



Update on Brexit for Council of Deans of Health members

Briefing Paper – 7 November 2019

This briefing paper provides an updated overview of some of the key policy areas affected by Brexit that may impact on our members, in particular on tuition fees for European Union (EU) / European Economic Area (EEA) students, Erasmus+, EU research funding, immigration from the EU before and from 2021 and the impact on the health and social care workforce.

The Council's positions and activities mentioned in this briefing paper are also reflected in our manifesto for the General Election that will take place on 12 December 2019.

1. Tuition fees for EU/EEA students

Governments across the UK have confirmed that EU students starting a course in 2019–20 and in 2020–21 will still be eligible for home fee status and for financial support as per existing rules.

- In **England**, Chris Skidmore MP, the Universities Minister, has confirmed that EU students starting a course in 2019/20 and in 2020/21 at an English higher education institution (HEI) will remain eligible for home status even in a no-deal scenario.
- The **Welsh** government has confirmed that the same EU student fee status and financial support arrangements will continue in 2019/20 and in 2020/2021.
- **Scotland** has [confirmed](#) that EU students starting a course in 2019/20 and in 2020/21 will be eligible for free tuition, even in a no-deal scenario.
- For **Northern Ireland**, the government has also [confirmed](#) that EU students starting a course in 2019/20 or 2020/2021 will be eligible for home fee status even in a no-deal scenario.

The fee status of EU and EEA students starting courses at UK universities from 2021/22 has not yet been determined by UK governments.

The Council continues to monitor changes in applications from EU students to nursing, midwifery and allied health courses. Whilst most members have not seen a drop in applications from EU citizens, some are concerned that this could change in the future. Some small post-graduate courses have a high proportion of EU students, therefore members are concerned that a drop in applications could have serious implications for the viability of these courses.

Further mitigating actions universities are advised to take to address risk in this area:

- In order not to breach Competition and Markets Authority (CMA) guidelines, universities should make sure they are not advertising their courses in a way that implies EU students enrolling from academic year 2021/22 will be eligible for 'home' fee status and financial support as at present.
- In assessing the level of risk of any potential fluctuation in demand from prospective EU students, consider conducting an internal analysis of how EU students have historically funded themselves, and how this might differ between subjects/courses/level of study. Across the sector, in 2015/16, 28% of EU students paid their own fees without any financial backing, although this varied substantially by country – 9% of Romanian students were self-supported, compared to 57% of French students. Overall, around 40% of EU students who pay their own fees are from France, Italy and Germany.

2. Erasmus+

In the event the UK leaves without a deal, the Government's [guarantee](#) will cover funding for UK organisations for all successful Erasmus+ and European Solidarity Corps (ESC) bids, for the lifetime of the project. Eligible organisations are advised to [register as soon as possible](#) but there is currently no deadline for registration. The Department for Education also advises you to discuss the continuation of your projects under different scenarios and consider implications for visa conditions and healthcare cover for participants.

There is no certainty that the UK will be associated with the Erasmus successor programme and no details on what, if anything, could replace the Erasmus+ programme if the UK were not to be associated with it.

Further mitigating actions universities are advised to take to address risk in this area:

- Speak with partners regularly: it would be beneficial for universities to use the opportunity to assess and seek an overview of their Erasmus+ partnerships. Opening dialogue and keeping them as up to date on developments as possible will be integral to ensuring cooperation. Some universities are considering creating parallel/interim partnership agreements that mirror the current Erasmus+ one, but that is separate, so if there is a scenario whereby the UK exits the programme in January 2020, universities could switch to the non-Erasmus+ partnership already agreed very quickly.
- Be mindful of the CMA guidance: Universities should therefore be careful of advertising periods abroad as an 'Erasmus+ year/period' or an 'Erasmus+ funded period abroad', or even when advertising certain destinations without caveating that the partnership may be dependent on the UK's position on the Erasmus+ programme, or other similar phrases.

Universities UK has launched a [#SupportStudyAbroad campaign](#), asking the UK government to commit to continue funding study abroad opportunities for UK students, even if the UK cannot negotiate continued participation in the Erasmus+ programme.

The Council has been advocating for a continued participation of the UK in Erasmus+ and has been echoing Universities UK's analysis of the benefits of student and staff mobility.

3. EU Research funding

Before Brexit happens, UK participants continue to be eligible for all Horizon 2020 calls open to EU Member States and the European Commission will continue to fund UK participation in Horizon 2020 projects.

If the UK leaves under the terms of the Withdrawal Agreement, the UK will [continue to participate](#) in EU programmes and projects financed by the EU's 2014-2020 Multiannual Financial Framework, including Horizon 2020 and the Euratom Research and Training Programme.

3.1. UK participation in Horizon 2020 in a no deal scenario

If we leave without a deal, the UK would become a third country participant in Horizon 2020. As such, the UK would be eligible to participate in, coordinate and bid to all Horizon 2020 calls open to third countries. However, the EU would no longer fund UK participation in the programme.

The UK Government will [guarantee](#) funding for successful eligible UK bids submitted to Horizon 2020 before Brexit. The guarantee will be extended for successful competitive UK bids submitted to Horizon 2020 calls open to third country participation after Brexit and before the end of 2020.

The UK Government has also made a commitment to ensure that UK 'in-flight' bids to mono-beneficiary elements of European Research Council (ERC), Marie-Skłodowska-Curie Actions (MSCA) and the European Innovation Council (EIC) Accelerator are assessed in all Brexit scenarios. The Government does not know how these 'in-flight' bids will be treated by the European Commission in a no deal scenario. If projects are assessed by the Commission and deemed successful, the Government guarantee will fund these projects for their duration. If the European Commission notifies applicants to mono-beneficiary elements of ERC, MSCA and EIC Accelerator who have submitted their bid before Brexit that it will not continue to assess bids, applicants will be able to re-submit their bid to UK Research and Innovation (UKRI) for independent assessment. Government 'in-flight' funding will be available to support successful projects for their duration.

The Government guarantee will be delivered by UKRI. It advises you to take the following steps to prepare for Brexit:

- If you already hold a grant, [register it on the UKRI portal](#), gather evidence on the status of your grant and assess whether your project is at risk of termination if the UK becomes a third country after Brexit. You should also be aware that the way in which you receive funding will change.
- If you are expecting a notification of an outcome after Brexit, you should identify whether your bid will remain eligible for assessment in case of no deal. You will need evidence of the status of your grant.

- If you are preparing to submit a grant after Brexit, you will have to identify whether the call you are looking to bid to is open to third country participation.
- If you are considering submitting a bid to a mono-beneficiary element of ERC, MSCA or EIC Accelerator, make sure you submit the bid to the European Commission before EU Exit. Again, you should ensure you have proof that your bid has been submitted before Brexit but you do not need to register in-flight applications on the UKRI portal. If the European Commission tells you that they will not continue to assess your bid, you will be able to submit your proposal to UKRI (further guidance on this will follow). UKRI will aim to manage the independent assessment of bids according to a similar processes and criteria used by the Commission.

The Council has been advocating for the continued participation of the UK in Horizon 2020 and its successor Horizon Europe. Our members value the research networks and partnerships with their European partnerships immensely. Continued participation in these partnerships is essential for the future of healthcare research in the UK and we will continue to work with stakeholders to call on the Government to ensure this in the future relationship between the UK and the EU.

Further mitigating actions universities are advised to take to address risk in this area:

- Institutions should consider what additional capacity would be needed to respond to UKRI's administrative requirements for making underwrite payments. This is likely to include the completion of one-off financial reports for all Horizon 2020 projects to calculate what costs have been incurred prior to 31 January 2020.
- Institutions should reassure individuals whose employment is explicitly linked to EU funding about steps taken by the Government to underwrite EU funding.
- Institutions should continue to liaise with international partners to communicate the existing steps taken by the Government to underwrite EU funding and to seek to reassure them about the UK sector's strong commitment to strengthening research collaboration links.
- Institutions should upload information about their EU research grants to the UKRI portal. They should await further announcements from UKRI and/or BEIS about how the Horizon 2020 underwrite will be implemented and about replacement mechanisms for ERC and MSCA funding.

4. NMC registrants and applicants from the EU

The Nursing and Midwifery Council (NMC) has clarified what leaving with or without a Brexit deal would mean for NMC registrants and applicants from other EU countries.

4.1. What leaving with a deal will mean for registrants and applicants

If the UK leaves the EU with a deal, we will enter into a transition period until 31 December 2020. During this period there will be no change to the way the NMC registers nurses, midwives and nursing associates

from the EU, European Free Trade Association (EFTA¹) countries and Switzerland and no change to the way UK registrants can apply for registration in other EU countries.

4.2. What leaving without a deal will mean for registrants and applicants

- **Existing registrants:** If the UK leaves the EU without a deal, there will be no change to the status of nurses, midwives and nursing associates already on the NMC register from the EU, EFTA and from Switzerland. Once on the NMC register, everyone is seen as a 'UK registrant' with no distinguishing differences.
- **Existing applications for registration:** Applicants who have begun the process of applying for registration by and including the day the UK leaves the EU, and who have paid their assessment fee by this date will be able to carry on their applications as before. These applicants have up to two years to complete their application. If two years pass and the application has not been completed, they will need to submit a new application via the route outlined under 'New applications for registration' below. Applicants who have begun the process of applying for registration by and including the day the UK leaves the EU but who have not paid their assessment fee by this date will need to pay their fee by 28 November 2019.

4.3. New applications for registration from the EU

The UK Government has agreed that nurses responsible for general care (adult nurse) and midwives who have a qualification that meets the EU minimum training requirements for automatic recognition², will still be able to have their qualification recognised by the NMC and will not be required to undertake the overseas Test of Competence.

Those applicants who do not meet the requirements for automatic recognition as outlined above (including children's, mental health, learning disabilities nurses and nursing associates) will be required to apply for registration through the overseas registration routes, and will likely be required to sit the Test of Competence. The cost of application and registration for these applicants will increase by £940.

4.4. New applications for registration from EFTA nations and Switzerland

Separate arrangements have been put in place for EFTA nations and Switzerland. These applicants are unlikely to meet the automatic recognition requirements and therefore will need to apply for registration through the overseas registration routes, and may be required to sit the Test of Competence.

4.5. Mutual recognition of qualifications

In a no-deal scenario, the current mutual recognition of professional qualifications (MRPQ) system between the EEA, Switzerland and the UK will cease. A new qualification recognition system will operate after Brexit. The Government has [confirmed](#) that recognition decisions taken before 31 January will remain

¹ EFTA countries are Iceland, Liechtenstein and Norway

² As listed in Annex V of Directive 2005/36/EC

valid after Brexit, and that, 'as far as is possible', applications made by but not concluded by Brexit day will continue to be assessed as per existing MRPQ rules.

Further mitigating actions universities are advised to take to address risk in this area:

In order to not breach CMA guidelines, universities should make sure they are not advertising their courses in a way that implies they will be eligible for automatic recognition.

5. Immigration from the EU until 2021

5.1. EU Settlement Scheme

EU citizens can apply for the [EU Settlement Scheme](#) if they:

- are an EU national or dependant
- have started living in the UK by 31 December 2020 (or by the date the UK leaves the EU without a deal)
- have no serious or persistent criminal background.

EU citizens who have been resident in the UK for more than five continuous years will be eligible for settled status. EU citizens who arrive in the UK before 31 December 2020 but have not been living continuously in the UK for five years will be able to apply for pre-settled status before switching to settled status once they have been in the UK for five years.

If the UK leaves the EU with a deal, the deadline for applications will be 30 June 2021. In the event of a no deal, the deadline for applications will be 31 December 2020. Applications are free of charge.

Further mitigating actions universities are advised to take to address risk in this area:

Encourage your EU staff to secure pre-settled or settled status. The [Employer Toolkit](#) provided by the Home Office can be used to publicise the EU Settlement Scheme. Students as well as staff are able to apply.

5.2. European temporary leave to remain

European temporary leave to remain ([Euro TLR](#)) is a temporary UK immigration status that will allow EU, EEA and Swiss citizens who move to the UK **after Brexit** to continue living, working and studying in the UK after 31 December 2020. Successful applicants will receive a temporary immigration status that will allow them to stay in the UK for 36 months from the date it is granted.

The Council, Universities UK and others have pointed out to Government representatives that this 36 months temporary visa would be difficult for students on courses that take more than three years, especially in Scotland.

6. Immigration from the EU from 2021

On 19 December 2018, the Government published a [policy paper](#) on the UK's future skills-based immigration system that it is planning to implement in January 2021.

In June 2019, the Government commissioned the Migration Advisory Committee (MAC) to carry out an in-depth analysis of potential future salary thresholds and the range at which they could be set. In addition to the salary thresholds, the MAC has also been asked to look into an 'Australian-style' points-based system and how this might work in the UK.

The Cavendish Coalition, of which the Council is a member, submitted a response to MAC's consultation on these two issues outlining in particular the following key points:

- The numbers of EU trained nurses joining UK health and social care employers has reduced from 12,000 per annum in 2016 to less than 1,000 in 2019. Alongside additional UK training placements, recruitment from outside of the EU has bridged some of this gap with approximately 5,000 non-EEA trained nurses joining the UK register in the 12 months to March 2019.
- From January 2021, the ability to continue to access skills and labour from outside of the UK is critical to the delivery of multi-faceted workforce supply strategies in place across health and social care.
- Inclusion of key health and care roles on the shortage occupation list is the primary reason why the sector can retain the talented nurses from outside the EEA beyond 5 years.
- For recruitment into roles not on the shortage occupation list, the rate of pay increase over 5 years, as per agreed incremental progression within the nationally agreed pay scale (or equivalent outside of the NHS) has been less than the value needed to apply for settlement. This has left some experienced physiotherapists, occupational therapists and pharmacists needing to leave the UK.
- If there is recognition that the nationally negotiated and agreed pay scales create the framework for the pay of health and care professionals in the NHS, and wider health and social care sector, it would be helpful to use these as the indicator for any salary requirement to apply for settlement.
- The Cavendish Coalition proposes an alternative model with a change to salary criteria using the nationally agreed NHS pay scales and the creation of a labour shortage list which would include health and care support workers.
- The Cavendish Coalition views an Australian style points-based approach as a potentially positive mechanism. The highest importance should be placed on having a job offer and that job being a priority occupation.

7. Brexit and the health and social care workforce

As a member of the Cavendish Coalition, the Council has continued to work closely with other umbrella organisations to influence Government policy in relation to the impact of Brexit on the health and social care workforce.

The Cavendish Coalition commissioned the National Institute of Economic and Social Research (NIESR) to produce the policy report [*Brexit and the health & social care workforce in the UK: Incentivising the domestic workforce and securing clear, reasonable routes for immigration both during and after the UK's exit from the EU*](#), which was published in November 2018.

The Cavendish Coalition also:

- submitted [written evidence](#) to the Health and Social Care Committee to its "Impact of a no deal Brexit on health and social care" inquiry (23 October 2018)
- submitted [written evidence](#) to the Home Affairs Select Committee to inform its post-Brexit migration policy inquiry of the impact upon the health and social care sector (July 2018)
- created a [working paper](#) on future immigration policy options (June 2018)

Representatives from the Home Office and the MAC have presented at several Cavendish Coalition meetings on the Settled Status scheme and immigration policy post-Brexit. With colleagues from the Cavendish Coalition, the Council has emphasised that a drop in EU healthcare professionals working in the UK is likely to exacerbate existing workforce shortages and that increasing the number of UK domiciled students on healthcare courses to compensate for the shortfall requires a complex set of interventions that the Council has been advocating for.

8. Useful resources and guidance

NMC

- What Brexit [means](#) for nursing and midwifery

UK Government

- [Guidance](#) for no deal preparations for higher education institutions
- An [employer toolkit](#) for EU settlement scheme has been published

Universities UK

- [Guidance](#) for universities in a no-deal Brexit
- [Recommendations](#) for government and universities in a no-deal Brexit
- Brexit [FAQs](#)
- [Brexit Readiness Checklist](#)
- [Guidance](#) on transnational education regulation in the EU post-Brexit
- Immigration [information](#) for providers with staff and students in individual EU countries post-Brexit under either a deal or no deal scenario

UK Research and Innovation

- EU Exit UKRI [Q&A](#)

NHS Providers

- [Briefing](#) on NHS Trust contingency planning in the event of a no deal Brexit
- Brexit 'no deal' [briefing](#) for trust communications leads

NHS Employers

- Brexit readiness – [what you need to know](#)
- Brexit and the NHS workforce – [FAQs](#)

King's Fund

- [Brexit: the implications for health and social care](#)

Scottish Government

- [Overview of no-deal preparations](#)

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