

DETERMINING OUR PRIORITIES FOR THE UK-EU NEGOTIATIONS: TEMPLATE

Name of policy area: Gaidhlig language and culture

Key contact: Shona MacLennan, Ceannard, Bòrd na Gàidhlig

Please complete this table for the three scenarios outlined below:

- a) A so called 'hard Brexit' with the addition of powers returning from the EU which relate to a devolved competence being centralised to Westminster and managed as a UK framework.
- b) A so called 'hard Brexit' with powers returning from Brussels being devolved in line with existing competence and a negotiation between UK Government and devolved administrations to establish appropriate frameworks
- c) A so called 'soft Brexit' i.e. a Brexit deal which is close to, or equivalent to membership of the European Single Market, including through elements of the model set out in Scotland's Place in Europe.

As highlighted previously, your responses under each of these scenarios should be independence proofed.

The questions under each scenario are there as prompts, they are not intended to be prescriptive or to constrain discussion. Please add anything that you feel is relevant and provide any feedback on the template itself. **This information in this template should be cleared with your portfolio Minister in advance of submitting to DEXA by 30 June.**

EXIT NEGOTIATIONS (terms of withdrawal)

Please consider negotiation priorities under this section, for example:

- Any ongoing liabilities in respect of EU fees/bill to account for any funding due beyond exit on projects or programmes approved pre-exit.
- The balance between future relationship and EU exit – if the two were not likely to be adjacent, what bodies, programmes or organisations would we absolutely HAVE to retain access to at the point of transition?

a.) A so called 'hard Brexit' with the addition of powers returning from the EU which relate to a devolved competence being centralised to Westminster and managed as a UK framework. Please also summarise any key issues related to independence which you consider may have an effect on this scenario and which may require special and/or early consideration.

[Redacted: s29(1)(a)]

b.) A so called 'hard Brexit' with powers returning from Brussels being devolved in line with existing competence and a negotiation between UK Government and devolved administrations to establish appropriate frameworks. Please also summarise any key issues related to independence which you consider may have an effect on this scenario and which may require special and/or early consideration.

[Redacted: s29(1)(a)]

c.) A so called 'soft Brexit' i.e. a Brexit deal which is close to, or equivalent to membership of the European Single Market, including through elements of the model set out in Scotland's Place in Europe. *Please also summarise any key issues related to independence which you consider may have an effect on this scenario and which may require special and/or early consideration.*

[Redacted: s29(1)(a)]

FUTURE RELATIONSHIP: In terms of Scotland's future relationship with the EU, what are the key outcomes we would pursue to protect Scotland's interests under each of the following scenarios? Please consider:

- why Scotland needs that outcome;
- why the UK should want that outcome;
- what is in it for the EU to accept that outcome
- Consequences of not achieving that outcome.
- Any technical or legal barriers to achieving that outcome

a.) A so called 'hard Brexit' with the addition of powers returning from the EU which relate to a devolved competence being centralised to Westminster and managed as a UK framework. *Please also summarise any key issues related to independence which you consider may have an effect on this scenario and which may require special and/or early consideration.*

[Redacted: s29(1)(a)]

b.) A so called 'hard Brexit' with powers returning from Brussels being devolved in line with existing competence and a negotiation between UK Government and devolved administrations to establish appropriate frameworks. Please also summarise any key issues related to independence which you consider may have an effect on this scenario and which may require special and/or early consideration.

[Redacted: s29(1)(a)]

c.) A so called 'soft Brexit' i.e. a Brexit deal which is close to, or equivalent to membership of the European Single Market, including through elements of the model set out in Scotland's Place in Europe. Please also summarise any key issues related to independence which you consider may have an effect on this scenario and which may require special and/or early consideration.

[Redacted: s29(1)(a)]

What are our negotiating priorities? It would be useful to attached a ranking or prioritisation to the areas that you specify. This is not intended to be reductionist, depending on your policy area you may have a couple of groups of priorities; many directorates in SG cover multiple policy areas, so use the most relevant level for you of thinking about this.

a.) A so called 'hard Brexit' with the addition of powers returning from the EU which relate to a devolved competence being centralised to Westminster and managed as a UK framework. Please also summarise any key issues related to independence which you consider may have an effect on this scenario and which may require special and/or early consideration

[Redacted: s29(1)(a)]

b.) A so called 'hard Brexit' with powers returning from Brussels being devolved in line with existing competence and a negotiation between UK Government and devolved administrations to establish appropriate frameworks. *Please also summarise any key issues related to independence which you consider may have an effect on this scenario and which may require special and/or early consideration.*

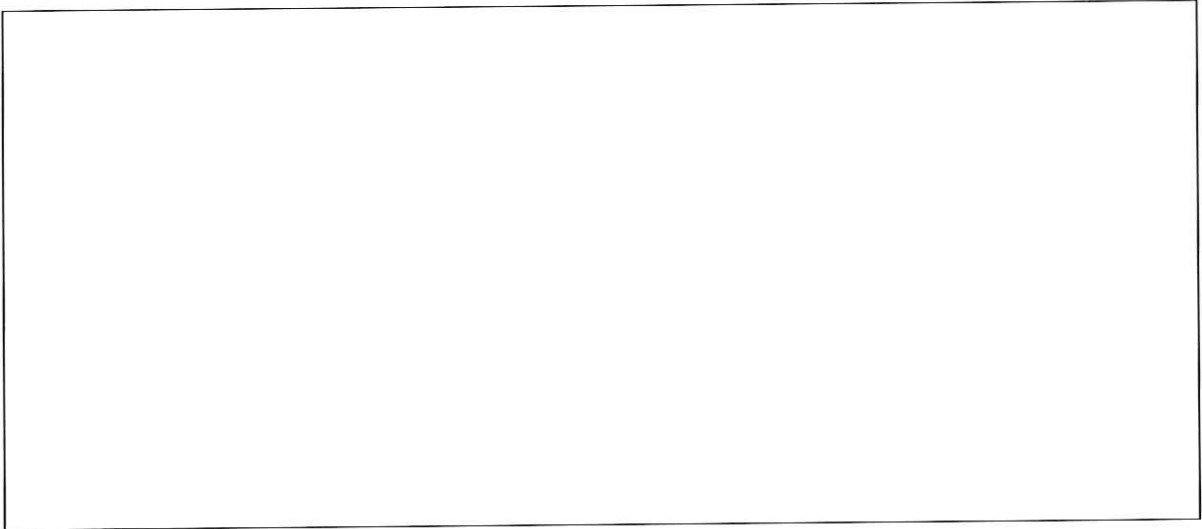
[Redacted: s29(1)(a)]

c.) A so called 'soft Brexit' i.e. a Brexit deal which is close to, or equivalent to membership of the European Single Market, including through elements of the model set out in Scotland's Place in Europe. *Please also summarise any key issues related to independence which you consider may have an effect on this scenario and which may require special and/or early consideration.*

[Redacted: s29(1)(a)]

Key points of interest and tensions with key stakeholders. Please consider any detail any stated preference your stakeholders may have for a preferred scenario and actions they want the SG to be taking as well as conflicting stakeholder views within your policy area or potential divergence with SG policy positions.

[Redacted: s29(1)(a)]



Please complete this template by **Friday 30 June** and return to the European Strategy mailbox at: EUStrategy&Engagement@gov.scot

IDENTIFYING AND ARTICULATING SCOTTISH GOVERNMENT NEGOTIATION PRIORITIES

1. This section is designed to prompt your thinking around priorities and associated outcomes for your individual policy areas, so that we approach the negotiations across the piece in a coherent and consistent way, with robust evidence to support our position.
2. Within the UK negotiating position on any given issue we need to be in a position to articulate our ideal outcomes and associated key priorities, including any deal breakers. As good negotiating practice, in addition to articulating our ideal outcome, we must also know for ourselves our minimum acceptable outcome or alternative, such as further devolution in a given area.
3. Any position must be accompanied with robust and persuasive evidence which demonstrates:
 - why Scotland needs that outcome;
 - why the UK should want that outcome;
 - what is in it for the EU to accept that outcome and;
 - consequences of not achieving both our desired outcome and our minimum acceptable outcome or alternative
4. Wherever possible we should also collect and articulate evidence where the EU already has existing arrangements which reflect the outcome we want, for example in agreements with third countries or other international bodies. If no such existing arrangement exists, we need to have a very robust argument as to what the EU would gain by accepting a new precedent in this relationship.

Exit Negotiations and Future Relationship:

5. It will be important for the Scottish Government to have a clear position on both the exit negotiations and future relationship with the EU. As the process for negotiations is firmed up and agreed between the UK and the EU, the sequence and timing for when we would need to know this will become clearer.
6. In relation to the **Exit Negotiations** this *could* involve:
 - Recognition of ongoing liabilities in respect of EU fees/bill to account for any funding due beyond exit on projects or programmes approved pre-exit.
 - Bearing in mind the balance between future relationship and EU exit – if the two were not likely to be adjacent, what bodies, programmes or organisations would we absolutely HAVE to retain access to. It would be useful to attached a ranking or prioritisation to these, so for example continued participation in Europol or the European Arrest Warrant scheme might be considered essential on day 1 of exit, whereas continued participation in Horizon 2020 might be desirable, but not essential (provided that it is to be part of a future negotiation where it may become an essential priority).

7. In developing a view of the desired **future relationship** for your policy area you should consider:

- **What are the key outcomes for your policy area?**

For many areas this can and should be an articulation of everything we currently benefit from within the EU.

Please articulate key outcomes for a desired future relationship in terms of the UK-EU negotiations. As you will be aware the policy and legislation to deal with the domestic consequences of Brexit and repatriation of powers is the subject of a separate co-ordination exercise led by Constitution and UK Relations colleagues (these are the “intra-UK” negotiations)

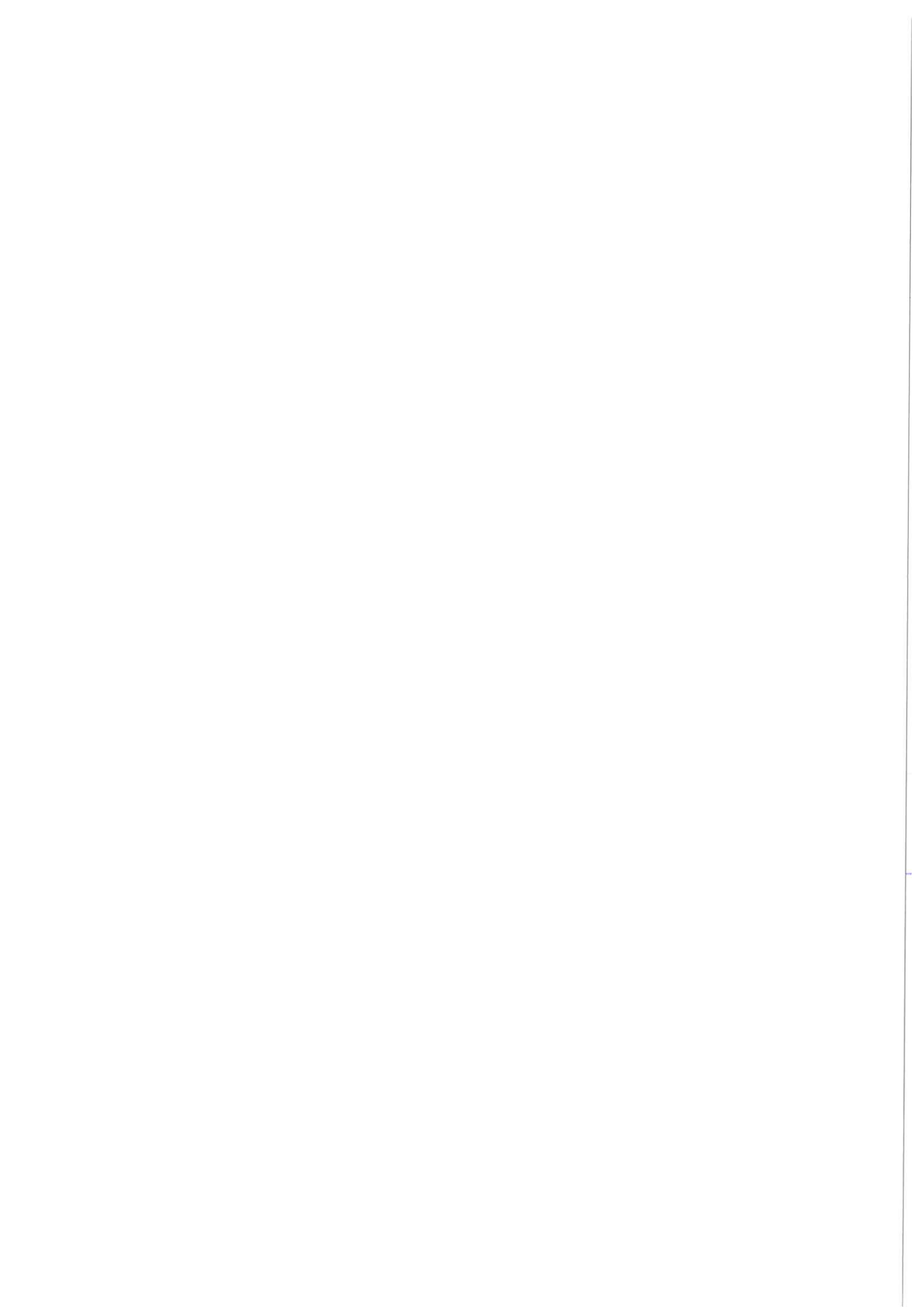
Please also consider whether there are opportunities for new or re-framed relationships with the EU in your areas. What would these look like, and on what basis would Scotland (rather than the UK) be looking to engage in these?

- **What are the negotiation priorities for your policy area?**

It would be useful to attached a ranking or prioritisation to the areas that you specify. This is not intended to be reductionist or final. Depending on your policy area you may have a few groups of priorities; many directorates in SG cover multiple policy areas, so use the most relevant level for you of thinking about this.

You might for example identify priorities within the following categories (not exhaustive):

- *Trade arrangements:* tariffs and quotas, regulatory coherence (remember to consider goods, capital and provision of services where relevant to your sectors)
- *Regulation:* are there important regulatory provisions where maintaining coherence and compliance will be vital – do we want to ask to continue to have a say in their development?
- *Agencies, Bodies, Organisations:* Are there any advisory, regulatory, scientific, operational or delivery bodies we would wish to continue to be part of (what are the consequences of that – an acceptable cost? What if regulation/policy diverges?)
- *Funding Programmes:* particularly competitive, direct funding streams like Horizon 2020, LIFE+ (what are the consequences of that – an acceptable cost? What if regulation/policy diverges?)



Directorate: Learning Completed by: **Mick Wilson**

Please ensure your answers address the direct impact on your Directorate and on any NDPBs or Agencies for which you are responsible.
 If an answer is deemed as 'N/A', please explain why it is not applicable. Guidance on RAG ratings is provided on pages 10-12.

Readiness Criteria	Readiness Questions	RAG Response April 2018			Please include commentary if there has been any material change affecting organisational readiness, or your RAG rating, since your last response.
		Current Assessment	RAG	Assessment	
Capacity and Capability	<p>Please note: Information relating to your capacity and capability requirements will be extracted from your latest BUD 1 submissions.</p> <p>1a How well do your Directorate governance arrangements support current and future EU-Exit contingency plans within your Directorate and DG family? You may want to consider: - whether you are in a position to generate assurance and contribute to the DG assurance process.</p> <p>1b How confident are you that your resource plans and allocated budgets take into consideration PFG commitments and EU-Exit requirements, and are deliverable?</p>	RED	AMBER	GREEN	
					- [REDACTED] s.30(b)(ii)
					- [REDACTED] s.30(b)(ii)

	<p>1c How confident are you that you have identified risk to delivery in your policy area by a lack of SG workforce in other SG directorates or in public bodies? You may want to consider:</p> <ul style="list-style-type: none"> - <i>whether you have identified all risks to delivery influenced by challenges within other Directorates or in the wider workforce;</i> - <i>what is getting in the way of making progress</i> - <i>what help or advice you would find useful</i> 					<p>- [REDACTED] s.30(b)(ii)</p>
Legislative Consequences	<p>2a How confident are you that all relevant legislation within your policy area which will be affected by EU-Exit has been identified?</p>					<p>- [REDACTED] s.30(b)(ii)</p>
	<p>2b How confident are you that you will be able to deliver mitigating legislative solutions in sufficient time? You may want to consider:</p> <ul style="list-style-type: none"> - <i>whether you have discussed this with the relevant SG contacts / UKG contacts;</i> - <i>whether you have identified legislation in another policy area or Directorate which will impact on your responsibilities and vice versa;</i> - <i>whether you have identified whether affected legislation will impact on the operation of your NDPBs/Agencies;</i> - <i>what is getting in the way of making progress;</i> - <i>what help or support you would find useful.</i> 					<p>- [REDACTED] s.30(b)(ii)</p>
	<p>2c How confident are you that you have identified opportunities to enhance devolved responsibilities as a result of EU-Exit? You may want to consider:</p> <ul style="list-style-type: none"> - <i>your awareness of the SG's work with regard to enhancing devolved responsibilities as part of EU-Exit preparations;</i> 					<p>- [REDACTED] s.30(b)(ii)</p>

	<ul style="list-style-type: none"> - discussions held or still required with DEXA, Strategy & Constitution and SGLD colleagues; - what is getting in the way of making progress; what help or support you would find useful. 								
2d	<p>How confident are you that you have identified risks arising from any legislative deficiencies?</p>								- [REDACTED] s.30(b)(ii)
3a	<p>How confident are you that you have a thorough understanding of those policy issues in your Directorate that will be affected by EU-Exit? You may want to consider:</p> <ul style="list-style-type: none"> - the impact your policies will have on other Directorates/policy areas or vice versa; - direct and indirect impact on the work of your NDPBs/Agencies? - whether you have identified all delivery and operational risks arising in your policy areas? 								- [REDACTED] s.30(b)(ii)
3b	<p>How confident are you that you will be able to carry out the policy work that is required to prepare for EU-Exit, and to ensure that we have policy continuity at the point of EU-Exit? You may want to consider:</p> <ul style="list-style-type: none"> - the extent to which you have developed policy options depending on scenario; - the extent to which you are dependent on other Directorates within the SG, or other factors; - what is getting in the way of making progress - what help or support you would find useful - the impact of the risks you have identified 								- [REDACTED] s.30(b)(ii)

Policy Implications

3c	<p>How confident are you that you have identified implications and solutions for non-statutory rules, codes or standards in your area affected by withdrawal? You may want to consider:</p> <ul style="list-style-type: none"> - <i>whether you have identified where implications within other Directorates/policy areas will have impacts on you and vice versa;</i> - <i>whether you have identified where implications, direct or indirect, will fall on your NDPBs/Agencies;</i> - <i>what is getting in the way of making progress;</i> - <i>what help or support would you find useful.</i> 					- [REDACTED] s.30(b)(ii)
3d	<p>How confident are you that you will be able to offer advice to, engage with, and secure decisions from Ministers on policy options? You may want to consider:</p> <ul style="list-style-type: none"> - <i>the identification of cross-cutting impacts and issues requiring coordination between Ministerial portfolios;</i> - <i>what is getting in the way of making progress;</i> - <i>what help or support you would find useful.</i> 					- [REDACTED] s.30(b)(ii)
3e	<p>How confident are you of identifying opportunities to mitigate the challenges of EU-Exit by developing new policy proposals (separate from the powers discussed in earlier questions)? You may want to consider:</p> <ul style="list-style-type: none"> - <i>whether Ministerial priorities could be delivered differently;</i> - <i>discussions you have had or require to have with DEXA and Strategy and Constitution Directorate;</i> - <i>what is getting in the way of making progress</i> - <i>what help or support you would find useful.</i> 					- [REDACTED] s.30(b)(ii)

Fiscal Implications									
4a	<p>How confident are you that you have identified all EU funding streams relevant to your area? You may want to consider</p> <ul style="list-style-type: none"> - assessments made or required on the impact on funds that you receive or administer; - your summary of funding impact to colleagues in Finance; - consideration of the impact on the work of NDPBs/Agencies for which you are responsible; - key risks identified to delivery of Ministers policies emerging from the position with EU Funding streams; - what is getting in the way of making progress; - what help or support you would find useful. 								<p>A small number of stakeholder requests for replacement funding have emerged recently. We have not reached a full understanding, or position, on these at this stage.</p> <ul style="list-style-type: none"> - [REDACTED] s.30(b)(ii)
4b	<p>How confident are you that you have a robust cost analysis in place to identify overall financial shortfall and potential gaps as a result of EU-Exit? You may want to consider</p> <ul style="list-style-type: none"> - discussions held or to be held with your Finance Business Partner; - identification of specific risks presented by any shortfall; - what is getting in the way of making progress; - what help or support you would find useful. 								<ul style="list-style-type: none"> - [REDACTED] s.30(b)(ii)
4c	<p>How confident are you of developing plans for mitigation to deal with any gaps in funding?</p>								<ul style="list-style-type: none"> - [REDACTED] s.30(b)(ii)
4d	<p>How confident are you that you will be able to identify areas of agreement / disagreement with UKG concerning a funding settlement which affects your current funding streams? You may want to consider:</p> <ul style="list-style-type: none"> - any mitigation work which has been or requires to be carried out. 								<ul style="list-style-type: none"> - [REDACTED] s.30(b)(ii)

	4e	How far are you able to assess and quantify the risk of fiscal changes from withdrawal on workforce capacity in public bodies and or delivery agencies?					- [REDACTED] s.30(b)(ii)
Negotiation Priorities	5a	<p>How confident are you that your negotiation dossier has been developed to include financial and legislative implications? You may want to consider:</p> <ul style="list-style-type: none"> - <i>the negotiation dossier agreed with DEXA;</i> - <i>if you do not have a negotiation dossier, how well developed plans are to develop this with DEXA;</i> - <i>discussions to date with your Finance Business Partner, Finance Constitution Policy team and SGLD?</i> - <i>reviews of negotiation priorities and strategy in consultation with DEXA;</i> - <i>what is getting in the way of making progress;</i> - <i>what help or support you would find useful.</i> 					- [REDACTED] s.30(b)(ii)
	5b	<p>How confident are you that you have a deep understanding of your negotiation priorities including analysis of the potential impact of future partnership models? You may want to consider:</p> <p><i>discussions to date or scheduled with DEXA / key contacts within the UKG to progress this?</i></p>					- [REDACTED] s.30(b)(ii)
	5c	<p>How confident are you about relationships with UKG counterparts in respect of negotiation priorities? You may want to consider:</p> <ul style="list-style-type: none"> - <i>the effectiveness of your working dialogue with key contacts and counterparts in the UK government;</i> - <i>what is getting in the way of making progress;</i> - <i>what help and support would be useful.</i> 					- [REDACTED] s.30(b)(ii)

Engagement and Relationships						
6a	<p>How confident are you about the effectiveness of your current channels of communication with your counterparts / partners in UKG in supporting general EU-Exit dialogue? You may want to consider:</p> <ul style="list-style-type: none"> - <i>the effectiveness of current partnership working channels (e.g. on development of frameworks, legislation, operational readiness);</i> - <i>channels which are necessary but not yet developed;</i> - <i>what is getting in the way of making progress;</i> - <i>what help and support you would find useful.</i> 					- [REDACTED] s.30(b)(ii)
6b	<p>How confident are you that you can communicate authoritatively and effectively with funding partners on relevant aspects of funding and EU-Exit issues?</p>					- [REDACTED] s.30(b)(ii)
6c	<p>How confident are you around channels of communication with external bodies and partners on policy and other issues arising from withdrawal? You may want to consider:</p> <ul style="list-style-type: none"> - <i>how confident you are that you know all of those who will be affected;</i> - <i>work taking place or to take place with colleagues across Directorates with common stakeholders?</i> 					- [REDACTED] s.30(b)(ii)
6d	<p>How confident are you that links are being made with potential parties outside the EU who may be interested in working with Scotland? You may want to consider:</p> <ul style="list-style-type: none"> - <i>discussions which have taken place or need to take place on potential opportunities with DEXA?</i> 					- [REDACTED] s.30(b)(ii)
6e	<p>How confident are you that current working relationships with EU partners and stakeholders will be protected post EU-Exit? You may want to consider:</p>					- [REDACTED] s.30(b)(ii)

		<ul style="list-style-type: none">- <i>whether you will have channels in place to keep track of EU developments post EU-Exit;</i>- <i>any risks associated with the maintenance of these relationships;</i>- <i>what help and support you would find useful including from the Brussels office and other hubs</i>				
Workforce Impact	7a	<p>How confident are you that you have identified the potential workforce impacts of EU-Exit on public bodies or delivery agencies? You may want to consider:</p> <ul style="list-style-type: none">- <i>your engagement with the CEO or HR lead;</i>- <i>how far you have shared emerging issues and risks with the Workforce Impact Project;</i>- <i>what is getting in the way of making progress;</i>- <i>what help or support would be useful.</i>				- [REDACTED] s.30(b)(ii)
	7b	<p>How confident are you that you your public bodies or delivery agencies are planning for the potential impacts of EU-Exit on their current and future workforce? You may want to consider:</p> <ul style="list-style-type: none">- <i>discussions which have taken place on impact;</i>- <i>work to identify key risks;</i>- <i>work to develop mitigating actions;</i>- <i>the sharing of emerging risks with the Workforce Impact Project;</i>- <i>what is getting in the way of making progress;</i>- <i>what help or support would be useful.</i>				- [REDACTED] s.30(b)(ii)
IT Systems	8a	<p>How confident are you of being able to identify the digital impact on your area as a result of EU-Exit? You may want to consider:</p> <ul style="list-style-type: none">- <i>likely change to the usage of Scottish Government IT systems and infrastructure due to increased numbers of</i>				- [REDACTED] s.30(b)(ii)

	<p>staff, the opening of new offices, or the establishment of new organisations;</p> <ul style="list-style-type: none"> - any new IT systems which will be required or any existing systems to be changed significantly; - discussions held or to be held with Digital colleagues ; - what is getting in the way of making progress; - what help and support would be useful . 				
8b	<p>How confident are you that you have scoped which (if any) data or systems not currently hosted on Scottish Government infrastructure or within the UK may be affected by EU-Exit and that you know how to go about accessing the relevant support organisations to discuss necessary amendments? You may want to consider:</p> <ul style="list-style-type: none"> - cloud services in your business area which are hosted within the EU and the potential implications for usage and access as a result of EU-Exit; - data hosted within the EU and the potential implications for usage and access as a result of EU-Exit; - risks associated with this. 				- [REDACTED] s.30(b)(ii)

Risks	<p>9a</p> <p>Over and above specific risks mentioned in previous sections, how confident are you that you have identified any operational risks (e.g. delays at ports, inability for a function to operate) arising in your policy area? You may want to consider:</p> <ul style="list-style-type: none"> - whether developments in reserved areas have any impacts on devolved functions; - the timescale in which any risks would materialise (before, during or after EU-Exit); - the prioritisation of risks; - what is getting in the way of identifying risks; 				- [REDACTED] s.30(b)(ii)
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	<p>- <i>what help and support you would find useful.</i></p> <p>How confident are you of developing solutions to mitigate operational risks? You may want to consider:</p> <ul style="list-style-type: none"> - <i>whether you have identified who you need to work with to mitigate risks;</i> - <i>what is getting in the way of developing solutions to mitigate risks;</i> - <i>what help and support would you find useful.</i> 				<p>- [REDACTED] s.30(b)(ii)</p>
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RAG Criteria for Assessment

Capacity and Capability

- **Green:** “The roles and people required have been identified, articulated, and are affordable, with measures having been put in place to mitigate against any delays in securing the right resource at the right time. Clear and achievable workforce plans are in place which allow capability and capacity requirements to be met.”
- **Amber:** “The roles and people required have been identified and clearly articulated. Some work may exist to ensure these are affordable with further prioritisation required; however plans exist to do so. Workforce plans indicate that filling these roles will be achievable although work has not yet commenced. Further work is required to buy/build/borrow to meet the capability requirements.”

- **Red:** “The roles and people required have not been fully identified or articulated. Significant gaps with affordability exist where prioritisation options within the target portfolio have been exhausted or are unlikely. There is a lack of clarity on the capability requirements and/or these are not readily available.”

Legislative Consequences

- **Green:** “All legislation that will be affected by withdrawal has been identified, legislative solutions are being determined, and a programme for proposal delivery has been scoped out and is being followed.”
- **Amber:** “All legislation that will be affected by withdrawal has been identified, with work on-going to explore possible legislative solutions and a programme for proposal delivery.”
- **Red:** “Legislation that will be affected by withdrawal has not been identified, and/or legislative solutions and a programme for proposal delivery have yet to be considered.”

Policy Implications and Delivery Risks

- **Green:** “Necessary and sufficient action is identified, resourced, and on track.”
- **Amber:** “The action required is not fully known, not fully resourced, or not on track, but plans are in place to remedy this.”
- **Red:** “It is not currently possible to assess what action is required, or to know that it can be achieved.”

Fiscal Implications

- **Green:** “All EU funding streams have been identified, robust cost analysis has been undertaken in relation to these streams in the context of EU-Exit / a UK funding settlement, and mitigating actions have been identified to cover any fiscal shortfalls that may arise.”
- **Amber:** “All EU funding streams have been identified, work is advanced on performing robust cost analysis in relation to these streams in the context of EU-Exit / a UK funding settlement, and thought has been given to what mitigating actions might be needed to cover any fiscal shortfalls that may arise.”
- **Red:** “EU funding streams have not all been identified, and/or work has not started on performing robust cost analysis in relation to these streams in the context of EU-Exit / a UK funding settlement, and thought has not been given to what mitigating actions might be needed to cover any fiscal shortfalls that may arise.”

Negotiation Priorities

- **Green:** “Negotiation priorities have been identified, articulated, and costed, with measures having been put in place to mitigate against any uncertainties or unexpected outcomes that arise from the negotiations process.”
- **Amber:** “Negotiation priorities have been identified and progress has been made on costing implications, whilst thought has been given to what mitigating measures will be needed to deal with any uncertainties or unexpected outcomes that arise from the negotiations process”.
- **Red:** “Negotiation priorities have not been identified, articulated or costed, and/or plans to mitigate any uncertainties or unexpected outcomes that arise from the negotiations process have yet to be considered.”

Engagement and Relationships

- **Green:** “Close relationships and engagement with key bodies and interest groups, with well aligned interests.”
- **Amber:** “Frequent contact and clear lines of communication, with a developing relationship.”
- **Red:** “Little to no communication or engagement with key bodies and interest groups, no relationship to speak of.”

IT Systems

- **Green:** “Necessary and sufficient action is identified, resourced, and on track.”
- **Amber:** “The action required is not fully known, not fully resourced, or not on track, but plans are in place to remedy this.”
- **Red:** “It is not currently possible to assess what action is required, or to know that it can be achieved.”

Workforce Impact

- **Green:** “discussions have taken place on impact and sufficient mitigating actions identified, resourced and on track”;
- **Amber:** “The action required is not fully known, not fully resourced, or not on track, but plans are in place to remedy this.”
- **Red:** “Discussions have not taken place or it is not currently possible to assess what action is required.”

From: [Redacted S.38(1)(b)]
Sent: 01 August 2018 16:59
To: [Redacted S.38(1)(b)]
Cc: [Redacted S.38(1)(b)] Wilson M (Mick) [Redacted S.38(1)(b)]
Subject: BREXIT - [Redacted S.29(1)(a)]

[Redacted S.29(1)(a)]

[Redacted S.38(1)(b)]

From: [Redacted S.38(1)(b)]
Sent: 01 August 2018 16:28
To: [Redacted S.38(1)(b)]
Cc: [Redacted S.38(1)(b)]
Subject: RE: BREXIT [Redacted S.29(1)(a)]

[Redacted S.29(1)]

[Redacted S.29(1)(a)]

[Redacted S.38(1)(b)]

From: [Redacted S.38(1)(b)]
Sent: 01 August 2018 14:51
To: [Redacted S.38(1)(b)]
Cc: [Redacted S.38(1)(b)]
Subject: BREXIT - Request for an update on the Recognition of Professional Qualifications Directive 2005/36/EC as implemented by SI 2015/2059

[Redacted S.38(1)(b)]

[Redacted S.29(1)(a)]

[Redacted S.38(1)(b)]

[Redacted S.38(1)(b)]

From: [Redacted S.38(1)(b)]
Sent: 01 August 2018 14:38
To: [Redacted S.38(1)(b)]
Cc: [Redacted S.38(1)(b)]
Subject: BREXIT [Redacted S.29(1)(a)]

Importance: High

[Redacted S.38(1)(b)]

Can you let me know whether SG has had any update on what is happening at policy level in relation to Brexit and the directive on recognition of professional qualifications.

I have an interest from the point of view of teachers – but you will be aware that the directive covers a wider range of professions. [Redacted S.36(1)]

[Redacted S.38(1)(b)]

From: [Redacted S.38(1)(b)]
Sent: 31 July 2018 14:55
To: Wilson M (Mick) [Redacted S.38(1)(b)]
Cc: [Redacted S.38(1)(b)] Hicks C (Clare) [Redacted S.38(1)(b)]
Subject: RE: BREXIT - legislative programme

Mick,

Now with additional sentence in red.

[Redacted S.36(1)]

[Redacted S.38(1)(b)]

Directive 2005/36/EC on the recognition of professional qualifications within Member States

The European Union (Recognition of Professional Qualifications) Regulations 2015 (SI 2015/2059).

The General Teaching Council for Scotland (GTCS) Registration and Standards Rules (December 2015) apply the regulations that preceded the 2015 Regulations (same title, SI 2007/2781) to the effect that they allow full registration in Scotland of EEA nationals (i.e. nationals of any EU member state or Norway, Iceland or Liechtenstein) who are qualified teachers in their home state so long as they meet certain formal conditions and

requirements. The GTCS is the Competent Authority for teachers in Scotland in terms of Part 1 of Schedule 1 to the 2015 Regulations, and as such it has certain important functions relating to recognition, notification, etc under the Regulations.

[Redacted S.29(1)(a)]

From: Wilson M (Mick)
Sent: 30 July 2018 17:02
To: [Redacted S.38(1)(b)]
Cc: [Redacted S.38(1)(b)] Hicks C (Clare) [Redacted S.38(1)(b)]
Subject: RE: BREXIT - legislative programme

[Redacted S.38(1)(b)]
[Thank you \[Redacted S.29\(1\)\(a\)\]](#)

Mick Wilson
Deputy Director, Education Analysis
[Redacted S.38(1)(b)]

From: [Redacted S.38(1)(b)]
Sent: 26 July 2018 14:51
To: Wilson M (Mick)
Cc: [Redacted S.38(1)(b)] Hicks C (Clare); [Redacted S.38(1)(b)]
Subject: RE: BREXIT [Redacted S.29(1)(a)]

Mick,

Will this do you?

Directive 2005/36/EC on the recognition of professional qualifications within Member States
The European Union (Recognition of Professional Qualifications) Regulations 2015 (SI 2015/2059).

The General Teaching Council for Scotland Registration and Standards Rules (December 2015) apply the regulations that preceded the 2015 Regulations (same title, SI 2007/2781) to the effect that they allow full registration in Scotland of EEA nationals (i.e. nationals of any EU member state or Norway, Iceland or Liechtenstein) who are qualified teachers in their home state so long as they meet certain formal conditions and requirements. The GTCS is the Competent Authority for teachers in Scotland in terms of Part 1 of Schedule 1 to the 2015 Regulations, and as such it has certain important functions relating to recognition, notification, etc under the Regulations.

[Redacted S.29(1)(a)]

Thanks

David

From: Wilson M (Mick)
Sent: 19 July 2018 12:32
To: [Redacted S.38(1)(b)]
Cc: [Redacted S.38(1)(b)] Logan G (Graeme) [Redacted S.38(1)(b)] Hicks C (Clare) [Redacted S.38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [Redacted S.38(1)(b)]
Subject: BREXIT [Redacted S.29(1)(a)]

[Redacted S.38(1)(b)]
We have discussed legislative impacts of Brexit on numerous occasions. [Redacted S.29(1)(a)]

[REDACTED s29(1)(a)]

Mick Wilson
Deputy Director, Education Analysis
[Redacted S.38(1)(b)]

From: Mick Wilson
Education Analytical Services
6 August 2018

Deputy First Minister and Cabinet Secretary for Education and Skills

Legislative consequences of EU Exit – Learning & ELC Directorates

Purpose

1. This submission updates you on our preparations on the legislative consequences of EU Exit following the Cabinet Discussion on 18 June. At that discussion, Cabinet agreed to:

- a) the basis on which the Scottish Government will work with the UK Government to achieve a proportionate, responsible level of preparedness for EU exit;
- b) the risk mitigation approach to identifying those areas where preparedness requires planning for a no-deal scenario; and
- c) the delegated responsibility of portfolio ministers for applying this risk-mitigation approach.

Priority

2. [REDACTED]- s.30(b)(i), s.30(c)

Discussion

3.[REDACTED]- s.30(b)(i), s.30(c)

4. [REDACTED]- s.30(c) s.30(b)(i)

Next steps – UK SIs

5. There are two key areas where legislative consequences have been considered:

i) [REDACTED]- s.36(1)

ii) [REDACTED]- s.36(1)

[REDACTED]- s.36(1)

6. [REDACTED]- s.36(1)

7. [REDACTED]- s.36(1)

8. [REDACTED]- s.36(1)

9. [REDACTED]- s.36(1)

Mick Wilson

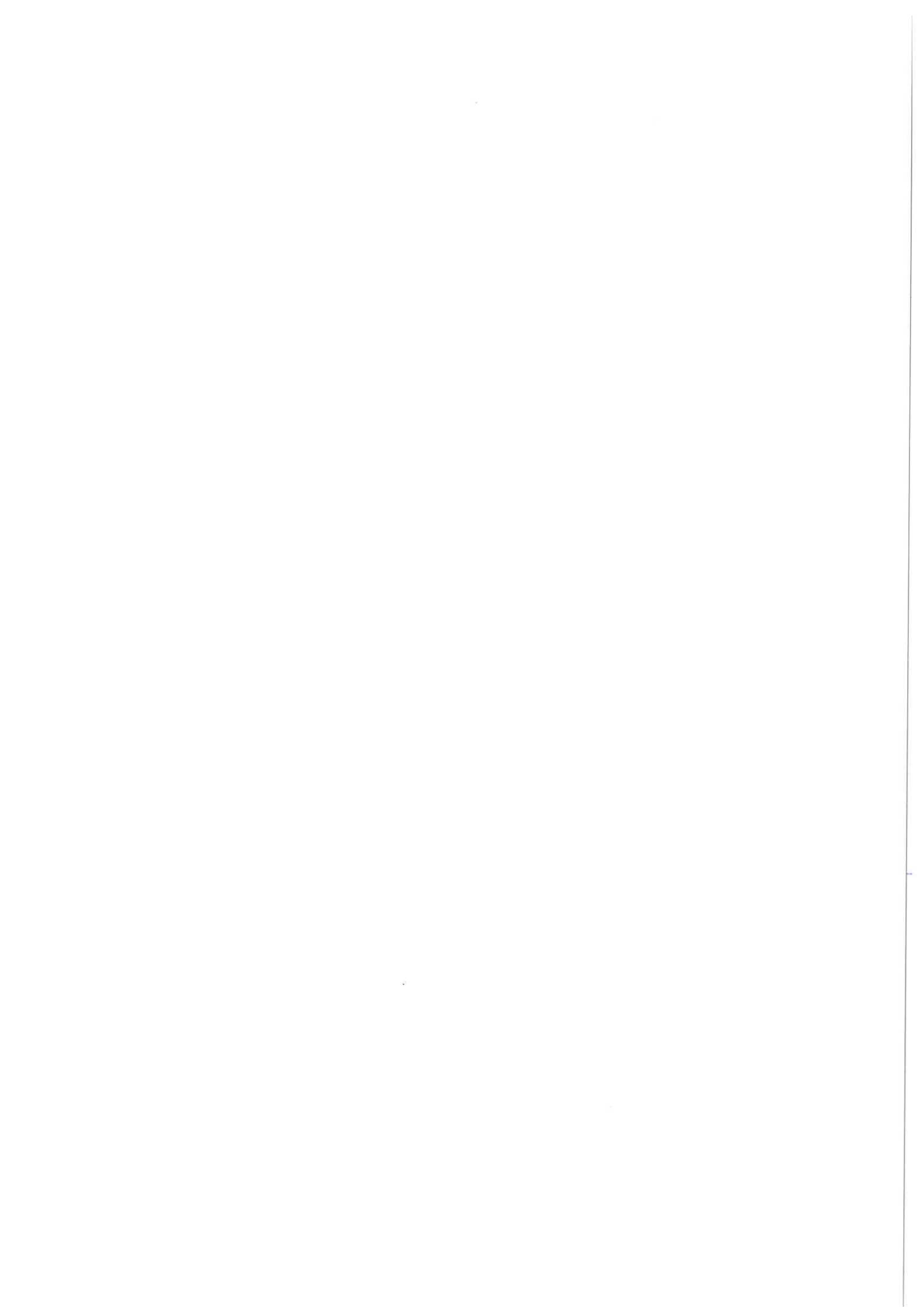
OFFICIAL - SENSITIVE

Deputy Director, Education Analytical Services
x40325

OFFICIAL - SENSITIVE

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for childcare and early years			X		

DG Education, Communities and Justice
 Colin McAllister
 Fiona Robertson
 [Redacted]
 [Redacted]
 David Rogers
 James Hynd
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 Clare Hicks
 Graeme Logan
 [Redacted]
 [Redacted]
 Joe Griffin
 Alison Cumming
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted] s.38(1)(b)



From: [Redacted S.38(1)(b)]

Sent: 02 November 2018 14:01

To: DG Education, [Redacted S.38(1)(b)] Communities & Justice Director for Children and Families [Redacted S.38(1)(b)]>; Director for Housing and Social Justice [Redacted S.38(1)(b)] ; Director of Advanced Learning and Science [Redacted S.38(1)(b)]; Griffin J (Joe) [Redacted S.38(1)(b)]>; Robertson FMG (Fiona) (Director of Learning) [Redacted S.38(1)(b)] Johnston P (Paul)

Cc: [Redacted S.38(1)(b)]

Subject: ECJ EU Exit Risk Session - 8 Nov (1020 to 1200) - Further info including 'No deal' challenge questions to be discussed

Good afternoon ECJ Directors

My name is [Redacted S.38(1)(b)] and I will be facilitating your 'ECJ EU Exit Risk' session on Thursday 8 November (1020 to 1200). As per Action 5 from the 16 August DG ECJ Assurance Meeting (and as per the e-calendar request) the purpose of the session is:

- To examine the key EU Exit issues which would impact not just on ECJ Directorates but the DG ECJ family as a collective, and any public services for which the DG family were responsible.

[Redacted S.38(1)(b)] has asked that the session be focussed on a set of 'No deal' challenge questions to:

- Demonstrate planning
- Consider cross-cutting issues

The questions are as follows.

In preparation for a 'No Deal' European Union Exit:

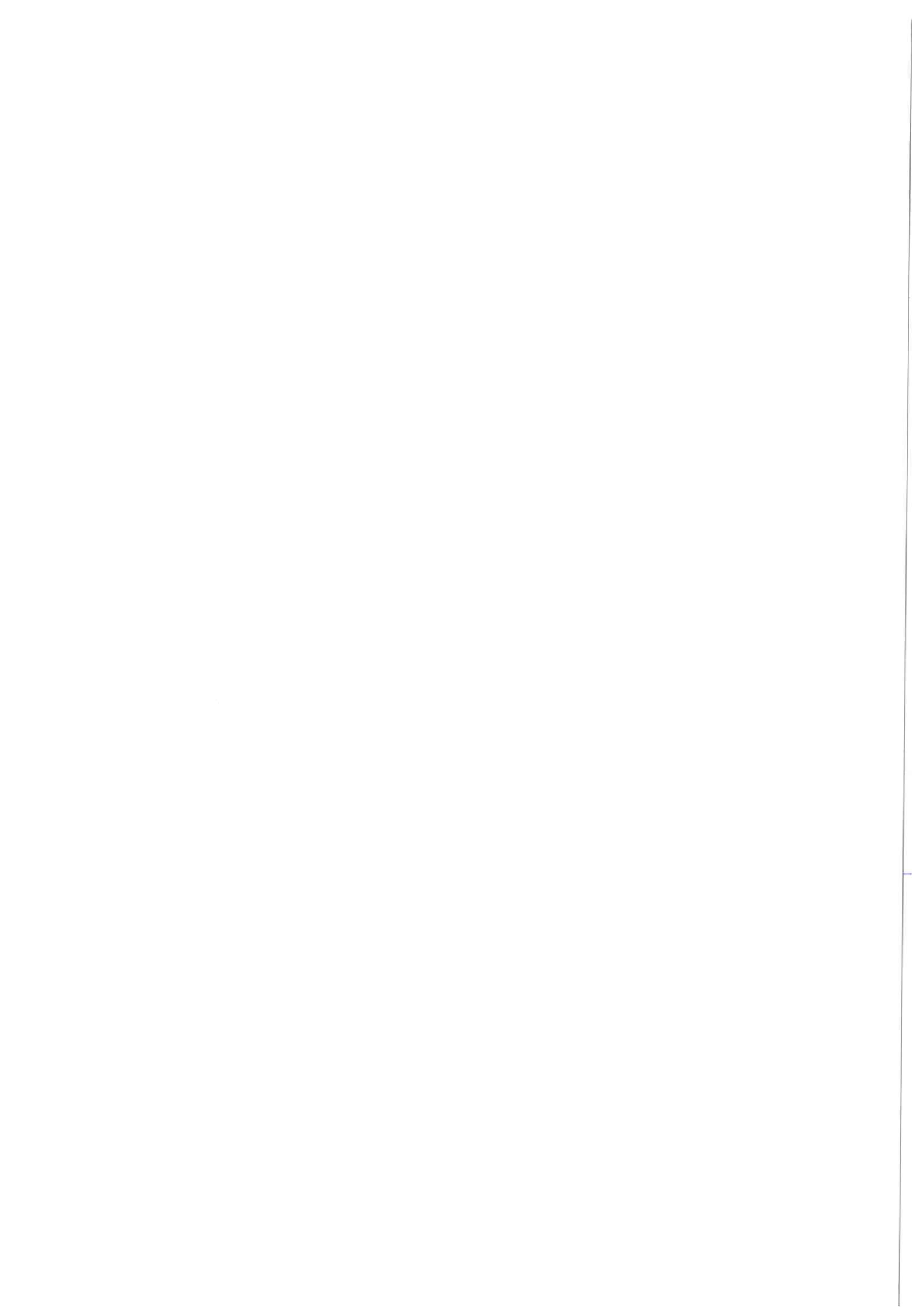
- *What are the key risks (and consequences of these risks) for your area*
- *What are your plans (current and/or emerging) for managing these key risks and consequences*
- *What level of engagement are you having with your UKG counterparts on their No Deal preparations*
- *What are your stakeholder concerns*
- *What may you need to do differently to prepare for a No Deal scenario*

It would be greatly appreciated if you could consider these questions prior to the session so you are able to share a brief overview on the day.

Kind regards

[Redacted S.38(1)(b)]

[Redacted S.38(1)(b)]



From: [Redacted S.38(1)(b)]
Sent: 21 November 2018 08:39
To: [Redacted S.38(1)(b)]
Cc: Bruce A (Andrew) [Redacted S.38(1)(b)] Data protection and information assets Mailbox <dpa@gov.scot>
Subject: RE: Data Protection - No Deal Brexit contingency planning - data flows between UK and Europe - FOR ACTION by 22 November

Hi [Redacted S.38(1)(b)]

Thanks for the e-mail to Andy, i have responded in red below on his behalf.

Happy to discuss.

[Redacted S.38(1)(b)]

From: [Redacted S.38(1)(b)]
Sent: 15 November 2018 12:37
To: iTECS Information Asset Owners [Redacted S.38(1)(b)]
Cc: Data protection and information assets Mailbox [Redacted S.38(1)(b)] DG Organisational Development & Operations [Redacted S.38(1)(b)] Director Digital [Redacted S.38(1)(b)] [Redacted S.38(1)(b)] [Redacted S.38(1)(b)] [Redacted S.38(1)(b)]
Subject: Data Protection - No Deal Brexit contingency planning - data flows between UK and Europe - FOR ACTION by 22 November
Importance: High

For the attention of Information Asset Owners

Thanks to those who responded to the request below from [Redacted S.38(1)(b)]. As she said, that request was a first step and there are follow up questions. Scottish Government (and other DAs and UK Government Departments) has just been asked to send this information to the UKG Cabinet Office and DCMS, as part of Brexit preparations and to inform a brief to UK Ministers. It also helps our own contingency planning.

Please can:

Those that answered Yes to questions 1, 2 or 3 in [Redacted S.38(1)(b)] email now answer questions 4 and 5 immediately below:

4. Do you have a plan in place for ensuring that these data transfers will meet the appropriate safeguards required by ch.5 GDPR, and therefore continue, in a 'no deal' Brexit scenario?
 - Can you provide some detail on (a) your plan to get these safeguards in place, (b) what safeguards you intend to use, and (c) your level of confidence in this current plan?

- The SNSA processor is based in the UK. However the main server for the data is hosted in Dublin with back-up servers in London and Frankfurt. In the event of a no deal brexit we would intend the main server to move to London with a 'cloned' server also in London therefore hosting all the data within the UK. There would be a reduction in resilience should something happen to the London environment and that is something we are currently investigating.

5. Do you anticipate any disruption would be caused to the services you supply to the UK public sector if these safeguards were not put in place?

- Can you identify any specific risks, or organisations that may be particularly affected?
- If this change was not made we do not think our supplier would be able process therefore the assessments would not be able to be taken by any children or young people in Scotland.

Those that did not reply or were only able to reply partially to the request below please check whether you do in fact do anything within scope of the questions and if so, please send a response to all questions.

Please can I receive responses by Thursday 22 November copying them to [Redacted S.38(1)(b)]

If you have technical queries please address them to [Redacted S.38(1)(b)]

Please note: I am now coordinating this (with Resilience colleagues) as it forms part of SG's resilience and business continuity work.

Kind regards

[Redacted S.38(1)(b)]

[Redacted S.38(1)(b)]

From: [Redacted S.38(1)(b)] On Behalf Of Data protection and information assets Mailbox

Sent: 05 November 2018 15:24

To: ITECS Information Asset Owners [Redacted S.38(1)(b)]

Cc: Data protection and information assets Mailbox [Redacted S.38(1)(b)] DG Organisational Development & Operations [Redacted S.38(1)(b)] Director Digital [Redacted S.38(1)(b)] [Redacted S.38(1)(b)] [Redacted S.38(1)(b)] [Redacted S.38(1)(b)]

Subject: Data Protection - No Deal Brexit contingency planning - data flows between UK and Europe - FOR ACTION by 9 November

For the attention of Information Asset Owners

You may have seen the recent press coverage of "no deal" Brexit planning, and the associated information from the UK Government. On 13 September the Department

for Digital, Culture, Media and Sport (DCMS) issued a Technical Notice in respect of data protection. In summary:

- personal data currently flows freely between EU member states, EEA countries and other countries deemed as having adequate arrangements for data protection (listed below**);
- UK Gov is confident of reaching an agreement on leaving the EU, and data protection will be part of this and then UK Gov will work towards achieving a decision on the adequacy of UK arrangements for data protection;
- if agreement is not reached (the “no deal” scenario), then flows of personal data from Europe may stop, as the UK will be a third party country; and
- in recognition of the unprecedented degree of alignment between the UK and EU’s data protection regimes, you would continue to be able to send personal data from the UK to the EU.

If any of the activities in your Division rely **on the transfer of personal data to or from Europe**, then you **must** now identify this data, and possibly take some actions in the event of “no deal”.

As the first step – **please respond to this email by 1700 on 9 November** to let us know if your Division:

1. relies on data coming from any EU member state or states for any of your activities;
2. uses a data processor, or processes data for an organisation, based in any of the countries listed below**; and
3. uses a supplier who sub-contracts data processing to a company based in any of the countries listed below**.

If you answer yes to any of the above we will have some follow-up questions, so please identify a contact in your Division who can provide further information to the DPIA Team.

Thank you.

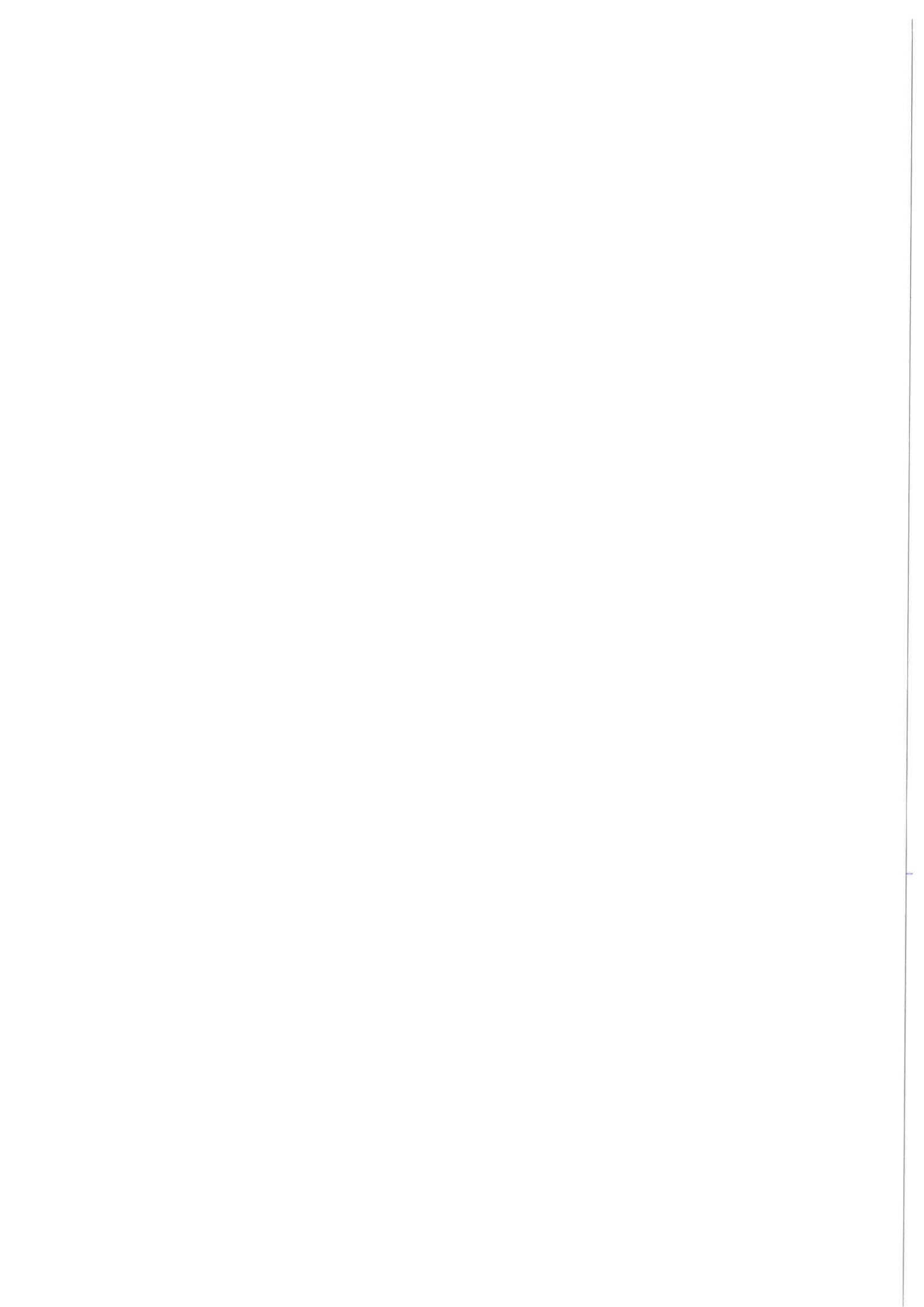
[Redacted S.38(1)(b)]

** Relevant countries:

EU/EEA countries: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Iceland, Liechtenstein and Norway.

OR

Locations with (or nearing) data adequacy agreements: Andorra, Argentina, Canada (only commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Switzerland, Uruguay, USA (as relates to Privacy Shield), Japan.



From: Wilson M (Mick) [Redacted S.38(1)(b)]
Sent: 05 November 2018 15:23
To: Robertson FMG (Fiona) (Director of Learning) [Redacted S.38(1)(b)]
Cc: [Redacted S.38(1)(b)] Hicks C (Clare) [Redacted S.38(1)(b)] Bruce A (Andrew) [Redacted S.38(1)(b)] Sheppard L (Lesley) [Redacted S.38(1)(b)]
Subject: RE: ECJ EU Exit Risk Session - 8 Nov (1020 to 1200) - Further info including 'No deal' challenge questions to be discussed
Importance: High

Fiona,

Short note addressing the questions below is attached for the workshop on Thursday.

The note is intended as briefing for you, and not for submission to Paul/others, necessarily (although I don't think there is anything in it that couldn't be shared, really).

I am not sure if ES will be represented. I am meeting Brian Taylor on 15/11 to discuss EU-exit stuff, as a recent Fol response from them suggested they hadn't done any planning.

I also reattach Learning Directorate's EU-Exit Delivery Plan for ease of reference (the documents overlap a fair bit).

M

Mick Wilson
Deputy Director, Education Analysis
Tel: 40325

From: [Redacted S.38(1)(b)] On Behalf Of Robertson FMG (Fiona) (Director of Learning)
Sent: 02 November 2018 14:20
To: Wilson M (Mick) [Redacted S.38(1)(b)]
Subject: FW: ECJ EU Exit Risk Session - 8 Nov (1020 to 1200) - Further info including 'No deal' challenge questions to be discussed

From: [Redacted S.38(1)(b)]
Sent: 02 November 2018 14:01
To: DG Education, Communities & Justice [Redacted S.38(1)(b)] Director for Children and Families [Redacted S.38(1)(b)] Director for Housing and Social Justice [Redacted S.38(1)(b)] Director of Advanced Learning and Science [Redacted S.38(1)(b)] Gallagher S (Stephen) [Redacted S.38(1)(b)] Griffin J (Joe) [Redacted S.38(1)(b)] Rennick NS (Neil) [Redacted S.38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [Redacted S.38(1)(b)] Russell GE (Gillian) [Redacted S.38(1)(b)] Johnston P (Paul) [Redacted S.38(1)(b)]
Cc: [Redacted S.38(1)(b)]
Subject: ECJ EU Exit Risk Session - 8 Nov (1020 to 1200) - Further info including 'No deal' challenge questions to be discussed

Good afternoon ECJ Directors

My name is [Redacted S.38(1)(b)] and I will be facilitating your 'ECJ EU Exit Risk' session on Thursday 8 November (1020 to 1200). As per Action 5 from the 16 August DG ECJ Assurance Meeting (and as per the e-calendar request) the purpose of the session is:

- To examine the key EU Exit issues which would impact not just on ECJ Directorates but the DG ECJ family as a collective, and any public services for which the DG family were responsible.

Gillian has asked that the session be focussed on a set of 'No deal' challenge questions to:

- Demonstrate planning
- Consider cross-cutting issues

The questions are as follows.

In preparation for a 'No Deal' European Union Exit:

- *What are the key risks (and consequences of these risks) for your area*
- *What are your plans (current and/or emerging) for managing these key risks and consequences*
- *What level of engagement are you having with your UKG counterparts on their No Deal preparations*
- *What are your stakeholder concerns*
- *What may you need to do differently to prepare for a No Deal scenario*

It would be greatly appreciated if you could consider these questions prior to the session so you are able to share a brief overview on the day.

Kind regards

[Redacted S.38(1)(b)]

[Redacted S.38(1)(b)]

ECJ EU-Exit risk workshop – 8 November 2018

Session purpose:

To examine the key EU Exit issues which would impact not just on ECJ Directorates but the DG ECJ family as a collective, and any public services for which the DG family were responsible.

In order to:

- *Demonstrate planning*
- *Consider cross-cutting issues*

Questions for discussion:

➤ ***What are the key risks (and consequences of these risks) for your area***

Direct risks

[Redacted: s29(1)(a)]

Indirect (“downstream”) risks

[Redacted: s29(1)(a)]

➤ ***What are your plans (current and/or emerging) for managing these key risks and consequences***

[Redacted: s29(1)(a)]

➤ ***What level of engagement are you having with your UKG counterparts on their No Deal preparations***

[Redacted: s29(1)(a)]

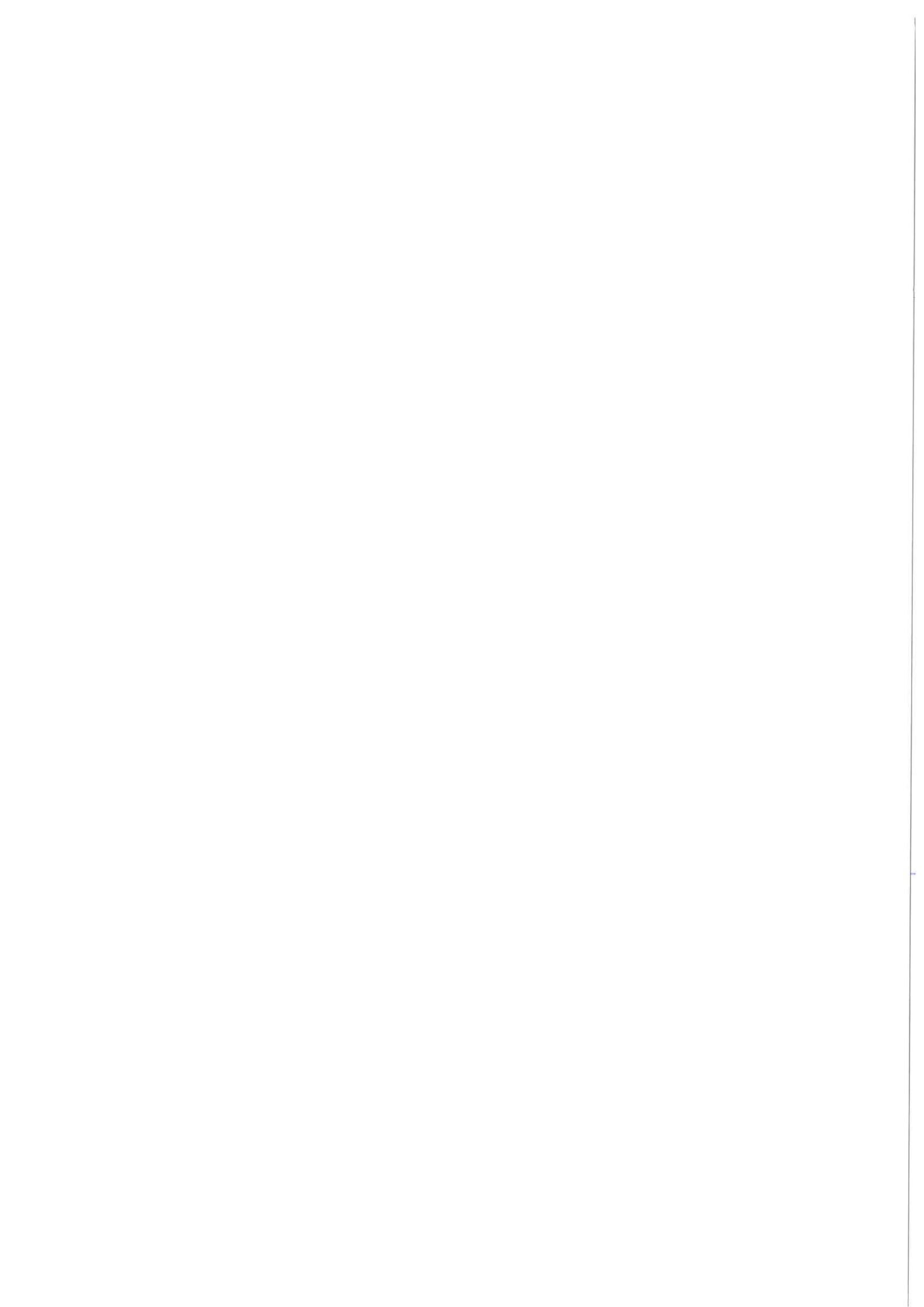
➤ ***What are your stakeholder concerns***

[Redacted: s29(1)(a)]

➤ ***What may you need to do differently to prepare for a No Deal scenario***

[Redacted: s29(1)(a)]

**Learning Directorate
6 November 2018**



From: [Redacted s.38(1)(b)]

Sent: 22 November 2018 13:43

To: Redacted s.38(1)(b)]

Cc: dataprotection <>[Redacted s.38(1)(b)]

Subject: RE: Gaelic Medium Education National Standardised Assessments/Measaidhean Coitcheann Nàiseanta airson Foghlam tron Ghàidhlig - Data Processor Agreement for signature and information security information

Thanks [Redacted s.38(1)(b)], I appreciate the quick response.

Regards,

[Redacted s.38(1)(b)],

From: [Redacted s.38(1)(b)]

Sent: 21 November 2018 19:09

To: Redacted s.38(1)(b)]

Cc: dataprotection [Redacted s.38(1)(b)]

Subject: RE: Gaelic Medium Education National Standardised Assessments/Measaidhean Coitcheann Nàiseanta airson Foghlam tron Ghàidhlig - Data Processor Agreement for signature and information security information

Importance: High

Dear [Redacted s.38(1)(b)]

Thank you for your email.

In terms of your queries re clause 14 I can confirm:

- There is no intention to transfer data outwith the EEA
- Any material change in the data storage requirements for MCNG would require the Scottish Government to revise the Data Protection Impact Assessment (DPIA) also included in your pack and to share for re-signature a revised DPA.

I hope this is helpful.

Kind regards

[Redacted s.38(1)(b)]

Policy Analyst//National Improvement Framework Unit

Tel: [Redacted s.38(1)(b)]

[Redacted s.38(1)(b)]

Learning Directorate//2C North//Victoria Quay// Edinburgh//EH6 6QQ

Aonad Frèam-obrach Leasachaidh Nàiseanta//Raon 2C Tuath//Cidhe Bhictòria//Dùn Èideann



From: [Redacted s.38(1)(b)]

Sent: 21 November 2018 13:37

To: Redacted s.38(1)(b)]

Cc: Redacted s.38(1)(b)]

Subject: RE: Gaelic Medium Education National Standardised Assessments/Measaidhean Coitcheann Nàiseanta airson Foghlam tron Ghàidhlig - Data Processor Agreement for signature and information security information

Hi [Redacted s.38(1)(b)]

Re clause 14 of the DPA:

- can you advise whether there is currently any intention to transfer data outwith the EEA?
- how is the provision for transfer within the EEA likely to be effected by Brexit – would a new DPA be initiated by Scottish Government at that time?

Regards,

[Redacted s.38(1)(b)]

Audit Manager and Data Protection Officer, Stirling Council
Chief Internal Auditor, Clackmannanshire & Stirling Integration Joint Board
Stirling Council
Teith House
Kerse Road
Stirling FK7 7QA

[Redacted s.38(1)(b)]

From: [Redacted s.38(1)(b)]

Sent: 14 November 2018 11:51

To: [Redacted s.38(1)(b)]

Subject: Gaelic Medium Education National Standardised Assessments/Measaidhean Coitcheann Nàiseanta airson Foghlam tron Ghàidhlig - Data Processor Agreement for signature and information security information

Directors of Education

SIROs
MCNG local authority outreach network members

I attach a letter and series of attachments for your information.

The series of documents contained in this email relate to the data protection and information security processes for the Measaidhean Coitcheann Nàiseanta airson Foghlam tron Ghàidhlig (MCNG). The Scottish Government is providing this information as a means of fulfilling its responsibility under the General Data Protection Regulation (2016/679), for ensuring local authorities, as data controllers and service users, have an informed understanding of the risks involved in using the MCNG service. While there is, of course, clear cross-over between the respective data controller/data processor responsibilities and risks this information highlights, and those for the Scottish National Standardised Assessments, I should make clear that the MCNG project is entirely distinct from the SNSA, and data processing and risk and incident handling are dealt with wholly separately.

In addition, I attach a revised version of the Data Processor Agreement (DPA) for the MCNG. This document has been updated to reflect a change in the sub-sub-processors appointed by our supplier, Giglets, to provide the assessment system's service desk function. While we are grateful to those authorities who signed the original DPA we provided in June, we now require all local authorities to sign this amended DPA as soon as possible, in order for their user information to be processed by the MCNG, in time for our intended go-live date of the end of this calendar year.

I would be grateful if you could review the attached documents, and **return the signed copies of the DPA by close of play Friday 23rd November.**

ANDY BRUCE
Deputy Director of the Improvement, Attainment and Wellbeing Division,

[Andy Bruce](#)
[Deputy Director, Improvement, Attainment & Wellbeing](#)
[Learning Directorate](#)

[Redacted s.38(1)(b)]

[Learning Directorate | Area 2C North | Victoria Quay | Edinburgh | EH6 6QQ](#)
[Buidheann-Stiùiridh an Ionnsachaidh | Raon 2C Tuath | Cidhe Bhictòria | Dùn Èideann | EH6 6QQ](#)

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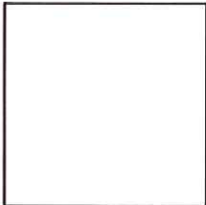
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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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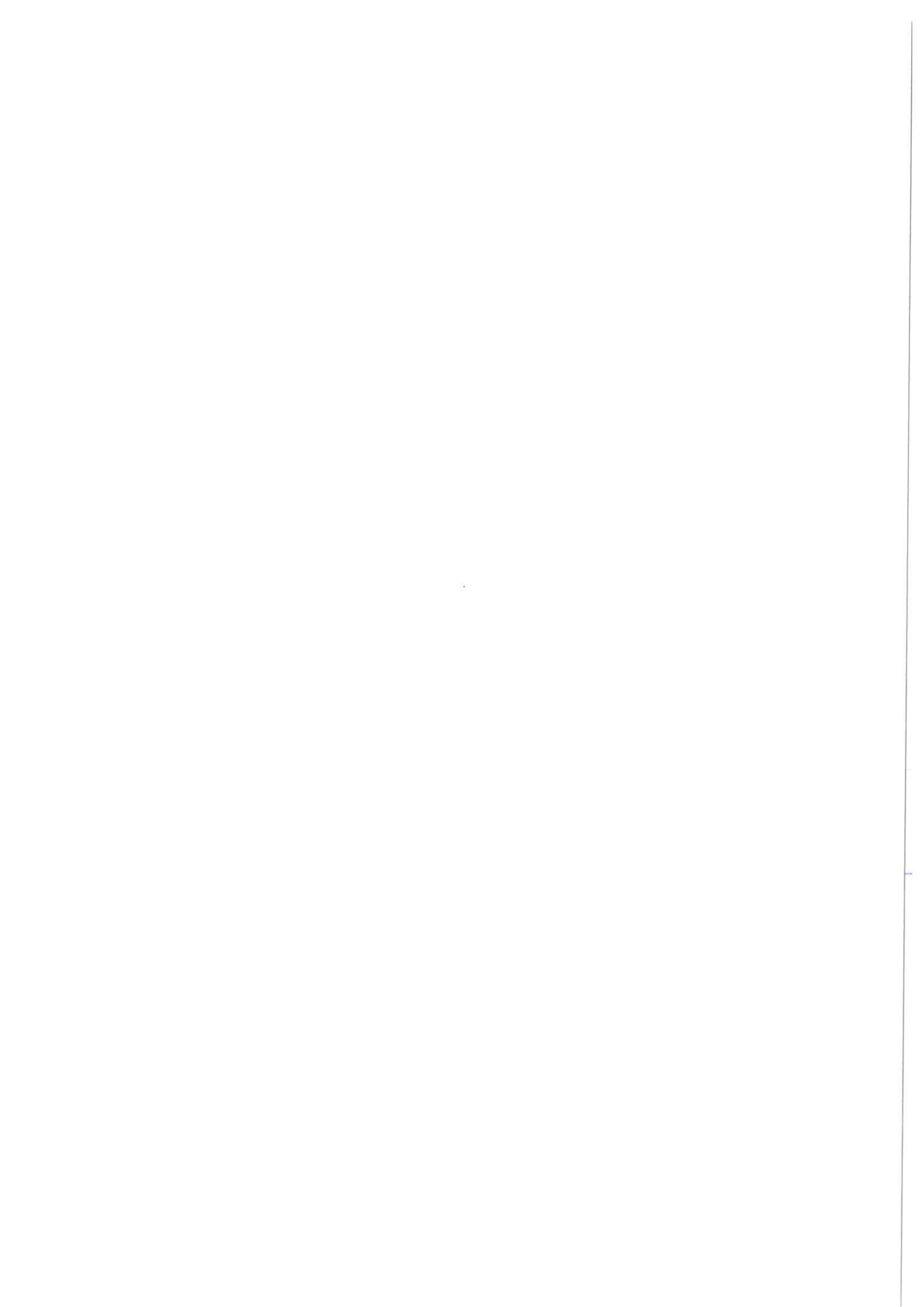


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From: Wilson M (Mick) <Mick.Wilson@gov.scot>
Sent: 23 November 2018 10:09
To: [Redacted S.38(1)(b)] Gallagher S (Stephen) [Redacted S.38(1)(b)]
Cc: Robertson FMG (Fiona) (Director of Learning) [Redacted S.38(1)(b)] [Redacted S.38(1)(b)]
[Redacted S.38(1)(b)]; Sheppard L (Lesley) [Redacted S.38(1)(b)]
Subject: RE: FOR ACTION - EU EXIT – ORGANISATIONAL READINESS – PUBLIC BODIES

Stephen, [Redacted S.38(1)(b)]

Unfortunately, in our Directors absence earlier this autumn, I'm afraid this request slipped through our net. However, here is our assessment of the position in relation to Learning Directorate's two relevant PBs:

[Redacted S.29(1)(a)]

Cheers,

Mick Wilson
Deputy Director, Education Analysis
[Redacted S.38(1)(b)]

From: [Redacted S.38(1)(b)]
Sent: 09 November 2018 11:27
To: Brannen R (Roy) [Redacted S.38(1)(b)] Campbell B (Bridget) [Redacted S.38(1)(b)] Chalmers MJ (Michael) (DCAF) [Redacted S.38(1)(b)] Director for Housing and Social Justice [Redacted S.38(1)(b)] Director of Advanced Learning and Science [Redacted S.38(1)(b)] Director of Environment & Forestry [Redacted S.38(1)(b)] Mitchell E (Elinor) [Redacted S.38(1)(b)] Pryce JM (Jonathan) [Redacted S.38(1)(b)] Transport Scotland Secretariat [Redacted S.38(1)(b)] Quinlan K (Kevin) [Redacted S.38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [Redacted S.38(1)(b)]
Cc: [Redacted S.38(1)(b)] [Redacted S.38(1)(b)] Gallagher S (Stephen) [Redacted S.38(1)(b)] McPherson C (Claire) [Redacted S.38(1)(b)] [Redacted S.38(1)(b)]
Subject: RE: EU EXIT – ORGANISATIONAL READINESS – PUBLIC BODIES)

Dear Colleagues,

I am following up on Stephen Gallagher's email to you on 18 September regarding EU exit organisational readiness. It would be really helpful to have your comments as requested in his letter as soon as possible in order to inform future developments regarding the organisational readiness of the public bodies you sponsor.

Kind regards

[Redacted S.38(1)(b)]

[Redacted S.38(1)(b)]

From: [Redacted S.38(1)(b)] On Behalf Of Gallagher S (Stephen)

Sent: 18 September 2018 16:21

To: Allison B (Barbara) [Redacted S.38(1)(b)] Berge K (Kersti) [Redacted S.38(1)(b)] Black G (Graham) [Redacted S.38(1)(b)] Brannen R (Roy) [Redacted S.38(1)(b)] Cackette PH (Paul) [Redacted S.38(1)(b)] Calderwood C (Catherine) [Redacted S.38(1)(b)] Campbell B (Bridget) [Redacted S.38(1)(b)] Chalmers MJ (Michael) (DCAF) [Redacted S.38(1)(b)] Chief Financial Officer [Redacted S.38(1)(b)] Chief Parliamentary Counsel [Redacted S.38(1)(b)] Chief Scientific Adviser for Scotland [Redacted S.38(1)(b)] Director Communications, Ministerial Support & Facilities [Redacted S.38(1)(b)] Director Digital [Redacted S.38(1)(b)] Director for Children and Families [Redacted S.38(1)(b)] Director for Housing and Social Justice [Redacted S.38(1)(b)] Director of Advanced Learning and Science [Redacted S.38(1)(b)] Director of Budget and Sustainability [Redacted S.38(1)(b)] Director of Environment & Forestry [Redacted S.38(1)(b)] Director of Internal Audit [Redacted S.38(1)(b)] Director of Marine Scotland Mailbox [Redacted S.38(1)(b)] Director of Population Health [Redacted S.38(1)(b)] Director, Procurement and Commercial [Redacted S.38(1)(b)] Ferrie W (Willie) [Redacted S.38(1)(b)] Gallagher S (Stephen) [Redacted S.38(1)(b)] Gillespie G (Gary) [Redacted S.38(1)(b)] Gorman G (Gayle) [Redacted S.38(1)(b)] Griffin J (Joe) [Redacted S.38(1)(b)] Huggins G (Geoff) [Redacted S.38(1)(b)] Humphreys J (Julie) (ETSD) [Redacted S.38(1)(b)] Hunter A (Alan) [Redacted S.38(1)(b)] Kerr S (Stephen) (Social Security Director) [Redacted S.38(1)(b)] Leitch J (Jason) [Redacted S.38(1)(b)] Lorimer E (Elaine) [Redacted S.38(1)(b)] MacKenzie M (Madeleine) [Redacted S.38(1)(b)] McAllan M (Mary) [Redacted S.38(1)(b)] McLaughlin AC (Ainslie) [Redacted S.38(1)(b)] McLaughlin C (Christine) [Redacted S.38(1)(b)] McQueen F (Fiona) [Redacted S.38(1)(b)] Mitchell E (Elinor) [Redacted S.38(1)(b)] Munro D (Dominic) [Redacted S.38(1)(b)] Neilson M (Mike) [Redacted S.38(1)(b)] Ogle G (Geoff) [Redacted S.38(1)(b)] Pryce JM (Jonathan) [Redacted S.38(1)(b)] PS/Transport Scotland [Redacted S.38(1)(b)] Quinlan K (Kevin) [Redacted S.38(1)(b)] Rennick NS (Neil) [Redacted S.38(1)(b)] Richards N (Nicola) [Redacted S.38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [Redacted S.38(1)(b)] Rogers DA (David) (Strategy and Constitution Director) [Redacted S.38(1)(b)] Rogers S (Shirley) [Redacted S.38(1)(b)] Russell GE (Gillian) [Redacted S.38(1)(b)] Sinclair MA (Murray) [Redacted S.38(1)(b)] Tannahill C (Carol) [Redacted S.38(1)(b)] Watt K (Karen) (Director for External Affairs) [Redacted S.38(1)(b)] Wilson D (David) (SNIB) [Redacted S.38(1)(b)]

Cc: Gallagher S (Stephen) [Redacted S.38(1)(b)]

Subject: EU EXIT – ORGANISATIONAL READINESS – PUBLIC BODIES)

Directors – I attach a 1 page letter from Stephen Gallagher

<< File: Letter to Directors - Brexit planning - public bodies - 12 September 201 _ (002).docx >>

along with an 8 page template

<< File: Delivery plan guidance - central transition scenario - 25 July 2018.docx >>

and a 2-page Delivery plan guidance note

<< File: Delivery plan template - 25 July 2018.docx >>

[Redacted S.38(1)(b)]

Directorate: Learning Directorate

Public Bodies:

Completed By: Lesley Sheppard

Date of approval from Director:

Current EU Funding Programmes

Section 1 – Please provide any information you think is pertinent on UK Funding Guarantees, including how you plan to mitigate any funding gap.

The Scottish Government participation in Erasmus + funding programme is led by Advance Learning and Science Directorate who have submitted the overarching template for this programme. The detailed information they have provided also applies to the Erasmus + funding of modern languages. This template provides specific additional information related to modern languages and should be considered in association with the overarching programme template.

Scottish schools benefit from **Erasmus + funding** that enhances language learning and global citizenship within the curriculum through supporting teachers to visit other European countries to gain language and cultural experience. In 2017 this saw c.£765k benefit to Scotland for mobility schemes ('key action 1') and c.£884k for other education-related co-operation and research projects ('key action 2'). In addition, there were 27 inward visits to Scotland by groups of teachers from Europe.

Set up costs for transition and no deal scenarios

Section 2 – Transition - Please provide any narrative that you think is important to help us understand these costs, including how you plan to mitigate any funding gap, clearly linking this to a specific project where appropriate.

Section 3 – No Deal - Please provide any narrative that you think is important to help us understand these costs, including how you plan to mitigate any funding gap, clearly linking this to a specific project where appropriate.

Future policy costs for transition and no deal scenarios

Section 4 – Transition - Please provide any narrative that you think is important to help us understand these costs, including how you plan to mitigate any funding gap, clearly linking this to a specific project where appropriate.

Section 5 – No Deal - Please provide any narrative that you think is important to help us understand these costs, including how you plan to mitigate any funding gap, clearly linking this to a specific project where appropriate.

EU funding – successor arrangements

Section 6 - Please provide narrative for each of the funding programmes you have an interest in.

- On EU and SG Objectives – these align very well in relation to language learning because 1 + 2 adopts the EU Barcelona Commitment on language learning in Scottish schools and our approach to language learning is similar to other European countries.
- On qualitative benefits in relation to language learning, we'd want to highlight:
 - teacher professional development
 - enhancement of global citizenship learning
 - research partnerships share good practice and pedagogical learning which are beneficial beyond just the school sector and benefit the wider education sector, including ITE providers.

<p style="text-align: center;">EU EXIT ORGANISATIONAL READINESS DELIVERY PLAN</p>	
<p>DIRECTORATE/AGENCY/NON-MINISTERIAL DEPARTMENT</p>	<p>Directorate for Learning</p>
<p>MINISTERIAL PORTFOLIOS <i>(Please indicate which Ministers have responsibility for the issues covered in this plan, to ensure we can align issues with the appropriate Ministerial bilateral)</i></p>	<p>DFM Mr Swinney</p>
<p>DG FAMILY <i>(Please confirm your DG family, for the purposes of alignment with the correct DG assurance process)</i></p>	<p>DG Education, Communities and Justice</p>
<p>PUBLIC BODIES <i>(Please note the NDPB or other public bodies whose activities are covered, in full or in part, by this plan)</i></p>	<p>Education Scotland, COSLA (?). Bord na Gàidhlig and MG ALBA are the principal Gaelic public bodies but many other authorities and bodies contribute to Gaelic development and have been part of ESF/ERDF funding bids.</p>
<p>DIRECTOR or CHIEF EXECUTIVE WHO HAS APPROVED THIS PLAN</p>	<p>Joe Griffin pp Fiona Robertson (Director for Learning)</p>
<p>DATE ON WHICH PLAN WAS APPROVED</p>	<p>TBA</p>

GUIDANCE: PLANNING SCENARIOS

- **TRANSITION AND FREE AGREEMENT:** a central planning assumption that there will be a transition period lasting until (at least) 31 December 2020, followed by a negotiated agreement between the EU and UK (*see accompanying guidance*);
- **NO-DEAL:** essential contingency planning and preparation for a scenario in which there is no agreement by March 2019 on the future UK-EU relationship, or the most rudimentary of deals. This should be on the basis of an assessment of risk and potential harm.

There are of course variants of both scenarios. To identify what contingency planning and preparation is essential for a March 2019 deadline, please consider:

- Potential harm of not having appropriate measures in place. In some areas, the effect of not having the appropriate measures in place will be serious enough to justify preparation for a no-deal scenario. Where there is a particular risk to, for example, public health, economic prosperity or an essential regulatory function if we do not plan for no-deal, then we may responsibly have to make such preparations. The risk of that scenario is increasing but still not the most likely scenario
- Changing likelihood of a 'no deal' scenario. This is likely to be dynamic until ratification of the withdrawal agreement by the UK Parliament and approval by the European Parliament. There may be steps taken towards agreement during that period that lower the risk of a no-deal scenario to the extent that such that some preparations are no longer justified.
- Amount of work required to prepare the policy, including any lead-in time needed to put in place arrangements for implementation, engagement with stakeholders, ministerial clearance and so forth. In some cases, the resource cost involved in preparation for a no-deal scenario, or the extended lead-in time required on any scenario, will clearly outweigh the risk of not being prepared. Acceptability of the UK Government's proposals as a contingency. Where the UKG's

proposed approach to readiness in a no-deal scenario is acceptable to us, less work may be required by the SG to develop a separate policy solution.

GUIDANCE: STRATEGIC OBJECTIVES	
	The Constitution and Europe Programme Board is tracking the delivery of the following strategic objectives. Where prompted, please note how activities in your plan contribute to the relevant objectives.
1	Influence the UK Government's negotiating positions and the surrounding debate, both on the EU-UK relationship and other international agreements
2	Secure the repatriation of devolved powers and reach agreement with the UK Government on financial arrangements;
3	Negotiate UK frameworks to replace EU law where necessary and securing an improved system of UK intergovernmental decision-making more generally
4	Design and implement economic and social policies for post-withdrawal scenarios and supporting the public, private and third sectors in their preparations
5	Influence UK migration policy and mitigating the impact of EU exit on the Scottish labour market, organisations and individuals where possible
6	Identify and mitigate other risks, including to funding, the provision of public services and continuity of supply of goods and services
7	Legislate to deliver a functioning devolved statute book on EU exit, to support all of the above

SECTION 1: OBJECTIVES, ACTIONS AND MILESTONES

- Please provide a brief description of the specific objectives in your area required to deliver the strategic objectives above (as applicable)
- Please provide a brief description of the activities required to deliver your objectives
- Please list the significant milestones relevant to delivery of your objective, with target dates
- Please include any major requirements of your NDPBs or other public bodies
- Please indicate which of the strategic objectives above you are contributing towards (1-7)
- Please indicate the lead Deputy Director for each entry and, if you work to more than one Minister, which Minister is responsible for the topic.
- Please add rows as necessary – but each entry need be no more than a few sentences or bullet points.

DIRECTORATE/POLICY OBJECTIVE	ACTIVITIES	MILESTONES AND TARGET DATES	LINK TO STRATEGIC OBJECTIVES	LEAD DD/MINISTER
REDACTED s.29(1)(a)	- REDACTED s.29(1)(a)	REDACTED s.29(1)(a)	6	Deputy First Minister / Lesley Sheppard
- REDACTED s.29(1)(a)	REDACTED s.29(1)(a)		5	DFM/Clare Hicks
REDACTED s.29(1)(a)	REDACTED s.29(1)(a)	REDACTED s.29(1)(a) REDACTED s.29(1)(a)		DFM/Andy Bruce

REDACTED s.29(1)(a)	REDACTED s.29(1)(a)	1,2,3 and 4	DFM/Clare Hicks
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SECTION 2: RISK

- Please provide a summary of the key risks, controls and actions associated with your objectives
- Please use the standard SG template (link enclosed in covering email, and below)
- You may wish to simply lift relevant extracts from your existing risk registers. You should also feel free to provide a copy of your current risk register if it is in the standard corporate format and covers the issues in this plan - but please highlight any entries that are not relevant to the delivery plan process and which we should ignore
- Please cover risks pertinent to both scenarios

<http://saltire/my-workplace/finance/Risk-management.aspx?pageid=e4005ede-ae4f-4719-8a91-e9e362840c6d>

Teaching workforce and recognition of teaching qualifications

Unless current EU members of the Scottish teaching workforce are allowed to continue doing so after Brexit, there is likely to be an unacceptable level of teacher vacancies. If there is no deal, there is lack of clarity over whether EU passports will become invalid immediately because the discussions on the legal position of migrants are being carried out at UK level. Prospective language teachers currently on their compulsory year abroad receive funding from the ERASMUS + programme. There is lack of clarity on their position under a no deal scenario, coming as it does halfway through their period abroad. Discussions are carried out at UK level. There is also lack of clarity on the availability of ERASMUS + funding in future years, given the end of the current framework in 2020. Negotiations are taking place involving Advanced Learning and Science Directorate, UK Government and the EU.

Access to school education

Continuing access is dependent on residency issues for EU nationals being successfully and speedily concluded

Gaelic

EU funding has allowed growth and development of projects and programmes associated with the development of Gaelic. The withdrawal of this has the potential to reduce growth in both direct and indirect support for enhanced use of Gaelic unless other

sources of support can be found. Currently, other funding sources, such as HIE, have contributed and these would be under much greater pressure should ESF/ERDF not be available. The risk is that Gaelic related infrastructural growth will be curtailed

SECTION 3: RESOURCE AND OPERATIONAL REQUIREMENTS

- Please identify any significant additional costs within 2018/19 under the transition or no deal scenario where readiness objectives cannot be met from existing baselines or one-off consequentials. These should be discussed with Finance Business Partners prior to submission of the delivery plan.
- To ensure that we have a broad understanding of the implications of readiness for EU Exit, please summarise any **major** organisational or operational requirements which may arise from your objectives, for example in relation to:
 - Accommodation and facilities (e.g. new building)
 - Significant changes to ICT systems, or a requirement for new ICT systems, e.g. case handling systems, online payments systems, data hosting/exchange arrangements with external organisations
 - Public sector procurement and contracts
 - New delivery bodies or increased public sector capacity
- Please give an indication of timing and costs where possible. Relevant SG colleagues will follow up to provide further support and advice, with more detailed financial information to be collected following submission of this plan.

REQUIREMENTS	TIMESCALE	INDICATION OF COSTS (£'000)	RESOURCE, CAPITAL OR FT
Gaelic language		REDACTED s.29(1)(a)	
Teaching workforce		REDACTED s.29(1)(a)	REDACTED s.29(1)(a)

SECTION 4: GOVERNANCE

- Please summarise the governance arrangements in place within your Directorate or DG Family to oversee delivery of your EU Exit objectives
- Please include any specific Boards or other fora that have been set up
- Please include reference to any SROs appointed for specific packages of work
- Please record the mechanism through which you currently provide assurance to the DG around readiness for EU Exit.
- You do not need to provide duplicate details of the governance arrangements for the 8 Constitution and Europe Programme Projects (Negotiations, Legislative consequences, UK frameworks, Fiscal implications, Capacity and capability, Public Sector Workforce Impacts, Trade, and Communications and Engagement) or the Constitution and Europe Programme Board
- Please, however, record any links between your own governance structures and the Constitution and Europe Programme infrastructure

REDACTED s.29(1)(a)