There remains, however, much uncertainty as to what the outcome of these discussions will be. With a two-year timescale set, the key questions left to explore are when and in what form this Brexit transition will happen.

There is also the immense task ahead of navigating the passage of the European Union (Withdrawal) Bill (sometimes referred to as the “Great Repeal” Bill) through both Houses of the UK Parliament. The Bill, once enacted as law, will repeal the European Communities Act 1972 on the day at which the UK leaves the EU, while also simultaneously reinstating and importing any lost aspects of EU law into UK domestic law. The Bill will also give ministers delegated powers to make secondary legislation, which will be subject to less scrutiny by Parliament. Approximately 57 different areas of policy are expected to be affected by the impact of this Bill. It is, by its very nature, one of the most complicated and intricate tasks for this generation’s legal profession to draft, scrutinise and advise clients on.

More fundamentally, in the wake of a hung UK Parliament following the General Election held on 8 June 2017, and with the possibility of a second Referendum on Scottish Independence now fading, Scotland’s place in the UK’s constitutional framework remains uncertain.

Whatever the outcome of the Brexit negotiations, there arguably remains an ongoing need to re-examine the intra-UK constitutional matrix and the nature of Scottish devolution. While the last year has brought clarity on the fundamental and supreme sovereignty of the UK Parliament, it has left many unanswered questions on the UK’s future relationship with its devolved nations and the legal framework which governs that relationship. In the words of Lord Carnwath, one of the dissenters of the UK Supreme Court in *Miller*, on this issue, “*there are no easy answers*”.¹

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¹ *R (on the application of Miller and another) v Secretary of State for Exiting the European Union* [2017] UKSC 5, per Lord Carnwath at paragraph 274.

recommendations

As we have seen, the prospect of Brexit presents a diverse range of challenges for politics and society in Scotland. Some are immediate and will need to be addressed during the next 18 months of complex negotiations. Others are long term and will evolve during any transitional period and beyond. On the basis of the articles and research in this report, here are a number of recommendations for stakeholders and policy makers on the impact of Brexit in Scotland:

Identity and Citizenship

- Political actors will need to show leadership in telling a national story that is plural, inclusive and forward-looking. As immigration becomes increasingly politicized, it is imperative that ‘all the people of Scotland’ are deemed to belong as much as ‘Scottish people’.
- Civil society organisations should be encouraged and supported to connect across educational, housing and cultural sectors to cultivate a ‘bottom up’ vision of modern Scotland.

Children and Immigration

- Aim to secure the status of EU citizens and their children already living in Scotland, with streamlined routes to permanent residency and naturalization.
- Tackle the increase in racism experienced by EU and other migrants through effective anti-racism campaigns in schools, workplaces and communities.
- Promote a sense of ‘full citizenship’ and belonging for ‘new Scots’ at individual and community level by advocating the strengths of multiculturalism and the assets inherent in Scotland’s diversity.

Politics

- We (politicians, the media, and the people of Scotland) must foster a politics of inclusion that looks at our common goals post-Brexit regardless of party affiliation.
- To do this, we need to focus on working together on common goals, and we must prioritise collaborative debate over a culture of criticism of the opposition.

Employment Rights

- Ensure that public sector organisations and those contracted to provide services to the public sector commit to a continuation of all EU employment rights, even if they are reduced by the UK Government. UK Employment Law should be considered a floor and not a ceiling on the rights of workers.
- Consider how access to justice, with regards to Employment Law, can be increased through the recent devolution, via the Scotland Act 2016, of procedures relating to Employment Tribunals.

Creative Industries

- The creative industries, together with policy makers in Scotland, should proactively seek to remain engaged with EU partners over the development of the Single Digital Market.
- Working with Creative Scotland, the Scottish Government should proactively investigate the possibility of contributing to the Creative Europe funding scheme and maintaining this important network.

Entrepreneurial Scotland

- Stay focused and keep to business as usual, do not get distracted, and remain positive. Rather than planning out "worst case scenarios," keep creating jobs and providing a welcoming atmosphere for all.

Economy

- Protect Scotland's skills-diverse international labour force to retain our competitive economy in a globalised world.
- Scotland should seek beneficial trade agreements in major industries (e.g. energy and oil, financial services, food and drink) to maintain its comparative advantages and restrict the flow of assets and businesses abroad in the post-Brexit era.

Education

- Work to maintain the continued free flow of students and academics into and out of Scotland.
- Ensure that funding is equalised across all areas of the education spectrum from early years to further and higher education.

Research Funding

- Campaign to make people more aware of the critical need for international evidence-based research at a time of social uncertainty.
- Make a strong case for the free movement of people to enhance international research collaboration and "an open society".

Legal Issues

- Increase public awareness and industry understanding of the impact of the European Union (Withdrawal) Bill and what it means for the future of the UK.
- A clear Scottish devolution dimension has developed: review the intra-UK constitutional arrangements, in particular, the nature and operation of the Sewel convention.



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