European and External Relations Committee
The EU referendum and its implications for Scotland
Written submission from ENABLE Scotland

Introduction

ENABLE Scotland is the largest voluntary organisation in Scotland of and for children and adults with learning disabilities and their families. We have a strong voluntary network with around 5000 members in 41 local branches and individual membership throughout Scotland. Around a third of our members have a learning disability. ENABLE Scotland campaigns to improve the lives of people with learning disabilities and their families and carers.

We also provide social care services to more than 2,000 people who have learning disabilities across Scotland. Our support and services are designed to ensure that people with learning disabilities can live the life they want, and actively participate in their local community.

We welcome the opportunity to submit evidence to the European and External Relations Committee on impact of the EU referendum outcome on Scotland. We have sought to use this submission to outline our position and concerns on the referendum outcome and to provide an overview of the particular challenges faced by ENABLE Scotland, our members and people with learning disabilities and their families more generally in Scotland. In addition we have suggested the key areas we believe the Scottish and UK Governments must focus on in negotiating the UK exit from the EU.

Overview of the impact on ENABLE Scotland and our view

The decision of the UK to vote to leave the European Union paves the way for considerable uncertainty on many issues which affect people who have a learning disability in Scotland. The full impact on the economy is as yet unknown, but is unlikely to have a positive impact on public sector budgets, which are already stretched.

Access to European Structural Funds, which support many employment programmes to help people who have a learning disability into work, are now at risk, and we don’t yet know how long we have to plan for something different.

Our hard won framework of human rights, equal rights and workers rights are also now potentially subject to change.

It is a time of change. But with change can come opportunity. Our job now in Scotland, alongside our counterparts in the rest of the UK, is to work hard to make sure that we protect the interests of people who have a learning disability through these negotiations – and not only maintain what we have, but improve what we have. We have started these conversations with our colleagues at Mencap. And whilst our union may be changing, our relationship with our colleagues across the EU must become stronger than ever – we will continue to stand in solidarity with people who
have a learning disability throughout Europe to work together for a more equal society. That will not change.

**Post EU Referendum Issues for ENABLE Scotland**

There are a number of potential issues for ENABLE Scotland, especially due to the uncertainty following the referendum outcome and due to the new and ongoing uncertainty surrounding the Article 50 process which will trigger withdrawal.

**Disabled people’s rights**

There are a number of rights guaranteed under the European Social Charter (ESC) which directly benefit people with a learning disability. The ESC is a framework which outlines the rights of EU citizens, including the European Convention on Human Rights (ECHR). When the UK withdraws from the EU these rights will no longer apply unless brought into UK law. The ESC includes the Charter of Fundamental Rights, Economic European Labour Law and Social and Regional rights.

It is clear that proposals for a British Bill of rights to replace the Human Rights Act continue to be developed by the UK Government. The Justice Secretary, Liz Truss has stated in the past few weeks that the Government remains committed to its manifesto pledge on the issue and this will be implemented.

The ECHR is not itself a European Union treaty and neither is the European Court of Human Rights an EU court and would remain in force after withdrawal from the EU.

However, this issue is likely to become much more important in the coming months as plans to repeal the Human Rights Act gather pace.

**The Economy**

We are concerned that reductions in growth and a financial downturn will place pressure on UK Government, Scottish Government and Local Authority revenues. It may also undermine the UK Government’s objective to halve the disability employment gap.

An effective rise in Interest rates is also possible which may have an impact on mortgages and income.

The pound has also fallen to its lowest point in 31 years which will continue to impact on inflation. As prices rise at the shops, for example there will be a significant impact particularly for people on low or fixed budgets, many of whom will be people with a learning disability.

**EU Citizens and Staff Welfare**

Some staff at ENABLE Scotland will not be UK nationals, including EU citizens. A priority must be discussion and reassurance of staff on welfare issues who may be feeling uneasy at remaining either in the UK or worried about the future prospects for their right to remain and work in the UK. The First Minister’s commitment in relation to supporting and affirming EU citizens living in Scotland is welcomed.
The current situation, rights and entitlements are not likely to change in the immediate to medium term. A ‘Divorce’ agreement might well take the full two years however this will not provide long term security for staff.

**Funding of our work**

ENABLE Scotland is exposed to funding loss from the European Commission for employment services. ENABLE Scotland is seeking assurances from European funding sources as to its sustainability and/or our eligibility to request funding in the future. In tandem with this the UK and Scottish Governments must work together to outline how they will mitigate loss of funding to organisations like ENABLE Scotland.

**Employment Services**

We are deeply concerned about the impact of UK withdrawal on the European Structural Funds (ESF). ENABLE Scotland Employment Services are currently partly funded through ESF; All in Edinburgh\(^1\) and Local Authority ESF-matched tenders are supported.

The continuation of ESF funding is unknown and not guaranteed. ENABLE Works have funding committed in 2016/17 and recurring until 2018/19 but uncertainty beyond this.

The Scottish Government has confirmed that:

Scottish Government has legally committed European funds to projects up until the end of 2018 and in some cases 2019.

The projects being funded support important economic, employment and social priorities. We have a duty to manage the funds responsibly. Until it is clear how negotiations with the EU are to progress these important projects should continue.

**Mitigation of potential withdrawal of funds**

All In Edinburgh Consortium have written to City of Edinburgh Council to query the future of the ESF match funding and are in negotiation with SDS to confirm the ESF funding for Stage 1, which has been delayed due to a transition in government department.

We would urge committee to seek assurances that the Scottish Government will be able to negotiate this funding period, to 2018, after which we have no ESF commitments. We are doing everything we can to mitigate the risk of ENABLE Scotland having to withdraw from service delivery.

In wider terms, local authorities are still committing ESF-matched tenders, so we expect they are taking a similar stance. In the longer term, ESF withdrawal will

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\(^1\) All In Edinburgh is a service helping people who have a disability or long term health condition find paid work. It is delivered by the Edinburgh Supported Employment Consortium which is made up of the Action Group, Forth Sector, Intowork and ENABLE Scotland - http://www.enable.org.uk/services/employment-service/Pages/All-in-Edinburgh.aspx
impact heavily on economic development services and education, with a disproportionate impact on disabled people.

We are extremely keen to work with the Scottish Government and others to ensure that EU withdrawal negotiations take account of the detailed needs of organisations such as ENABLE Scotland engaged in service delivery.

**Looking ahead - what we want to see**

We are keen to support any early discussions the Scottish Government is having with a view to mitigating the impact of any withdrawal of ESF support and we are keen to understand what action Ministers can take in order to give certainty to frontline employability services for disabled people beyond 2018/19.

We believe that the direct experience of people accessing services through support from ESF must be at the heart of negotiations and mitigation plans. We support early dialogue with the Scottish Government, COSLA and EU bodies regarding the immediate continuation of funding and support. We are also keen to engage with UK and Scottish Government about what exit will mean long term and how any partnerships and funding can be protected or replaced. We ask committee to consider ways in which such a dialogue can be facilitated.

We want the Scottish Government to continue to bring forward measures to stimulate the economy through greater public investment not only in terms of physical and built infrastructure (as announced by the First Minister) but also in terms of vital human infrastructure like health, social care and employment support.

ENABLE Scotland will continue to work in partnership to influence and lobby the new UK Government to ensure the rights and interests of ENABLE Scotland and our members are protected.

We will continue to build our partnerships across the rest of the UK and Europe to show solidarity and a common desire to seek solutions; especially with our sister organisation in England and Wales- MENCAP or Inclusion Europe through our membership of Disability Agenda Scotland (DAS). We would urge others to join us in working in this way.