

Changes to freedom of movement after Brexit – implications for Wales

EAAL(5) FOM04
Evidence from Royal College of Nursing

What is your assessment of the implications for Wales of the UK Government's White Paper proposals on immigration after Brexit?

The provision of excellent health and social care services to the public, in both the NHS and in the independent care home sector, relies on an immigrant workforce. An immigration system is required that is effective, easy to understand and navigate for applicants and recruiting employers and both fair and seen to be fair.

Nursing has always been an internationally mobile workforce. Many nurses are educated here and work abroad, hopefully to return, with new skills and experiences. Attracting international nurses is important to research, innovation in practice and the development of the profession. International recruitment of nurses is not a substitute for the sustainable growth of the profession within Wales but it is important to recognise the NHS in Wales and our care home sector requires international recruitment of nurses to provide services and will continue to do so. To provide a sense of scale of the issue RCN Wales estimates that there are currently over 1500 registered nurse vacancies in NHS Wales. We know that NHS Wales spent £63.8m on agency nursing in 2018/19 - a rise of 24% since last year.

The shortage in the care home sector is extremely serious and Welsh Government research on the impact of Brexit on the social care workforce shows that recruiting and retaining NMC registered nurses became more difficult during 2018/19. ([Welsh Government, 2019, Research on Implications of Brexit on Social Care and Childcare Workforce in Wales](#))

In addition the care home and care at home sector in Wales requires care workers and domiciliary workers. Although action can be taken by employers to improve pay and conditions and by the Welsh Government to promote the sector this alone will not provide the workforce needed. The demography of Wales means it is dependant on immigration to support the delivery of health and social care services. ([External Affairs and Additional Legislation Committee, 2018, Report on the preparedness of the healthcare and medicines sector in Wales](#))

We are concerned that without review and amendment the proposals put forward by the UK Government are likely to exacerbate the existing staffing crisis.

Is there a case for allowing the devolved nations to do things differently in relation to immigration policy after Brexit?

RCN Wales believes there is indeed such a case. The needs of the sector differ across the regions of the UK. A pilot scheme for regional based visa for example would seem sensible. There is little and mixed evidence on this approach and it would ideal to trial it in the social care sector in Wales.

There is no necessity for devolving the functions and legislative powers concerned. The goal would be to create an immigration framework that a) took evidence of regional need into account and b) had mechanisms to allow the system to respond to this need.

The creation of such a framework could be achieved through greater engagement across the UK administrations and joint working. It would also allow for regions with similar situations to have similar rules apply. The Wales Centre for Public Policy highlighted similarities in wages and at-risk sectors across the UK ([Wales Centre for Public Policy, 2019, Migration in Wales: The Impact of Post-Brexit changes](#)) and unless a specific case can be made for distinction there are good reasons for consistency including administrative simplicity.

We welcome the UK Government's statement in the white paper that "the UK Government will work with the Devolved Administrations to understand their unique perspectives and challenges and to ensure that employers have the flexibility they need to deploy staff and that individuals are able to visit, live and work in all parts of the UK". ([Home Office, 2018, UK's future skills-based immigration system](#)) We suggest that any future engagement is conducted in the spirit of this statement and believe this echoes the Welsh Government's own aim as set out in 'Brexit and the Fair Movement of People', which stated its preference was for "a spatially differentiated approach, where the Welsh Government would have a stronger role in determining how future migration to Wales would be managed". ([Welsh Government, 2017, Brexit and the Fair Movement of People](#)).

We recommend that the Welsh Government seek to strengthen and maintain this inter-governmental relationship and to strongly influence the UK Government within its parameters to ensure that Wales' needs are met.

What are your views on the proposal for a Wales-specific Shortage Occupation List ("SOL")?

The RCN welcomes the Migration Advisory Committee's proposal for a Wales specific occupation shortage list and has called for this measure for many years. Any shortage list applies to Tier 2 workers and allows visas to be issued more easily in the identified areas and Scotland has had access to this mechanism for some time.

However, we recognise that there are issues which do need to be addressed as the proposed list only applies to the current immigration rules. We believe

more information could be released from the UK Government to understand how the proposals will interact with its white paper. More information would also be useful on the £30,000 threshold, which currently does not allow for any regional and sectoral variation in salary. If a shortage occupation list is to be developed for Wales then it would be beneficial for it to be developed on population need as opposed to along salary lines.

What are your views on the salary threshold of £30,000 for Tier 2 immigration and its implications for Wales? /What are your views on the proposal to bring EU nationals into an expanded Tier 2 , and ending any distinction between EU and non-EU workers?

The Royal College of Nursing does not believe any salary threshold should be part of the immigration system. Immigration should be encouraged in the sector and regions it is needed irrespective of salary.

£30,000 is a ridiculously high figure excluding most nurses and certainly excluding care workers. We welcome the action taken by the UK Government to have the Migration Advisory Committee review this figure. We concur with the recommendation of the Wales Centre for Public Policy to treat this as a priority policy area. ([Wales Centre for Public Policy, 2019, Migration in Wales: The Impact of PostBrexit changes](#)). However, any threshold could risk creating an immigration system in which salary is synonymous with skill and value to society. Any new system should demonstrate an understanding of the skills and economic impact that the nursing and social care workforce provide but whose salaries often fall well below the proposed £30,000 threshold.

Although the expansion of Tier 2 visas is generally welcomed, we are concerned that this could entail greater financial and administrative costs for sectors already operating under pressure. For example, the cost of sponsoring employees could likely rise and coupled with the temporary workforce route, providers could find themselves competing with the twin problems of the financial implications of its skilled staff and without the much-needed support of a stable lower skilled workforce.

As stated, the expansion of Tier 2 to include intermediary skills is generally welcomed but recruitment issues will still be exasperated if the salary threshold is maintained at £30,000 as this could cause a discrepancy between the skills of those eligible and the amount they are able to earn. This is not an issue which can be solved by raising salaries due to the existing financial pressures which exist in health and social care.

How well is the EU Settlement Scheme operating? Is there more that the Welsh Government could be doing to ensure that EU nationals resident in Wales are registering under the scheme?

EU staff within the nursing workforce make a significant contribution to the NHS and help ensure safe and effective care. The Welsh Government has taken steps to assure EU nationals of their continued welcome however we

believe that further assurances are needed to give these individuals the confidence in their continued ability to flourish in this country. The RCN and other organisations have been active in promoting the scheme and supporting our EU national members through the process and we welcome support made available via the EU transition fund. We believe a continued joint effort between the Welsh Government and health organisations will help ensure that individuals are supported through this process and that we retain all those we have chosen to live and work in Wales.

Are there any other issues relating to immigration policy after Brexit that you would like to bring to the attention of the Committee?

Temporary Workers route

The temporary workers route has been proposed by the UK Government for what is termed 'low skill workers' to address the needs of sectors such as social care. This proposal would not address the current staffing crisis we are experiencing in Wales, which requires a long-term workforce, who view Wales as their home and place of work.

Under the current proposals, suitable candidates with the required qualifications to work in sector would be limited to maximum of 12 months, with no access to public funds or the training required to upskill and potentially apply for a Tier 2 visa. The proposal could create a transient workforce which would affect the ability to forward plan or provide continuity of care for patients. We recommend that steps be taken to increase the number of people entering training and widen access to the workforce to deal with any potential gaps.

A Wales wide approach to International recruitment

The Train Work Live campaign is an effective branding campaign. However we believe the Welsh Government can turn this branding into an effective support unit for the NHS on international recruitment. This is a complex business and many health organisations spend a great deal of time and money with little final recruitment to show for the process. Support for immigration, NMC registration and language testing can be consistent with such an approach. Indeed the Welsh Government could expand this further, along the lines of the Global Learners Programme. This programme allows international professionals to work in the NHS on a three-year placement, with the aim of taking their experiences and learning back to their home countries.

About the Royal College of Nursing Wales (RCN)

The RCN is the world's largest professional organisation and trade union of nurses, representing around 435,000 nurses, midwives, health visitors, healthcare support workers and nursing students, including over 25,000 members in Wales. RCN members work in both the independent sector and the NHS. Around two-thirds of our members are based in the community. The RCN is a UK-wide organisation, with its own National Boards for Wales, Scotland and Northern Ireland.

The RCN represents nurses and nursing, promotes excellence in nursing practice and shapes health and social care policy.