

BREXIT AT A GLANCE...

Weekly news, views and insights from the Welsh NHS Confederation
Friday, 24 January

***Please cascade information where appropriate
to your workforce and care providers***

What Happened This Week...

This week saw the Withdrawal Agreement Bill become the European Union (Withdrawal Agreement) Act 2020. While Peers in the House of Lords passed five amendments (including changes to the EU Settlement Scheme which would have changed this to a declaration (versus application) system and require physical proof of status, and the right of children refugees to be reunited with families), these were all defeated when it returned to the House of Commons. The Bill received Royal Assent on Thursday and it is now passed to MEPs to finalise its progression early next week.

UK Government guidance was updated this week following the finalisation of the Withdrawal Agreement. In terms of healthcare, there will be no changes to UK citizens healthcare access in the EU before 31 December 2020. UK residents can also continue to use their EHIC, as they did before, during this time.

Did you miss our most recent briefing? Last week we published a look at the Welsh priorities for future trade agreements with the EU and other nations, and how they stand to impact the health of the people in Wales. [Click here to read](#)

[more!](#)

This week we participated in two events which focused on one of the major themes of the transition period: post-Brexit immigration and its impact on the health and social care workforce in Wales. Throughout the transition period, we will continue to support EU/EEA staff and raise awareness and enable them to apply for Settled Status. For free immigration advice and support throughout the process, [please click here](#).

Together with other major industries in Wales (public sector, construction, food and hospitality etc.) we participated in a workshop with Welsh Government about how Wales can best influence UK Government. Consistent themes that emerged included the unsuitability of the £30,000 salary threshold, need for clarification from UK Government of how these rules will be implemented before the end of the transition period, and the potential implications of a geographic / region-based immigration system or the use of a Wales specific Shortage Occupation List.

We also participated in a meeting of the [Cavendish Coalition](#). We discussed how the Coalition's main asks of for a future immigration system and how we can influence the UK Government.

If you have any questions about what the implementation period will mean for health and social care? Please refer to our [FAQs](#), which got a major update this week, or send in any questions to Brexitfaqs@welshconfed.org.

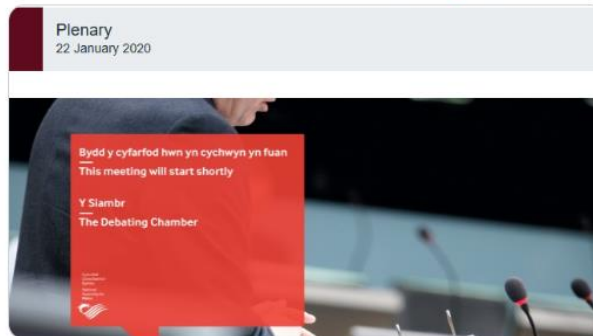
Please visit [our website](#) for more information and resources on current developments.

Nesta Lloyd-Jones,
Assistant Director, Welsh NHS Confederation

 **Jeremy Miles** @wg_CounselGen · Jan 22
Looking forward to answering Brexit questions in #Senedd this afternoon – topics include:

- 👉 EU citizens in Wales
- 👉 The shared prosperity fund
- 👉 Preparing Wales
- 👉 Children's rights post-Brexit

Watch live here - View the webcast •• senedd.tv/Meeting/Live/1...



Welsh Government News and Guidance

Disability Funding: The Welsh Government **announced** funding for a project run to support and prepare disabled people for the potential impacts that Brexit may have on their day-to-day lives, which will include hosting discussions about the possible longer-term impact on medications.

Minutes: [Cabinet Sub-Committee on European Transition meeting: December 2, 2019](#)

The Counsel General and Brexit Minister updated the Sub-Committee on recent discussions regarding post General Election ‘Brexit’ priorities, interdependencies across workstreams, mobilisation of the Welsh Government in the event of a revived threat of a no-deal Brexit and intergovernmental engagement.

The Minister for International Relations and the Welsh Language introduced the paper, which covered the context and status of trade negotiations within broader Brexit discussions, including wider EU negotiations not directly linked to trade. The paper further explored the development of a Welsh framework of policy positions to inform negotiations.

EU Negotiations: The Welsh Government [published](#) its [analysis](#) of the UK Government's Political Declaration, with the analysis mentioning public health in relation to global co-operation and as an area of thematic security. It also states that the NHS must remain in the control of the Welsh Government and must not form any part of a future trade agreement. In a [written statement](#), Jeremy Miles states that the Welsh Government will continue to challenge the UK Government's approach to negotiations.

Brexit: Jeremy Miles [issued](#) a written statement on his attendance at the Joint Ministerial Committee (EU Negotiations) in Whitehall on January 9. The next meeting is expected to take place later this month in Cardiff and will focus on finalising proposals for dispute resolution as part of the inter-governmental relations review and on reaching a conclusion on the role of the devolved Governments in negotiations.

National Assembly News

Assembly Business:

[Debate: LCM on the European Union \(Withdrawal Agreement\) Bill](#) –
Tuesday, January 21

Withdrawal Agreement

The National Assembly voted against giving its consent to the European Union (Withdrawal Agreement) Bill. Labour and Plaid Cymru rejected the Bill, whilst the Brexit Party and Conservatives gave their support. There were 15 for, no abstentions and 35 against. Mark Drakeford acknowledged that Brexit will happen and was clear on the need to now focus on how it happens. Prof Drakeford said the Welsh Government cannot ask the Assembly to give consent to the Bill because it *“emphatically does not meet the interests of Wales”*, arguing that it lacks

protections for Wales and devolution. Leader of the Welsh Conservatives, Paul Davies, and the Brexit Party's Mark Reckless criticised the Welsh Government for not respecting the people of Wales, who voted to leave in the 2016 EU referendum. Delyth Jewell said Plaid Cymru could not support the Bill, arguing that it allows the UK Government to amend the Government of Wales Act 2006 without the consent of the Senedd and removes parliamentary oversight of the negotiations. She added that it also takes away the rights of child refugees, workers and EU citizens and unnecessarily rules out an extension to the transition period, which makes a bad deal or no deal at all the most likely outcome.

[Debate: Report on changes to freedom of movement after Brexit](#) –
Wednesday, January 22

Freedom of Movement

Chair of the External Affairs and Additional Legislation Committee, David Rees, led a debate on the committee's [report](#) on the implications for Wales of changes to freedom of movement post-Brexit. Mr Rees welcomed that of the report's 12 recommendations, the Welsh Government [accepted](#) 11 in full and one in principle. Discussion focused on the committee's conclusion that a salary threshold set at £30,000 will not meet the needs and requirements of Wales and the Welsh economy, calling on the UK Government to lower the salary threshold requirements in any future system. Mr Rees also spoke on concerns about the operation of the EU settlement scheme in Wales. He said there is a role for the Welsh Government and UK Government to play in providing advice and support to EU citizens accessing the scheme and in providing reassurance that their status will be secure and permanent after Brexit. He called on the Welsh Government to provide a stronger lead in signposting citizens to the package of measures it has in place to support them and to reiterate its messages of support to EU citizens in Wales. Mr Rees

recognised that key figures in the European Parliament have repeatedly stated that the rights of EU citizens will be among their primary considerations when it comes to giving their view on whether to agree the UK-EU Withdrawal Agreement. He said the committee agreed that the Welsh Government should undertake exploratory work on a spatially differentiated immigration policy after Brexit.

Salary Threshold

Conservative AM David Melding welcomed that the salary threshold of £30,000 is now undergoing some review. He also raised concerns from employers with regard to the higher recruitment cost they may be facing, and the particular difficulty in vulnerable sectors where, even if the threshold reduced a bit, they may still not be captured, such as those in social care. Mr Melding said a points scheme could allow for more regional variation.

Welsh Government Response

Replying to the debate, Brexit Minister Jeremy Miles said it is unclear what the immigration system will be in the future and how it will be operated. Mr Miles said the Welsh Government still believes that freedom of movement should be maintained and connected closely with employment. He said the report commissioned by the Welsh Government from the Wales Centre for Public Policy on the impact of immigration in Wales after Brexit underlined the damage that a salary threshold would cause to Wales. He said that if the press speculation on the dropping of the salary requirements is correct, the Welsh Government would welcome this. He said the sectors particularly vulnerable to future reductions in EU migration include social care, health and manufacturing, agri-food, tourism, hospitality, retail and higher education. Mr Miles said it is not clear how an Australian-style points-based system would be compatible with an employer-led system rationed by a salary threshold. He said the Welsh

Government will continue to argue for a migration policy that meets the needs of Wales, noting that there has been little meaningful engagement with the UK Government and devolved administrations on this to date. He said the Welsh Government does not support the EU settlement scheme and would prefer a system that does not rely on evidence that can be difficult to provide. However, he outlined the Welsh Government's commitment to do all it can to support EU nationals in Wales to successfully navigate the application process.

[Brexit Questions](#) – Wednesday, January 22

Shared Prosperity Fund

Joyce Watson and Rhun ap Iorwerth questioned Jeremy Miles on whether the Shared Prosperity Fund will amount to the same as EU Structural Funds and whether it will be deployed by the Welsh Government. The Brexit Minister responded that there needs to be an adjustment to the block grant to allow the Welsh Government to deploy the fund and integrate it with other sources of regional funding. He argued that the Welsh Government has the capacity to understand how best to deploy the funds but said that clarity is needed from the UK Government from a constitutional perspective.

Russell George asked about the new schemes ability to secure funding for areas which have not benefited from EU Structural Funds, with the Brexit Minister responding that it is up to the Welsh Government to cast a wider net. He added that priorities for regional funding will focus on income inequalities, productive businesses and a zero-carbon Wales. When questioned by David Rees on the need for a consultation and clarity from the UK Government, Mr Miles welcomed UK comments that it would work with the Welsh Government in a consensual way but said that action need to be taken to move toward implementation. He added that the Welsh

Government have been working up details on proposals for consultation.

EU Citizens

Jenny Rathbone raised the concerns and anxieties among EU citizens, asking for assurances that families would not be split up in the long term and on the settled status scheme. Jeremy Miles said he understood anxiety around the scheme, saying that the number of applications which have resulted in pre-settled status stands at 44% and that he has raised concerns with the UK Government that these would not become fully settled over time. He outlined Welsh Government actions to raise awareness of the scheme and said he has been pressing the UK Government on the availability of digital scanning centres and the expansion of the assisted digital centre provision. He also raised concerns around the scheme itself, primarily a lack of documentation when people receive settled status.

[Welsh Conservative Debate: Workforce Skills Post-Brexit](#) – Wednesday, January 22

Skills

Mohammad Asghar led a debate on the importance of further education and skills. The Welsh Conservative AM warned that a skills gap has developed costing Welsh businesses about £155m. He raised concerns about Office for National Statistics figures which show that Wales has the lowest proportion of internet users who possess the five basic digital skills. Mr Asghar called for long-term funding arrangements for further education as he argued that the current one-year cycle hinders long-term planning and thinking. He also pointed out that overall grant funding fell by 13% between 2011-12 and 2016-17, with part time funding down by about 70% in real terms. Mr Asghar argued that Wales has been behind the curve on degree apprenticeships. Kirsty Williams said she could not give further

education a three-year budget without a three-year settlement from Westminster. She added that the FE budget is set to increase at the start of the financial year by more than £25m, including additional funding for mental health, professional learning and pension pressures.

Apprenticeships

Bethan Sayed raised concerns about living costs and pay presenting a significant barrier for apprenticeships and on-the-job skills training. She advocated a living support grant for apprenticeships.

Immigration

David Rowlands, for the Brexit Party, raised concerns around immigration, saying the health service in the UK turns down 80,000 suitably qualified British nurse applicants a year *“because it is cheaper to plunder third-world countries for their trained staff”*

Assembly News and Publications:

The **Constitutional and Legislative Affairs Committee** [published](#) its report on the Welsh Government’s Legislative Consent Memorandum on the European Union (Withdrawal Agreement) Bill.

The **External Affairs and Additional Legislation Committee** [published](#) a report on the implications for Wales of the Withdrawal Agreement.

[Healthcare is the focus of section 5 of the report, which starts on pg 18.](#)

Correspondence: External Affairs and Additional Legislation Committee: [Mark Drakeford to David Rees on the EU \(Withdrawal Agreement\) Bill](#)

[European Union \(Withdrawal Agreement\) Bill – An Update](#)

By Senedd Research on Tuesday 21 January 2020

The Assembly will debate a Legislative Consent Motion in relation to the European Union (Withdrawal Agreement) Bill this afternoon.

[What will the UK's new immigration system mean for Wales?](#)

By Senedd Research on Friday 17 January 2020

The UK's immigration system will change from January 2021 whether the UK leaves the EU with or without a deal. Free movement will end, and a new, single immigration system will be introduced for all EU and non-EU citizens moving to the UK. This research has more information on the £30,000 salary threshold, geographical / regional variation in immigration policies, and how current proposals may make current skills shortages and recruitment and retention issues worse.

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Managing Brexit / EU withdrawal in health and social care in Wales: Frequently asked questions

Brexit Frequently Asked Questions

As always, please see our Brexit FAQs for more information about what the transition period will mean for the health and social care sector in Wales.

Have a question about what 2020 might hold? Email BrexitFAQs@welshconfed.org your burning questions!

UK Government & NHS England Resources

[Letters to the Devolved Administrations on the EU \(Withdrawal Agreement\) Bill](#)

The Secretary of State for Exiting the European Union, Steve Barclay, has written to the Scottish and Welsh Governments to set out the UK Government's position on their consideration of the Withdrawal Agreement Bill.

[Latest EU Settlement Scheme Data – December 2019](#)

Overall, the total number of applications that have been concluded, as of 31 December 2019, was 2.45 million (2,450,100). Of these, 58% were granted settled status, 41% were granted pre-settled status, and six applications were refused on suitability grounds.

In total, as of 31 December 2019, the majority of applications were received from England (2,521,800), with an additional 135,800 from Scotland, 44,700 from Northern Ireland and **44,100 from Wales**.

Overview from Westminster

This week saw the WAB finish the Report Stage in the House of Lords and receive Royal Assent.

Monday: The House of Lords passed three amendments regarding EU Settled Status Scheme, European Court of Justice, and the Supreme Court for EU case law.

Tuesday: The House of Lords passed another two amendments on rights of unaccompanied child refugees and underlining the commitment to the Sewel

Convention.

Wednesday: The House of Commons voted down all five Lords amendments to the Bill, and when the legislation returned to the House of Lords later that afternoon peers opted not to object to the Government's insistence on the Bill passing without amendment.

Thursday: The WAB received Royal Assent, and it is now the European Union (Withdrawal Agreement) Act 2020. The Withdrawal Agreement was overwhelmingly backed by the European Parliament's Constitutional Affairs Committee by 23 votes in favour to three against. The deal will head to a vote of all MEPs next Wednesday.

Guidance

UK Government guidance was updated this week following the finalisation of the Withdrawal Agreement. In terms of healthcare, **there will be no changes to your healthcare access before 31 December 2020**. UK residents can also continue to use their EHIC, as they did before, during this time. Please click [here](#) for a breakdown by specific country.

News and Reports

[Getting Brexit Done: What happens now?](#)

The UK may well be leaving the EU on 31 January, but Brexit will continue to dominate the work of government – as made clear by two new Institute for Government reports this week. *Getting Brexit Done: What happens now?* spells out the complex challenges that will need to be addressed in the transition period and during the next phase of Brexit negotiations, while *Influencing the EU after Brexit* sets out how the UK needs to raise its game if it wants to remain influential in Europe.

Independent Article

There was an article in the Independent on [plans of the UK Government to impose restrictions on EU immigration two years earlier than planned](#), and another in the Guardian on the [900,000 EU citizens in the UK yet to apply for settled status](#).

Wales joins Scotland and Northern Ireland in rejecting Brexit Bill (though it doesn't matter)

AMs vote to reject the Withdrawal Agreement, joining the other devolved legislatures, over concerns surrounding the impact on devolution.

Immigrants to Wales "should get extra points" under post-Brexit points-based system

The Welsh Government will discuss the idea with UK counterparts as a points-based immigration system is set to start from 2021.

Low-skilled migrants won't be spared new visa curbs

Low-skilled workers in sectors such as construction and social care will not be exempt from new immigration rules after Brexit despite staff shortages, Priti Patel has told ministers. The home secretary made clear at cabinet on Tuesday that there would be no "carve-outs" under the points-based system. Although people in "shortage occupations" may be given more points under the Australian-style system, there will be no guarantee that they will be able to enter the UK.

Comment from the Welsh Conservatives on the Brexit Bill vote

Commenting on the debate in the Welsh Parliament where 35 Labour and Plaid Cymru voted against the Brexit Bill, a spokesperson for the Welsh Conservatives said: "We leave the EU in 10 days' time, and that will be the catalyst to unleash Wales's potential, and that of the entire United Kingdom. When this is done, and now that the obstacles placed in the way by other parties have been removed, we will have new post-Brexit freedoms that will

transform all nations of the UK for the better by focusing on the people's priorities.”

[Early ideas for post-Brexit regional fund replacement expected in March 2020](#)

With Brexit about a fortnight away, life after Brexit is moving to the forefront of AMs minds. Plans for a Welsh regional development fund are currently being developed by specialist technical groups and the initial proposals are expected to be published in March 2020 – with a hint that there may be more local and regional control over funding than at present. The new system is expected to be up and running some time in 2021.

Holly Jarmani, Scott Greer and Martin McKee published an article in the Journal of Public Health describing the [Constitutional weaknesses Brexit reveals and its consequences for public health if it remains unaddressed](#)

Looking Ahead

Monday 27 January

- External Affairs Committee: [Scrutiny session with the Counsel General and Brexit Minister.](#)

Tuesday 28 January

- The U.K.'s Migration Advisory Committee will release its conclusions and recommendations for the country's post-Brexit immigration policy.

Wednesday 29 January

- Brexit Health Alliance meeting.
- Welsh Conservative Debate: [Departure from the European Union.](#)
- The Withdrawal Agreement Act will head to a vote of all MEPs.

Friday 31 January

- **Brexit Day.**
- Event: [Brexit Speech by Mark Drakeford.](#)



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