



BREXIT AT A GLANCE...

Weekly news, views and insights from the Welsh NHS
Confederation
Friday, 28 February

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

What Happened This Week...

Despite both UK Parliament and the Welsh Assembly being off on recess last week, the last fortnight was not a quiet one.

Last week the UK Government published their policy statement on the points-based immigration system. Following the announcement we participated in a meeting of the National Advisory Group and the Cavendish Coalition to discuss how the UK health and care sector would respond. Danny Mortimer, Chief Executive of NHS Employers and co-convenor of the [Cavendish Coalition](#) released an [op-ed in the Independent](#) highlighting our concerns, specifically the significant future challenge to recruiting to social care.

The big question is: **how could these proposals impact the way talented and valued individuals, from the EU and across the globe, are recruited**

into the Welsh health and social care sector? Today we are launching an event which will provide an overview of the future immigration proposals and what employers can do to support EU Nationals who might want to apply for the Settled Status Scheme. **Join us on Monday 20 April from 10am-3pm at Cardiff City Hall.** Spaces are limited, so be sure to book your place [here!](#) This week we also commissioned the Wales Centre of Public Policy to conduct additional research into how immigration policies could impact on the NHS workforce.

This week the EU and the UK started the next phase of trade negotiations by publishing their mandates on how each party would like their future relationship to unfold. We provided a summary of the UK mandate [here](#).

Back in Wales, our recently published briefing on how future trade agreements could impact the sector was picked up in a healthcare professional online journal. In case you missed it, read all about it [here](#). We also took part in a webcast on how [citizens' rights have been impacted by Settled Status](#), hosted by the Institute for Governance. Many interesting points were raised by the panel, which included a former Immigration Minister, on why the Scheme was designed in its current form and how the UK Government could raise awareness for the most vulnerable in the population, such as the over 65s.

In June 2018, the Welsh NHS Confederation's Policy Forum released a publication summarising the ten key issues for health and social care organisations in Wales as the UK left the EU. Now that we are in the transition period, we have [updated this briefing](#) which reiterates the key issues for the sector in Wales.

If you have any questions about the Brexit process, please see our [FAQs](#) page for more details or email 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



Welsh Government News and Guidance

[First Minister: UK government putting ideology above people's livelihoods](#)

The UK government has published its negotiating mandate for talks on our future relationship with the EU. Wales' First Minister, Mark Drakeford responded to the UK's negotiating position.

[Shared prosperity? PM faces test on devolution pledge](#)

Welsh Government calls on UK to support distinct regional investment plans to make future funding decisions closer to the people. New proposals, published today, aim to support growth and inclusiveness throughout Wales, with 4 priority investment areas:

- business productivity and competitiveness

- reducing income inequalities for people
- **healthier and more sustainable communities** and
- the zero-carbon economy.

Proposals in the consultation include:

- greater flexibility to integrate funding and projects with wider investments including UK-wide, private sector, and wider public sector funding;
- empowering regions and local areas to develop their own distinctive strengths and opportunities, so they can innovate and link places and investments in new and imaginative ways;
- the **Wellbeing of Future Generations Act** to be at the heart of our plans so the actions we take will leave a lasting positive legacy for our people and communities in decades to come, and
- equality and sustainability being key to our investment commitments.

Framework for regional investment in Wales

Welsh Government have launched a consultation on the future of regional investment in Wales outside the European Union. They are consulting on a regional investment approach that:

- supports growth and inclusiveness across Wales
- focuses on delivering outcomes
- decentralises funding and decision-making
- integrates with our policies and wider opportunities for investments

The consultation closes on 22 May 2020.

For further information, please see the [Preparing Wales](#) website.

National Assembly for Wales

[Negotiations on the UK's withdrawal from the EU](#)

By Senedd Research on Tuesday 25 February 2020

Senedd Research publishes regular negotiation monitoring reports for the Assembly's External Affairs and Additional Legislation Committee, on the latest position papers, announcements and developments in Brexit negotiations of importance to Wales.

Monday 24 February

The External Affairs and Addition Legislation Committee held a private seminar session on the UK-EU future relationship negotiations.

The Committee was provided [Additional information from Jeremy Miles following a committee scrutiny session on January 27:](#)

- **Freedom of movement post-Brexit for health workers and mutual qualifications' systems:** Currently there is no firm assurance of the position at the end of the transition period. Welsh Government welcome the shared appetite between the UK and the EU to agree a comprehensive and reciprocal system of recognition of professional qualifications after exiting the EU.
- **Immigration Skills Charge (ISC) on Welsh employers:** The Immigration Skills Charge requires employers who sponsor an employee on a Tier 2 visa to pay an additional, mandatory £1,000 charge, or £364 for small companies or charitable sponsors. The Welsh Government has repeatedly raised the issue of the financial costs and administrative burdens of Tier 2

visas with the Home Office, but unfortunately have not received any clarification about the impact of the ISC on businesses.

The Committee noted:

[Correspondence from the Counsel General and Brexit Minister to the Chair regarding the Welsh Government's publication of 'The Future UK/EU Relationship: Negotiating Priorities for Wales'](#). Dated 20 January 2020, this links to '**[The Future UK/EU Relationship: Negotiating Priorities for Wales'](#)**', setting out the broad negotiating priorities that Welsh Government believe will best protect Wales' economic, social and environmental interests.

[Correspondence from the Chair of the House of Lords European Union Committee to the Chair regarding the European Union \(Withdrawal Agreement\) Bill](#). Dated 21 January 2020, a letter from Lord Kinnoull confirming that nothing in the Withdrawal Agreement stops Parliament's scrutiny committees from consulting with committees of the devolved legislatures, and assures the Committee's commitment to engagement with the devolved legislatures on the scrutiny of EU legislation during the transition period and other related issues.

Tuesday, February 25

Plenary Statement: [Legislation related to leaving the EU](#)

Brexit Statement

Jeremy Miles updated AMs on recent developments in relation to legislation arising from the UK's exit from the EU. He raised concerns about the implications of the Withdrawal Agreement Act for the Sewel convention after the Senedd refused consent for the legislation. The

Brexit Minister and Counsel General said the Senedd decision mirrored similar votes in Northern Ireland and Scotland, with Parliament overriding the views of the three legislatures.

He warned that it could have developed into a constitutional crisis, threatening the foundations of devolution. However, Mr Miles told AMs that the then-Secretary of State for Exiting the EU described the circumstances as singular, specific and exceptional. He welcomed recognition of the graveness of the situation and the UK Government's interpretation of the "*not normally*" convention as only in the most unique circumstances. Mr Miles called for codification of the convention to set out the criteria under which the UK Government might, in extremis, proceed with its legislation without devolved consent.

The Minister said the government does not at this point see an urgent need to bring forward a bill containing powers to keep pace with EU legislation beyond the transition period, as this can be done by other means such as secondary or tertiary legislation examined on a case by case basis. The topic of regulatory divergence emerged, with the Welsh Government regretting being unable to persuade the UK Government of aligning with EU directives. The Minister will respond to the External Affairs and Additional Legislation Committee by the end of March on the progress of common frameworks

Wednesday, February 26

[Brexit Questions](#)

Medicinal Trade

Plaid Cymru spokesperson Dai Lloyd raised the importance of medicinal trade between the UK and EU, and expressed concern that

failure to maintain regulatory alignment with the EU on this issue will result in UK pharmaceutical companies facing barriers when exporting, and UK patients facing barriers trying to access their vital medication. Jeremy Miles stated that this issue is of great importance to the Welsh Government, and he reiterated the government's position on advocating for EU trade which is as frictionless as possible. This was **highlighted** in our updated briefing on our [Key Issues during the transition period](#).

Immigration Policy

There were discussions around the impact of the UK immigration policy on the social care sector, with Neil Hamilton arguing that the current rate of immigration is not needed to address the needs of the sector. The Brexit Minister was asked what response he has for the concerns expressed by Moira Fraser-Pearce, the director of policy for Macmillan Cancer Support. He told AMs that Dr Fraser-Pearce said: "*The government's plan for a points-based immigration system paints a concerning picture for a health and care system already under record pressure. The government must create a separate migration route for social care as well as clarifying what specific measures will be put in place to protect the NHS workforce to ensure that people with cancer get the right support when they need it. Any immigration reform that prevents social care workers from working in the UK could mean that some of the most vulnerable people, including those living with cancer, suffer the consequences*". Jeremy Miles stressed the high level of skill required to work in the sector, saying that the Welsh Government has advocated a policy which reflects different skill and salary levels. He said although he wishes for EU citizens to stay in Wales, artificial barriers should not be put up that will prevent people entering the country. Mr Miles also highlighted that 17% of nurses working in social

care are EU citizens, saying that he had hoped the UK Government had considered the calls for a spatial differentiation approach or a version of the shortage occupation list but this has not been the case.

EU Settled Status

Conservative spokesperson Darren Millar asked what the Welsh Government is doing to encourage as many EU citizens as possible to apply for settled status. Jeremy Miles stated that even though it is a UK Government scheme, the government has recently invested £2m in advice services, including Citizens Advice Bureaus, to ensure that as many EU citizens as possible are aware of the EU settled status scheme and are confidently able to apply. Mr Millar highlighted recent research which has shown that only 71% of EU citizens in Wales have applied for settled status, as opposed to 93% in other parts of the UK, and HE asked why this was the case. Mr Miles said there were several reasons for this, one being that the UK-wide communications strategy has been focused on EU citizens in cities, which has clearly been effective in England, but less so in Wales where there are fewer cities and the population is more dispersed. The minister also highlighted that a larger proportion of EU citizens in Wales are Irish, clarifying that Irish citizens do not need to apply through the scheme as their status will remain unaffected.

Highlighting funding to local authorities, Rhianon Passmore asked what amount will be allocated to Caerphilly Council and what action is being taken to ensure best practice across Wales. Jeremy Miles said the funding allows for flexibility and that Wales-wide bespoke training package for all public-facing local authority staff has been provided on the rights of EU citizens.

Employment Rights

Dai Lloyd asked what is being done to protect employment rights for workers in Wales post-Brexit. Jeremy Miles said while the UK Government has agreed to adhere to the EU's labour standards for the remainder of the transition period, he is concerned by press speculation and recent speeches by Boris Johnson which have indicated the UK Government's intention to weaken labour regulations and standards. Dr Lloyd highlighted that the social care sector is reliant on EU migrant workers, and he asked how the Welsh Government will support the sector over the course of the Brexit negotiations. Mr Miles stated that he was dismayed by the UK Government's recent immigration policy, adding that it will negatively impact a variety of sectors in Wales.

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

Brexit Frequently Asked Questions

Visit the [FAQs page](#) to get the latest version as it's updated and send in any questions to BrexitFAQs@welshconfed.org



UK Government & NHS England Resources

[The progress of the EU Settlement Scheme so far](#)

This examines the existing data on the number of applications for Settled Status and Pre-Settled Status from EU, EEA and Swiss nationals.

In 2018, there were an estimated 3.35 million people with EU, EEA, or Swiss nationality living in the UK. This excludes Irish nationals, who can apply but usually do not have to. Approximately 88% of the estimated EU/EEA population has applied.

However, uptake in Wales is one of the lowest regions across the UK.

Approximately 71% of the EA/EEA population resident in Wales have applied to the scheme (approximately 58.2% receiving settled status and 41.1% receiving pre-settled status).

Overview from Westminster

Monday 24 February: In a statement to the House of Commons, the Home Secretary Priti Patel made a [statement](#) on the proposals for a points-based immigration system. The Home Secretary emphasized that an investment in British people, technology and skills, and a reduction of ‘low-skilled’ EU workers will lead to a high wage high productively economy. MPs criticised the requirement to speak English and the proposed salary threshold, commenting that low-paid positions shouldn’t be confused with low-skilled. Scottish MPs argued that Scotland should be given special considerations due to their labour market. Labour MPs highlighted the impact and vulnerability this would place on the care sector, based on both the skills and salary threshold. The Home Secretary agreed that the care sector isn’t ‘low-skilled’, but that it is “up for the car sector to increase their pay to reflect the quality of care that is given” by increasing pay within terms and conditions.

Tuesday 25 February: The EU’s General Affairs Council met to discuss the [next steps in the EU-UK relationship](#) and agree a mandate for the Commission to conduct negotiations on the future relationship with the UK.

Thursday 27 February: The final UK negotiating mandate was [published](#) online and presented in Parliament. Below is a summary of the positions which relate to health and social care in Wales.

- [EU laws](#): No obligation to align with EU laws and will adhere to principles set out in the Political Declaration.
- [Trade Agreement](#): Will strive for a Canada style agreement, and if that is not possible an Australia style agreement. If progress is not made

by the June summit, trade talks will be dropped in favour of legislative preparedness. The transition period will not be extended.

- Welsh Government: There is commitment to work with the devolved administrations to deliver a future relationship with the EU that works for the whole of the UK.
- Regulation: The Agreement will include an annex on medical products to support high levels of patient safety, facilitate information sharing and enable regulators to act promptly to safeguard patient safety and public health. This could also cover procedures relating to vaccines and other biological medicinal products, and clinical trials
- Mutual Recognition of Professional Qualifications (MRPQ): There should be a pathway for the MRPQ, underpinned by regulatory cooperation. Comprehensive coverage would ensure that qualification requirements do not become an unnecessary barrier to trade in regulated services. The Agreement should ensure that the parties can set their own professional standards and protect public safety.
- EU legislation: The Agreement should include reciprocal commitments to not weaken or reduce the level of protection afforded by labour laws and standards in order to encourage trade or investment. It should recognise the right of each party to set its labour priorities and adopt or modify its labour laws.
- Reciprocal healthcare: Arrangements could be made that provide healthcare cover for tourists, short-term business visitors and service providers.
- Working across borders: The UK is ready to work to establish practical, reciprocal provisions on social security coordination.
- EU funding and programmes: The UK is ready to consider standard third country participation in certain Union programmes. The UK will consider a relationship in line with non-EU Member State participation with the following programmes: Horizon Europe, Euratom Research and Training, and Copernicus. The UK will consider options for

participation in elements of Erasmus+ on a time limited basis, provided the terms are in the UK's interests

- Health security: The UK is open to exploring cooperation between the UK and EU in other specific and narrowly defined areas where this is in the interest of both sides, for example on matters of health security

Guidance

Our [Guidance](#) was updated to reflect the points-based immigration policy position, UK visa immigration fee changes, social media graphics and videos for the EU Settled Status Scheme, the UK Government's response to an inspection of the EU Settlement Scheme, and UK's negotiating mandate for future trade talks with the EU.

News and Reports

What would a points-based immigration system mean for health and care?

Read the King Fund's response to the new points-based immigration system announcement.

Immigration announcement provides no obvious solution for social care

Danny Mortimer, Chief Executive of NHS Employers and co-convenor of the [Cavendish Coalition](#) responds to the Government announcement.

Free trade agreements must consider health and care impact

Future free trade agreements (FTAs) have an important role in the UK's

health and care system and offer opportunities to capitalise on the UK's reputation as a world leader, the NHS Confederation has reported.

Looking Ahead

Monday 2 March

- The UK Government negotiating team will head to Brussels for the first round of negotiations on 2 March.
- We will attend the Welsh Government EU Transitional Leadership meeting.
- [External Affairs and Additional Legislation Committee](#)
- **House of Commons:** Medicines and Medical Devices Bill Second Reading

Monday 9 March

- [External Affairs and Additional Legislation Committee](#)



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