

Brexit and post-school education

A guide for UCU branches and members

Policy and Campaigns

December 2016

What's in this pack, and what's it for?

- 1 This guide is designed to allow branches to organise around Brexit and ensure the UK university and college sector remains international, open and welcoming to all.
- 2 It includes a summary of what's at stake and what UCU is concerned about. Included in full is the policy charter developed by UCU that presents our vision for post-school education, post-Brexit. Also included is a model letter to MPs. Finally, another appendix sets out policy agreed by Congress and the national executive committee (NEC) relating to Brexit and immigration.

What branches should do now

- 3 Branches are asked to do three things now:
 - Establish branch policy on Brexit as it relates to your university or college. Remember you can add points that reflect the particular circumstances in your local institution, as well as the national position contained in the UCU post-Brexit policy charter. Make sure that both members and non-members are aware of the union position.
 - Write to the management requesting they make a joint statement with UCU, endorsing the branch position and calling on the government to do the same. This joint statement should pledge that there will be no changes made to employment or enrolment status, qualification requirements, residential requirements or student fees requirements for any current EU/EEA staff or students arising from any changes introduced by government.
 - Launch a recruitment campaign to ensure EU and international staff join UCU (or the appropriate union). Branches should contact staff who may be affected by any changes in employment status following Brexit and offer them the benefits of union membership and support. This should include reference to the expanded immigration employment advice available to members through UCU's membership and professional support department.

Where to get help

- 4 The policy and campaigns department is overseeing the implementation of UCU's policy on Brexit in relation to post-school education. The political situation remains volatile and this advice will be updated as new developments occur or policy positions are announced by the government. For advice on implementing any aspect of this guide contact Joe at jmccrory@ucu.org.uk, or your regional official.

Why is UCU concerned about what might happen with Brexit?

- 5 With the UK's future relationship with the EU uncertain following the referendum on EU membership, the post-school education sector faces a period of considerable economic and political uncertainty for students, staff, and management.
- 6 This uncertainty will continue until the Brexit timeline is defined, a transition period agreed, or the government's negotiating position post-school education disclosed.
- 7 The timeline for the UK to leave the EU has not been set, but it is expected that Article 50 of the Lisbon Treaty will be triggered in March 2017. This means the UK has two years to leave the EU, around summer 2019, depending on the negotiation process.

IMMIGRATION STATUS OF EU STAFF AND STUDENTS

What's at stake?

- 12 UK higher education has a very strong international reputation, but this relies heavily on its ability to attract the best talent from around the world to work and live here.
- 13 Higher Education Statistic Agency (HESA) recorded 43,015 EU staff FTE, academic and non-academic, working in HE during 2014/15. This equates to 10.65 per cent of the total workforce. EU academic staff account for 31,635 FTE, which is 15.95 per cent of the academic workforce
- 14 There is very little national data about the proportion of EU nationals working in FE colleges. Without detailed information, it is difficult to assess what effect the vote to leave the EU may have on staff, students, and college finances.

UCU concerns

- 15 It is likely that new visa requirements on EU migrants will make it harder to recruit leading personnel to UK institutions. This uncertainty has already led the ratings agency Moody's to downgrade the credit status of several UK universities. Retention is also likely to be affected, with any 'brain drain' of intellectual talent to competitor countries inevitably leading to a negative impact on the international reputation of the UK.
- 16 Many UCU members and supporters have expressed concern that racism and xenophobia has noticeably increased in the wake of the referendum debate. This pernicious narrative around immigration is likely to have a significant adverse impact on non EU international enrolment – 23 per cent of teaching income in 2014-15 came from international tuition fees. HEFCE conclude that the 2015/16 to 2018/19 financial forecasts rely on EU and international recruitment targets being met and EU funding being maintained – and that this reliance was one of the most significant risks that could affect performance and sustainability of institutions in England.
- 17 A survey of prospective international students in July 2016 indicated up to a third were less likely to study in the UK in the wake of the divisive referendum

campaign, and the increase in racist and xenophobic attacks reported since the result was announced. A downturn in international enrolments could result in severe funding deficits, as the sector expects them to grow between 1.8 and 5.8 per cent per year until 2018/19.

- 18 If the immigration laws are changed, current arrangements permitting EU nationals to access FE courses and apprenticeships may be withdrawn, affecting enrolment figures for colleges which attract larger numbers of EU students. If the number of EU nationals coming to the UK reduces significantly as a result of changes to status, there may be a particular decline in demand for English for Speakers of Other Languages (ESOL) courses, leading to course closures.

RESEARCH FUNDING FROM THE EU

What's at stake?

- 8 In HE, HESA reports that 16 per cent of research and development funding received by UK providers in 2014/15 came from overseas sources, and the majority (68 per cent) from within the EU.
- 9 A significant proportion of university research income is also drawn from the EU. According to Universities UK, our universities attracted over £836 million in competitive research grants and contracts from EU sources. This represents 14.2% of all income from research grants and contracts in that year, supporting 8,864 academic jobs. In 2014/15 six institutions reported that EU research income made up over 50 per cent of their total research income.
- 10 In FE, the Association of Colleges has estimated that around 1% of total FE college income (£75 million) is from EU sources. It also notes that a few colleges in disadvantaged areas are heavily reliant on this income stream; ten colleges shared a total of £41 million in European Structural and Investment Funds (ESIFs) income in 2013/14.

UCU concerns

- 11 The UK government announced in statements on 13 August and 3 October 2016 that EU research grants and ESIFs, including Horizon 2020, will be guaranteed if awarded while the UK is still an EU member, even when the project continues beyond Brexit.
- 12 The statements are welcome but do not clarify whether this funding pledge represents money additional to the existing domestic research budget. Since the overall timescale and nature of the UK's withdrawal from the EU also remains unclear, this will continue to generate caution and uncertainty. The UK is by far the most active participant in Horizon 2020, with UK projects making up 20 per cent of projects, the same amount as France and Germany combined.
- 13 The uncertainty surrounding the UK's involvement in Horizon 2020 is already leading to reports of UK researchers being discriminated against or dropped from EU research partnerships. We know that EU nationals are considering basing future research projects and partnerships in other EU countries, while broader international partnership projects are also considering whether UK researchers remain viable partners, with anecdotal reports that UK staff are being instructed not to put their names on grant applications.

STUDENT FINANCE

What's at stake?

- 19 EU students are subject to 'home' fees (free tuition in the case of Scotland) in HE, and eligible for loans and grants. The UK government and the UK nations have

given EU students guarantees on current fee, loan and grant arrangements for the duration of the course for study starting in the 2016/17 and 2017/18 academic years.

- 20 HESA records that EU student enrolments in HE were 124,575 during 2014-15, making up 5.5 per cent of total national enrolments. The EU postgraduate component in the same period was 46,230, some 8.59 per cent of nationwide postgraduate enrolments.
- 21 EU nationals who have been resident in the UK for three years are currently able to enrol on FE courses and apprenticeships on the same basis as UK citizens.
- 22 Data regarding nationality has not been kept in FE since 2012/13. The Association of Colleges estimates about 18,000 EU nationals are studying in further education colleges, but are certain this underestimates real numbers.

UCU concerns

- 23 Once Brexit is implemented, EU students would likely become subject to significantly higher 'overseas' tuition fees, which would inevitably suppress the level of demand for UK higher education. Current guarantees do not extend beyond 2017/18 which creates uncertainty for both current and potential students, who will be taking decisions about study in the UK with at least a 3-4 year planning horizon.
- 24 The European Commission has confirmed UK access to programmes such as Erasmus+, the Marie Skłodowska-Curie actions and Creative Europe until the UK leaves the EU. Continued access will need to be negotiated following Brexit – and will be dependent on the ongoing free movement of people between the UK and the EU being maintained. It is still unclear what stance the government will take on the issue, creating an uncertain future for staff and students.

Where can I find out more?

- Information regarding the expansion of the UCU legal scheme: <https://www.ucu.org.uk/legal>
- Statement from Jo Johnson, Minister of State for Universities and Science, on higher education and research following the EU referendum: <https://www.gov.uk/government/news/statement-on-higher-education-and-research-following-the-eu-referendum#>
- Association of Colleges, Leaving the EU - support for colleges: <https://www.aoc.co.uk/funding-and-corporate-services/leaving-the-eu-support-colleges>
- Universities & Colleges Employers Association, residency options for EEA staff already resident in the UK: <http://www.ucea.ac.uk/en/empres/epl/brexit/residency.cfm>

Appendix 1: The UCU post-Brexit policy charter

UCU CALLS ON THE GOVERNMENT TO:

- 1 Launch a strategic inquiry on the impact of Brexit on further and higher education
 - Launch an immediate nonpartisan inquiry in consultation with university and college leaders and UCU as representative of academic and related staff.
 - Agree priority Brexit outcomes to ensure further and higher education remains open to staff and students from around the world.
 - Halt the Higher Education and Research Bill to allow universities to focus on dealing with the impact of Brexit and defer any new, untested and potentially damaging actions until the broader political context is clear.
- 2 Protect existing EU staff and students
 - Guarantee the right to remain of existing EU staff and their families by granting permanent residence and waiving the five year residency requirement.
 - Guarantee the right to remain of any EU student who has already been accepted onto a course of further or higher education at a UK institution prior to any agreed cut-off point, even if they have not yet commenced their studies.
- 3 Ensure that UK higher education remains attractive to international talent
 - Retain current visa exemptions for minimum earnings in PhD level jobs, and reintroduce the post study work route for international students.
 - Retain the current exemption for PhD level occupations in higher education if a change in the status of EU nationals means they become subject to Tier 2 visa regulations. This recognises that pay in the higher education sector is comparatively low for the level of qualification held, and may not meet the £35,000 earnings threshold which applies to most Tier 2 applicants.
- 4 Maintain and strengthen international research relationships
 - Promote international collaboration and ensure continued access to EU research programmes and Erasmus+. EU research partnerships are valuable to UK universities both financially and in reputational terms.
- 5 Remove international students from the net migration target
 - Reclassify international students and celebrate their contribution to our universities and colleges.
- 6 Make up any shortfall in funding arising from Brexit
 - Establish the potential loss of research, social fund and fee income arising from Brexit.
 - Invest government funds directly to ensure that institutions do not lost out financially. Universities and colleges benefit greatly from EU funding sources including student fees, research programmes and structural funding.
- 7 Protect workers' rights
 - Commit to maintaining the current levels of protection given to EU workers. EU law gives workers vital protections.
 - Oppose barriers to the free movement of staff and students between EU institutions.
- 8 Be transparent on trade policy
 - Ensure that UK trade negotiations are conducted in a transparent way, with appropriate national parliamentary scrutiny to ensure the protection of our public services. The government should note concerns raised in relation to EU trade deals including CETA and TTIP.

Appendix 2: Model letter to MPs

Dear MP

I'm one of your local constituents and I'm writing to ask you to take action on an issue I feel very strongly about.

The UK university and college sector is world leading and makes a substantial social and economic contribution to the UK. Yet universities and colleges are at great risk arising from Brexit. If we are to retain our global position the UK must continue to be a place where academic staff and students are able to come to work or study. The government needs to recognise the international nature of this important sector and act to ensure that EU nationals and indeed those beyond Europe continue to feel welcome at our universities and colleges.

The University and College Union has produced a charter which calls for the government to:

- let current EU staff and students know they are welcome to stay beyond Brexit
- guarantee to match any EU funding lost to universities and colleges
- ensure that future EU students and staff are welcome to study and work in the UK without facing increases in tuition fees
- make international collaboration between UK and EU universities a key part of any Brexit negotiations.

I am writing to ask if you support this charter and will take up its contents with the minister on my behalf.

Yours

Appendix 3: UCU policy relating to Brexit and immigration

NEC STATEMENT: UCU STATEMENT ON THE REFERENDUM RESULT

The vote to leave the EU has created a political earthquake. The referendum was marred by disgraceful racism and scaremongering over immigration by figures on both sides of the official campaigns and of course by the tragic death of Jo Cox MP. However millions of people have voted to leave the EU as a direct result of years of austerity and economic decline.

The UCU rejects any attempt to use the 'Leave' vote to impose further austerity measures. Post 16 education is already under attack, we will fight any attempt at further cuts as a result of the referendum.

We will determinedly oppose any attempt by politicians to use the vote to restrict the rights of migrant workers and refugees and reaffirm our Congress commitment to supporting EU students and staff in UK institutions.

On 5 July teachers will be striking against attacks on education and will be joined by our members in HE who have elected to strike on that day. We will mobilise as a union to back their strikes and protests on the day. We support the mobilisation called by the People's Assembly against austerity at the Tory Party conference on 2 October.

NEC RESOLUTION: POST-BREXIT RESTRICTIONS ON RIGHTS OF UK AND NON-UK EU STAFF AND STUDENTS

NEC notes that existing UCU policy on migration and labour markets recognises the social, cultural and economic value of migration and opposes all forms of racism and the Points-Based Immigration Scheme.

NEC also notes that at the 2016 Congress the UCU committed itself to 'campaigning with other trade unions, NUS and community groups for the overthrow of restrictive legislation which affects international students and staff and no change in the immigration status of EU residents if UK leaves EU.'

NEC further notes that one of the main rights of EU residents, the free movement of labour within the European Economic Area (EEA), is now seriously threatened by the EU referendum vote to leave. Reciprocal barriers to freedom of movement are likely to be placed both on EU residents in the UK and on current EU residents from the UK living in the EU.

NEC believes that these changes in the immigration status of current EU residents will represent a significant worsening of the condition of all present and future EEA staff in the UK. In particular, any restrictions on freedom of movement, and our right to work without discrimination based on nationality, will put increasing competitive pressure on EEA staff, and thus affect staff as a whole and weaken our union. It will also have a detrimental effect on the educational experience and academic life, which are critically enriched by the intellectual and cultural contribution made by the international staff and students.

NEC resolves urgently to reaffirm Congress 2016 policy to;

1. survey members and branches on the experiences and treatment of international and EU staff and students, including any discrimination and institutions going beyond government requirements
2. name and shame institutions
3. publicise any good practice
4. produce guidelines for branches for negotiations at local level
5. make suggestions to NEC and FEC for negotiating national agreements

6. organise local and national media campaign, highlighting the value of international student and staff
7. campaign with other trade unions, NUS and community groups for the overthrow of restrictive legislation which affects international students and staff and no change in the immigration status of EU residents if UK leaves EU.

NEC resolves to campaign for the following:

1. the continuing right of EU residents for freedom of movement and opposition to any form of Points-Based Immigration Schemes
2. an up-front guarantee for the right of EU/EEA citizens in the UK to stay
3. full recognition of workers' rights throughout EU withdrawal negotiations, including for non-academic staff
4. planned solidarity activity with non-EU colleagues in UCU branches to demand improvement of immigration support for all non-UK staff

NEC further resolves to

1. Include in our UCU guidelines to branches the need to call on their own Vice Chancellor or Principal to commit publicly to:
 - Guarantee that, for the indefinite future, there will be no change in the employment or student status of any current EU/EEA Member State and Candidate Country staff and students arising from any change introduced as a consequence of the Brexit negotiations
 - Guarantee that, for the indefinite future, universities will not implement any changes in the academic qualification, residential or fee conditions concerning students applying from EU member states and Norway or Switzerland, whatever the results of the Brexit negotiations
 - Demand that the UK government maintain existing rights of free movement of labour across all 28 current EU Member States.
2. Encourage UCU branches to meet with UNISON and other trade unions within the universities to discuss the most effective ways of jointly campaigning for the right to remain for all EU workers and students living in the UK and to maintain freedom of movement of labour across the current 28 EU Member States
3. Publicise the fact that this motion has been passed and encourage UCU branches to do likewise.