



## UNISON Scotland consultation response. Scottish Parliament Health and Sport Committee Impact of leaving the EU on health and social care in Scotland.

### Introduction

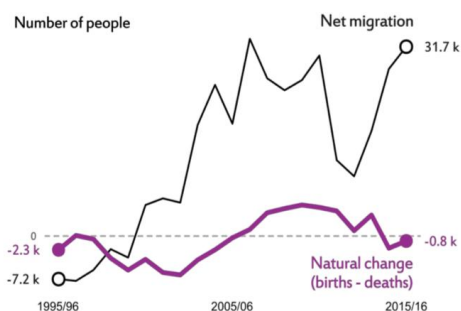
UNISON Scotland is the largest trade union representing members across the devolved public sector. We have a significant number of members who are EU nationals and who provide essential public services. UNISON Scotland welcomes the opportunity to respond to this consultation.

In previous submissions to parliamentary committees we have set out our broad concerns in relation to EU Exit. In our view there remains insufficient clarity from the UK government on these issues. The published impact assessment<sup>1</sup> on this sector is a particularly lightweight document.

We address the questions posed by the inquiry below.

### How could the potential risks of Brexit for health and social care in Scotland be mitigated?

UNISON Scotland believes that there are significant risks for health and social care from Brexit. These are primarily due to the impact on migration which is hugely important for the delivery of these services. We argue that immigration, including EU nationals, has had a positive impact on the Scottish economy and in the delivery of our public services, particularly health and care. The simple fact is you're more likely to be treated by a migrant than you are to be behind one in an NHS Scotland waiting list.



Migrants have a higher employment rate than people born in the UK, are less likely to claim benefits or use the NHS. Migrant employment neither deprives British workers of jobs nor depresses local wages, as a study by the London School of Economics' Centre for Economic Performance (CEP)<sup>2</sup> shows.

Nowhere in the UK is the economic and social case for immigration stronger than in Scotland. Recent increases in population are almost entirely driven by migration (see chart). Our working age population is not projected to increase at the same rate as the rest of the UK. The biggest increase in demand for new jobs is in health and

<sup>1</sup> <https://www.parliament.uk/documents/commons-committees/Exiting-the-European-Union/17-19/Sectoral%20Analyses/23-Medical-services-and-social-care.pdf>

<sup>2</sup> <http://cep.lse.ac.uk/pubs/download/brexit05.pdf>

care – 65,000 extra jobs will be needed by 2020. The numbers of working age Scots to support our ageing population is not going to be available without immigration.

We have recently been working with a Scottish Government project that includes a number of detailed interviews with UNISON members who are EU nationals. From these and our ongoing discussions with members in this sector, it is clear that many EU nationals no longer feel welcome and are seriously considering leaving Scotland in the near future. This is reinforced in the latest nurse registration data<sup>3</sup>. We conducted these interviews after the 8 December agreement on Citizens Rights. Our stewards in the private and voluntary sector are reporting particular problems with EU nationals leaving in significant numbers.

This is despite the positive efforts by the Scottish Government and others to counter these concerns. Public opinion polls in Scotland and the UK shows strong support for letting EU migrants stay and that includes three quarters of leave voters. UNISON has launched a dedicated network to support the more than 67,000 members and their families who are EU citizens from outside the UK. We have published an advice booklet<sup>4</sup> and held a series of roadshows across the UK.

The Joint Technical Note specifying the agreement between the British Government and the European Commission (8th December) appears to reflect some welcome progress on citizens' rights issues including:

- EEA citizens in the UK before 29 March 2019 will have the ability to stay in the UK beyond Brexit on the agreed terms.
- Provisions on the rights of dependants of EEA citizens: future spouses and children born after the withdrawal date will continue to qualify, but national law will apply to more extended family members e.g. common law spouses
- Permanent residence will not be lost by EEA citizens unless they have been absent from the UK for five consecutive years.
- A registration system to be introduced by the British Government which obliges most EEA citizens to seek confirmation of their right to live and work in the UK.
- Those who already hold an EEA Permanent Residence document may convert this to the new immigration status of Settled Status subject only to a check on identity, criminality, security and continued residence.

There remains considerable detail to be agreed in respect of the qualifying criteria. In addition it does not address future migration requirements.

While resolving the differences between the UK and EU positions is important, we should also be looking more broadly at the impact of any agreement on Scotland and begin planning now. We would urge the committee to support the following actions:

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<sup>3</sup> <https://www.theguardian.com/society/2017/nov/02/european-nurses-midwives-leaving-uk-nhs-brexit-vote>

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[https://www.unison.org.uk/content/uploads/2017/06/24406.pdf?utm\\_medium=email&utm\\_campaign=14%20June%202017&utm\\_source=Communications&utm\\_content=Organising%20supporting%20and%20negotiating%20for%20EU%20workers](https://www.unison.org.uk/content/uploads/2017/06/24406.pdf?utm_medium=email&utm_campaign=14%20June%202017&utm_source=Communications&utm_content=Organising%20supporting%20and%20negotiating%20for%20EU%20workers)

- Support the right to remain in the UK for EU nationals currently working in public services in the Scotland and the UK.
- Provide funding and resources to recruit, train, retain and grow a domestic workforce to meet any shortfall from the loss of EU workers. This must include better pay and conditions, Fair Work principles and sectoral bargaining.
- The annual and periodic 'churn' of the workforce particularly at the 'low skilled' end of the health and social care services is higher from all workers (UK, EU and non-EU). Addressing career progression and skilling care workers at entry level can help reduce churn and stabilise the workforce supply. UNISON's Ethical Care and Residential Care charters set out a number of measures IJBs should be adopting now.
- Introduce a migration system, working alongside a workforce strategy for Scotland, which enables Scotland and the UK to continue to be able to attract talented professionals to help the public sector provide the best health, local government, social care and higher education possible. We believe this should include devolved powers of migration to Scotland as highlighted in our evidence to the External Affairs Committee inquiry<sup>5</sup> and the Westminster Scottish Affairs Committee<sup>6</sup>.
- Ensure a continued pipeline of international staff (both EU and non-EU) to meet the estimated shortfalls in the skills and labour needed for Scotland's public services.
- Urge the UK government to adopt a pragmatic approach to mutual recognition of professional qualifications and other regulatory rules.

It is important to emphasise that many of the labour market issues facing the health and care sector pre-date Brexit. We have set these out to the Health and Sport Committee on several occasions. Brexit will simply exacerbate these problems.

UNISON's evidence to the House of Lords Select Committee on Economic Affairs inquiry into Brexit and the Labour Market, sets out our view on labour market issues in more detail.<sup>7</sup>

While we focus on labour market issues in this submission, we recognise that there are other concerns in the sector in relation to research, reciprocal healthcare, medicines and public health.

### **How could the potential benefits of Brexit for health and social care in Scotland be realised?**

UNISON Scotland can see very few potential benefits of Brexit for health and social care. Much of course depends on the outcome of Article 50 negotiations and the rules for access, if any, to the single market.

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<sup>5</sup> <http://www.unison-scotland.org/2017/08/22/devolution-immigration-powers/>

<sup>6</sup> <http://www.unison-scotland.org/2017/11/16/immigration-and-scotland/>

<sup>7</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/economic-affairs-committee/brexit-and-the-labour-market/written/47316.html>

One potential benefit is over procurement. While progress has been made with the Scottish Living Wage and wider Fair Work criteria in social care procurement, the guidance is convoluted to avoid potential challenges under EU procurement law. Free from these constraints, the guidance could be much more explicit and would contribute to the recently published workforce planning recommendations in Stage 2 of that process.

State Aid has also been invoked as another reason for not taking a more interventionist approach in the social care sector. Outwith the EU and the provisions of the single market, we would be less constrained to adopt policies that are right for the sector.

We are not as optimistic as the Scottish Government, as set out in its recent Single Market study<sup>8</sup>, over the claimed benefits of the Services Directive and likely progress with the EU's Social Agenda.

We do not share the view, held by some in the sector, that the Working Time Directive is a significant problem. Restrictions on working time are an important safety factor and should continue after Brexit.

While we accept that there are some potential benefits from Brexit, we are not convinced that they outweigh the very real impact any reduction in migration will have on the sector.

### **In what ways could future trade agreements impact on health and social care in Scotland?**

Again, this is dependent on the terms of the Article 50 negotiations. However, it seems likely that the UK will begin negotiating its own trade deals after Brexit and any transitional arrangements. UNISON would be concerned if they are based on highly controversial deals like TTIP (EU-US) and CETA (EU-Canada). These arrangements hand unprecedented levels of power to corporations, weaken democracy and threaten the ability of our governments at Westminster and Holyrood to take public policy decisions designed to protect people and the planet.

While trade policy is reserved to Westminster, the impacts of trade deals are felt in many areas devolved to the Scottish Parliament, including health, environment, food safety and local procurement.

UNISON Scotland is a member of the Trade Justice Scotland Coalition and we support the Global Justice just trade principles<sup>i</sup>. We welcomed the recent vote in the Scottish Parliament in support of motion S5M-0852, in the name of Mark Ruskell MSP. We would urge Parliament to measure any proposed arrangements for future trade agreements against these principles.

**The Joint Ministerial Committee (EU Negotiations) has agreed a definition and principles to shape discussions within the UK on common frameworks including enabling the functioning of the UK internal market. What implications might this**

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<sup>8</sup> <http://www.gov.scot/Publications/2018/01/6407>

## **have for health and social care in Scotland and what are your views on how these common frameworks are agreed and governed?**

UNISON Scotland is not opposed to common frameworks in the UK, so long as they start from the position of respecting devolution. Any powers that are not specifically reserved should be automatically devolved. We therefore welcome the principle that the competence of devolved institutions will not normally be adjusted without their consent.

Given the extent of devolution in the health and social care sector we would not expect any changes under these frameworks to be significant. Scotland has adopted very different approaches to health and social care and we would strongly oppose any attempt to introduce the English healthcare system under the guise of common frameworks.

### **Conclusion**

Our key concern is to ensure that the rights of our members who are EU nationals working in Scotland are protected and they feel confident enough of their future to remain. In the health and care sector we are already facing acute staff shortages and the loss of EU nationals will exacerbate this.

We accept that there are some potential benefits of being outwith the constraints of the single market, but do not believe that these at present outweigh the concerns over migration and other issues.

We have serious concerns over the UK government's approach to new trade deals and the impact these could have on devolved services. This must be addressed in any common frameworks.

**UNISON Scotland**  
**January 2018**

### **For further information contact:**

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<sup>i</sup> [http://www.globaljustice.org.uk/sites/default/files/files/resources/just\\_trade\\_principles.pdf](http://www.globaljustice.org.uk/sites/default/files/files/resources/just_trade_principles.pdf)