European and External Relations Committee

The EU referendum and its implications for Scotland

Written submission from The Scottish Child Law Centre

The Scottish Child Law Centre provides free expert legal advice and information on Scots Law relating to vulnerable children and young people. This takes the form of a free telephone/email advice line, guidance leaflets published by the Centre, web based information, training provided for professionals and external organisations, educational/awareness raising conferences and seminars and consultancy for organisations at local and national level. We also respond to legislation relating to children and young people in Scotland. All of our core services are provided by qualified Solicitors with expertise in Child Law.

Our services are used by children and young people, their families, carers, professionals working with children and young people, schools, other charities and external organisations. Our services are available to the whole of Scotland.

The Scottish Child Law Centre (SCLC) has had a mutually beneficial arrangement with the Erasmus Programme and the students who come as Trainees and volunteers on the Erasmus programme for around seven years. The main area of concern is ease of access of foreign students to the UK/Scotland and funding of students who are recipients of Erasmus grants from the EU to allow them to come to Scotland to volunteer in the event that Brexit prevents our continuing as members of the programme.

The Erasmus Programme is an EU exchange student programme that has been in existence since the late 1980’s. Its purpose is to provide foreign exchange options for students from within the European Union and it involves many of the best universities and seats of learning on the continent. The programme is aimed at cross-border cooperation between states to aid the growth of international studying, and with over 4000 students involved in the programme at any one time it offers an excellent chance of experience abroad. Students must be registered in a higher education institution and enrolled in studies leading to a recognised degree or other recognised tertiary level qualification (up to and including the level of doctorate). The mobility is carried out in the framework of prior inter-institutional agreements between the sending and receiving institutions, both of which must be holders of the Erasmus Charter for Higher Education (if located in a Programme country). Students can come to Scotland for 3 to 12 months and they can receive grants for studying or being trained in Scotland totalling up to 12 months maximum. There are opportunities to come to Scotland during up to three different cycles of study and a student can come for up to 12 months during each cycle. For example, as an undergraduate and then again during a masters and again during a doctorate.

We anticipate current and immediate disruption and a drop in applications based on the uncertainty caused by the Brexit Referendum result. Depending on the implications of Brexit this could seriously affect our ability to attract volunteers from EU countries, most of who are based with us on a full time basis for several months. The loss to the SCLC is the equivalent of at least two full time staff members per year. As a very small charity reliant on the good work done by volunteers, the loss of
foreign student volunteers, particularly those funded by the Erasmus programme, will be devastating to our service provision and our ability to plan for the future of our organisation. We also risk losing the opportunities to foster and promote greater understanding and commonality with other Nations and the opportunity to promote our strategic and policy agenda within the EU and to learn from the work of other jurisdictions.

The loss to the students is an opportunity to experience the Scottish approach to child law and children’s rights in Scotland. We have excellent feedback from previous volunteers confirming the benefits of their time with us and discussing the richness and extra dimension the experience adds to their legal and personal development. The students are able to take to their own country an understanding of Scottish child law and children’s rights which differs from their own national experience and provoke thought and discussion on topical matters like our Children’s Hearings system and our recent developments in relation to child protection and neglect, which is a world-wide topical issue at the moment.