

PREPARING FOR THE END OF EU TRANSITION - WORKFORCE GUIDE

Briefing
December 2020

Preparing for the end of EU transition – workforce guide

The EU exit transition period ends on 31 December 2020 and the new [points-based immigration system](#), which will manage all non-UK migration into the UK, comes into effect from 1 January 2021.

This resource summarises key priorities, highlights potential workforce risks, and suggests some of the actions you can take to enhance readiness.

Use the employer checklist included in this document to identify gaps in your understanding or organisational approach.

Use the risk register, also included in this briefing, to help identify potential issues and how you might mitigate these.

Please get in touch with us at workforcesupply@nhsemployers.org to highlight any issues you are facing or to identify any further support you would find helpful.

Key priorities

Existing EU staff – continuing right to work

The EU Settlement Scheme remains open for EU citizens and their family members.

EU citizens, in the UK before 31 December 2020 have until the end of June 2021 to apply. More information is available in our [EU Settlement Scheme pages](#), which include a suite of resources to help you raise awareness and encourage applications.

New points-based immigration system – future overseas pipeline

The new immigration system launches on 1 January and applies to all non-UK (excluding the Republic of Ireland) nationals wishing to live and work here. Applications to the new skilled worker route open on 1 December 2020. Further information, including the new routes, eligibility criteria and the Health and Care Visa is available in the [international recruitment section of our website](#).

From 1 January 2021, the EU Directive on the Mutual Recognition of Professional Qualifications (MRPQ) no longer applies in the UK. For a maximum period of two years (four years for Swiss nationals) transitional recognition arrangements will apply.

For the most up-to-date information visit the [UK's departure from the EU section](#) of the NHS Employers website.

Preparedness checklist

EU settlement scheme – ensuring right to remain	
<p>Identify current and recently appointed EU staff and encourage applications to the EU Settlement Scheme (where possible use ESR data to check whether EU citizens have secured their status). From 1 July 2021, EU citizens will need to demonstrate they have the right to live and work in the UK.</p>	
<p>Provide tailored communication and support to EU staff who have yet to apply. Have you considered running workshops or information sessions?</p>	
<p>Sustain social media and intranet activity – use the Home Office employer toolkit which includes guidance in 23 languages for EU citizens and their families.</p>	
<p>Keep up to date with the latest on right to work checks for EU citizens using latest GOV.UK guidance</p>	
<p>Consider what else you can do to retain your EU staff and support future EU supply pipelines. Reassure staff that their employment contracts remain in place post transition and, for new recruits, that qualifications will continue to be recognised for a maximum of two years (or four for Swiss nationals).</p>	
New points-based immigration system	
<p>Visit our dedicated web section to understand the new immigration routes, eligibility and to access further guidance and information.</p>	
<p>Identify roles that you currently recruit to under free movement which may not meet the new eligibility criteria under the new immigration system – applicants need 70 points. Consider plans to fill these gaps.</p>	
<p>Identify whether a job meets the required skill level for the skilled worker route by visiting GOV.UK</p>	
<p>Check your organisation has a valid sponsorship licence – essential to be able to recruit from within the EEA and internationally. Existing licence holders and unrestricted certificates of sponsorship will automatically be transferred to the new system.</p>	
<p>Ensure your sponsorship lead updates the PAYE details on any outstanding certificates of sponsorship where the applicant is intending to apply under the new skilled worker route.</p>	
<p>Ensure the lead in your trust for managing sponsorship keeps their details updated with the Home Office – if they move roles, check this has been done. This is important for ensuring, for example, visa extensions and the process by which these are assigned takes place seamlessly and avoids any delays.</p>	
<p>Ensure you have enough certificates of sponsorship (CoS) to assign to your overseas recruits in the pipeline (CoS will be automatically transferred under the new system). Identify positions eligible for any free one-year visa extensions.</p>	
<p>Check for any frontier workers and ensure they apply for a frontier work permit. More guidance is available on GOV.UK.</p>	
Recognition of professional qualifications	
<p>Reassure potential new EU recruits that their qualifications will be continued to be recognised for two years (four years for Swiss nationals).</p>	

Potential workforce risk register and actions

Risk	Approach
<p>Current Workforce</p> <p>Some EU staff may be unaware or fail to apply for settled status and lose their right to work post June 2021</p>	<p>Continue to raise awareness, identify individuals, including those subcontracted by a third party (using ESR data where possible) and encourage your EU staff to apply.</p> <p>Communicate with line managers to inform them of this challenge and encourage them to have one to one meetings to discuss the potential reasons for not seeking settled status and if there is anything the organisation can do to support the individual.</p> <p>Work with staff side to help cascade messaging and continue with local efforts to highlight the scheme, flag right to work risks and offer targeted application support.</p> <p>EU nationals already here in the UK by 31 December 2020, have until the end of June 2021 to secure their pre or settled status. Swiss nationals can bring over spouses and civil partners up until 31 December 2025.</p> <p>Other family members may still be able to come to the UK on a family visa.</p>
<p>Future Workforce</p> <p>Applicant(s) may not qualify for a skilled worker visa under the new immigration system</p>	<p>For applicants who meet the mandatory job role, salary and English language criteria, check whether any of the tradeable criteria apply. For example, is the applicant a new entrant?</p> <p>Keep sighted on immigration system developments and potential future changes to the shortage occupation list – the government has not completely ruled out recent migration advisory committee recommendations. Read the response.</p> <p>The new system will not facilitate the recruitment of overseas nationals below the regulated qualifications framework level 3 (A-level equivalent). Use this GOV.UK tool to assess suitable qualifications.</p>

Risk	Approach
<p>Future Workforce</p> <p>The new system does not provide for the recruitment of staff whose skill level falls below RQF level 3 – meaning the social care sector and the NHS will be unable to recruit to healthcare assistant/ care roles from overseas. This could lead to increased pressure on acute NHS services and staff.</p>	<p>Consider how you work as a system to assess the risk to social care and scope any mitigating actions you can put in place to help manage both patient demand and supply pressures.</p>
<p>Organisation does not currently hold a valid sponsorship licence as have only recruited from the EU previously.</p>	<p>Apply now – it takes approximately eight weeks for the Home Office to process a sponsorship licence application and demand is rising.</p>
<p>Many of the staff we currently employ under free movement, will not meet the new skill or salary criteria and attract 70 points.</p>	<p>Analyse your current EU workforce data, identify future shortages, and look at alternative supply and retention strategies to aid future workforce planning.</p> <p>Use our inclusive recruitment and routes into the NHS resources to help expand your domestic supply pipeline and potentially tap into the thousands of EU citizens already here in the UK.</p>
<p>Recruiting from the EU is now going to cost a lot more than it did when we had free movement.</p>	<p>Use our international recruitment toolkit to understand costs and scope how you can work as a system to scale up, pool resources and share this financial outlay.</p> <p>International recruitment is expensive, and the end of free movement means skilled professionals from the EU will require a visa and be applicable for the immigration skills charge.</p> <p>It will however be cheaper to recruit from the EEA, as applicants will not need to sit professional exams under the new transitional recognition arrangements.</p>
<p>An EU applicant is worried that their qualification may not be recognised post-transition.</p>	<p>Tell your EU applicant that EU qualifications will continue to be recognised for two years and Swiss nationals will benefit from a four-year grace period.</p>



NHS Employers is the employers' organisation for the NHS in England. We help employers to develop a sustainable workforce, improve staff experience and be the best employers they can be.

Our practical resources and expert insights help make sense of current and emerging healthcare issues, to keep employers up to date with the latest thinking and ensure they are informed and equipped to support the NHS workforce.

We generate opportunities to network and share knowledge and we actively seek the views of workforce leaders to make sure their voice is front and centre of health policy and practice.

We also lead the national collective relationships with trade unions on behalf of the NHS and the Secretary of State for Health and Social Care.

Contact us

For more information about NHS Employers

✉ enquiries@nhsemployers.org

🌐 www.nhsemployers.org

🐦 [@nhsemployers](https://twitter.com/nhsemployers)

NHS Employers
2 Brewery Wharf
Kendell Street
Leeds
LS10 1JR
