

## How will Brexit affect the ability of the NHS to recruit and retain staff?



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### Introduction



- One of most commonly discussed consequences of Brexit is the impact on the health and social care sector and the delivery of those services, particularly in the NHS
- “Remoaner” label not justified? Some report impacts already, even pre Brexit.
- Structure of talk:
  - The legal position: rights of both existing and future workers pre and post Brexit
  - Why this matters: the contribution EU workers make to the NHS workforce and the impact Brexit might have on the ability to retain and recruit staff in the NHS

## The present legal status of EU workers in the NHS



- Freedom of movement of workers and mutual recognition of professional qualifications.
- The Professional Qualifications Directive 2005/36/EC → nurses, midwives, doctors, dental practitioners, pharmacists.
- European Professional Card → general care nurses, physiotherapists, pharmacists.
- Until we leave the EU, the principle of freedom of movement remains intact. EU workers and their family members can continue to come to the UK to search for work in and work in the NHS, and existing NHS staff members who are EU citizens can remain here.

## The status of existing EU workers in the NHS after Brexit



*“The UK government has reached an agreement with the European Union on citizens’ rights in negotiations on the UK’s withdrawal from the EU. This will provide certainty about the future to millions of EU citizens and their families in the UK. Most importantly, it will allow you to stay here after we leave the EU on 29 March 2019, and to continue to access public funds and services”*

## The status of EU workers arriving after Brexit: the transition period



*“The UK government has agreed that EU citizens and their families arriving during the implementation period, from 30 March 2019 to 31 December 2020, will be able to stay on the same terms but will need to register if they choose to stay for longer than 3 months.”*

## The status of EU workers arriving after Brexit: the transition period



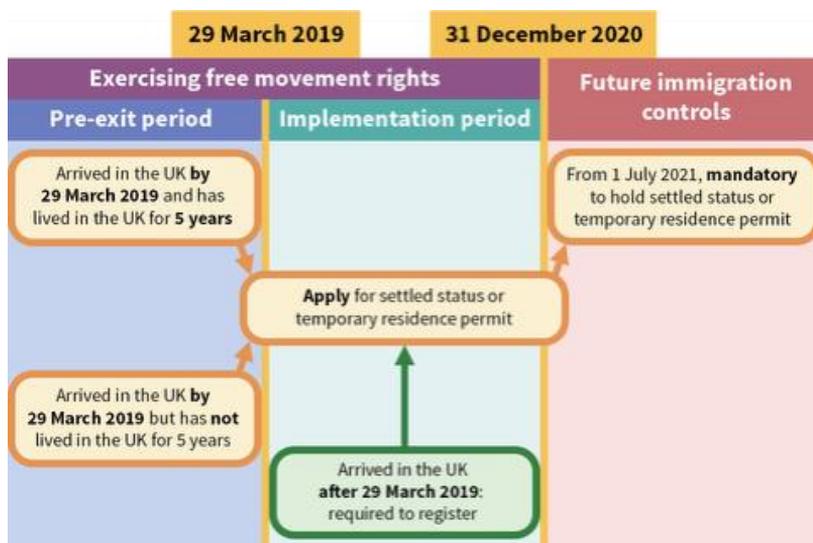
- *People who, by 31 December 2020, have been continuously and lawfully living here for 5 years will be able to apply to stay indefinitely by getting ‘settled status’. That means they will be free to live here, have access to public funds and services and go on to apply for British citizenship.*
- *People who arrive by 31 December 2020, but won’t have been living here lawfully for 5 years when we leave the EU, will be able to apply to stay until they have reached the 5-year threshold. They can then also apply for settled status.*
- *Family members who are living with, or join, EU citizens in the UK by 31 December 2020 will also be able to apply for settled status, usually after 5 years in the UK.*
- *Close family members (spouses, civil and unmarried partners, dependent children and grandchildren, and dependent parents and grandparents) will be able to join EU citizens after exit, where the relationship existed on 31 December 2020.*

*EU citizens with settled status or temporary permission to stay will have the same access as they currently do to healthcare, pensions and other benefits in the UK.*



## The status of EU workers after the transition period

- Not clear !!
- Government made clear that will be subject to UK immigration law, not any freedom of movement variant.
- Awaiting:
  - 1) Migration Advisory Committee report in September 2018
  - 2) Promised white paper on UK immigration policy post Brexit, was supposed to be published this February.
- Until this point, not clear what the law will be.





## The role of EU workers in the NHS

- 5.6% of NHS workforce come from other EU countries
- Increasing reliance on EU workers
- Quarter of EU workers in elementary jobs, such as cleaners, vital to the NHS
- Set against this is general problem of recruitment and retention in the NHS and chronic understaffing. Will initiatives proposed take effect in time to plug the gap left by any loss of EU workers?
- The impact of poor morale – will this be worsened by the loss of EU colleagues and lead to more staff concluding they have simply “had enough”?.?

## The potential impact of Brexit on staff recruitment and retention?



- Until we know what the law will be after Brexit, very difficult to predict.
- However, a worrying trend that might be the precursor of what is to come is apparent numbers of EU workers leaving the NHS and omitting to register to work in the NHS. Some evidence directly attributable to the referendum result.
- What will the law look like? Focus on high-skilled labour or shortages?
- A sector-based scheme?
- NHS managers extremely worried: 1% of trust leaders think Brexit will be “positive”

## Final thoughts



Thank you for your attention



**Please email me with any questions:**

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