



Scottish Parliament Academic Fellowship Scheme 2023/24

Fellowship on Criminal Justice and Policing after Brexit

One of the questions raised by Brexit was what the impact might be on criminal justice and policing in the UK and Scotland, in particular as regards cross-border crime.

During the previous parliamentary session, the former Justice Committee investigated the issue of Brexit and justice more widely and published a report - [The impact of Brexit on the civil and criminal justice systems and policing in Scotland](#) (2019).

The current [Criminal Justice Committee](#) is interested in assessing the state of play in relation to criminal justice and policing now that the UK has left the EU and is looking for an academic fellow to assist it in doing this.

What will the work involve?

Whilst we are happy to discuss approaches, we envisage that the work could involve:

- Briefly mapping out of some of the key changes which were made to the previous criminal justice and policing framework as a result of Brexit.
- An assessment of current views on how [Part Three of the Trade and Cooperation Agreement](#) is operating in practice in Scotland and the UK with a focus on both practical and legal arrangements including:
 - data exchange and access to databases
 - EU agencies – Europol and Eurojust
 - extradition.

This would also include an assessment of relevant action in response to Brexit taken at a Scottish level and, where it impacts on Scotland, at a UK level.

- An assessment of how arrangements for dealing with Retained EU law might impact on this area of policy.
- An assessment of any departure from the substance of EU rules and the Scottish Government's commitment to maintaining alignment in the context of the obligations in the European Union (Continuity) (Scotland) Act 2021.

- An assessment of how intergovernmental agreements involving the UK and Scottish Governments are operating in this area.

The work would also consider criminal justice and policing issues raised in the former Justice Committee's report – [The impact of Brexit on the civil and criminal justice systems and policing in Scotland](#) (2019) mentioned above.

Outputs and ways of working for this fellowship

At this stage, we envisage that the main output for this work would be a SPICe briefing summarising the issues outlined above. The briefing must be written in a clear, accessible and jargon-free manner which can be easily used and understood by MSPs. The [SPICe style guide](#) explains what this means in practice.

For a recent example of a similar SPICe fellowship briefing see the 2022 SPICe briefing on [Human rights budgeting](#).

In addition, as this fellowship has been requested by the Criminal Justice Committee, we expect that there would be some opportunities to engage directly with the Committee, for example in presenting the final report.

We aim to give the fellow a rounded experience of working in, and with, the Parliament, and where relevant can look for opportunities for the fellow to observe a range of parliamentary activities.

Experience needed

We are looking for candidates who have in-depth experience of criminal justice and policing policy under the previous EU rules and who can demonstrate a detailed knowledge of the changes which have occurred as a result of Brexit. Applicants should be able to brief in relation to the specific impacts in Scotland in addition to the UK more widely (see the 'what will the work involve?' section above).

It is important that candidates can demonstrate an understanding of both the legal and practical implications of the new criminal justice and policing regime. Links with relevant stakeholders and/or experience of working with them will be beneficial as it will be important for the fellow to analyse the implications of the new regime in practice.

As outlined above, candidates will have to be able to communicate clearly and succinctly for a parliamentary audience who are not necessarily experts in this field.

We do accept joint applications. However, if more than one person is applying it will be advantageous to be able to demonstrate that the candidates have worked effectively together in the past.

Timescale

We anticipate at this stage that the work would have to be completed by the end of the summer with a final briefing being published around September 2023.

Funding

The Parliament does have a limited budget which it can use to fund or part-fund fellows (previously, funding provided has typically been between £3-4,000), and applicants have often identified additional sources of funding to complement this.

Further information

Please contact Frazer McCallum in SPICe if you wish to discuss further (frazer.mccallum@parliament.scot).