



Update on the end of the Brexit transition period for Council of Deans of Health members

Briefing Paper – 17 December 2020

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 students from the European Economic Area¹ (EEA), Erasmus+, EU research funding, immigration from the EU before and from 2021 and the impact of the health and social care workforce.

At the time of writing, the negotiations between the UK Government and the European Commission have not been concluded. Therefore, some aspects in this briefing paper remain uncertain, yet many have been decided. Whether or not a deal will be reached, a number of significant changes will come into effect on 1 January 2021. We hope this briefing paper will be a useful overview for members in adapting to these changes.

1. Tuition fees for EU/EEA students

Governments across the UK have confirmed that EU students starting a course in 2020–21 will still be eligible for home fee status and for financial support as per existing rules for the duration of their course. However, this will change for the 2021-22 academic year (regardless of whether an agreement is reached) and EU students will no longer be entitled to home fee status at higher education institutions across the UK.

- In **England**, it has been [confirmed](#) that EU, EEA and Swiss students starting a course in 2020–21 at an English higher education institution will remain eligible for home status for the duration of their course. However, EU, EEA and Swiss students starting a course from 1 August 2021 will not be eligible for home fee status or for financial support from Student Finance England.
- The **Welsh** government has [confirmed](#) that the same EU student fee status and financial support arrangements will continue for the 2020–2021 academic year but will cease from 1 August 2021.
- **Scotland** has [confirmed](#) that EU students starting a course in 2020-21 are eligible for free tuition for the duration of their course, however for 2021-22 Scottish higher education institutions can charge EU students international fees.

¹ The European Economic Area consists of the Member States of the European Union (EU) and three countries of the European Free Trade Association (EFTA) (Iceland, Liechtenstein and Norway; excluding Switzerland).

- For **Northern Ireland**, the government has also [confirmed](#) that EU, EEA and Swiss students starting a course in 2020–2021 will be eligible for home fee status but students starting a course in 2021–22 will not be.

The English government has confirmed exceptions to home fee eligibility for the following students:

- Irish nationals living in Ireland or the UK (due to the Common Travel Area arrangement). *The Welsh government has stated the same intention, whilst the Scottish and Northern Irish governments are yet to confirm.*
- EU, EEA and Swiss nationals who have benefitted from Citizens' Rights under the EU Withdrawal Agreement, the EEA EFTA Separation Agreement, or the Swiss Citizens' Rights Agreement. The Department for Education is yet to confirm the eligibility criteria for this. *The Welsh government has stated that it 'intends to provide support for those who will benefit from citizens' rights ('Settled Status') under the EU Withdrawal Agreement.'*
- UK nationals living in the EU who start a course before 1 January 2028. *Equivalent confirmation has not been published in Wales, Scotland or Northern Ireland.*

There is still uncertainty around certain funding details, including bursaries, for students undertaking healthcare programmes in the devolved nations.

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

- In order to not breach CMA guidelines, ensure descriptions of fee/loan arrangements for 2021/22 starters reflect the latest UK or devolved government advice.
- 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.

2. Erasmus+

The next Erasmus+ programme is due to start 1 January 2021 and no agreement has yet been reached on the UK's participation in this. If no agreement on Erasmus+ participation is reached, if the UK government opts not to associate, or if the UK is not able to participate in the first year of the new programme, the UK government has committed to fund a new UK-wide mobility scheme as a replacement to Erasmus+ participation. However, the UK government has not committed to replace the non-mobility aspects of the Erasmus+ programme or reciprocal incoming mobility

The UK is a full member of the current Erasmus+ member until it ends and therefore staff and students can complete mobility periods and receive funding up until the end of the 2021/22 academic year. However, UK and EU students will be subject to new immigration regulations from 1 January 2021 if there is no agreement on the mobility of persons. This will mean that UK nationals will be eligible to stay in the EU for no more than 90 days in any 180-day period without a visa. Beyond 90 days it will be down to the immigration rules for each member state. EU students (excluding those from Ireland) on Erasmus+ study or work placements in the UK will be subject to the new points-based immigration system.

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

- Speak with partners regularly: Keep an open dialogue with partners so if there is a scenario whereby the UK exits the programme in January 2020, there could be potential to develop a non-Erasmus+ partnership.
- Be mindful of the CMA guidance: Universities should 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.
- Note the immigration requirements for UK outgoing Erasmus+ students studying or on work placements beyond 31 December 2020 and ensure that students are advised of the various national guidance.
- Be aware of the changes in immigration regulations for incoming students beyond 31 December 2020.
- Ensure UK students abroad are covered by institutional insurance policies (particularly in the context of Covid-19) in the event EHIC cards become invalid, by liaising with insurance officers.

3. EU Research funding

3.1. Horizon 2020

The UK can continue to participate in EU programmes, including Horizon 2020, that are financed by the 2014-2020 Multiannual Financial Framework (MFF) until their closure (ie for the lifetime of grants). UK participants will continue to receive EU grant funding for the lifetime of individual Horizon 2020 projects, including projects finishing after the transition period ends at the end of 2020. UK scientists, researchers and businesses can continue to participate in and lead Horizon 2020 projects and apply for Horizon 2020 grant funding. The vast majority of Horizon 2020 projects will be able to continue as before during the transition period and beyond. This includes European Research Council (ERC), Marie Skłodowska-Curie actions (MSCA), and the European Innovation Council (EIC) Accelerator grant element.

3.2. Horizon Europe

Horizon Europe will replace Horizon 2020 under the new MFF 2021-2027 with a foreseen 50% funding increase. If full association of the UK to Horizon Europe will not be agreed, the government has confirmed that it will make funding available to allow UK partners to participate in European schemes open to third countries. This leaves open the possibility that the third country participation funding guarantee if the UK does not associate will not cover all researchers. For instance, there is a possibility that the government could choose specific topic areas where they will guarantee funding in order to limit the cost.

Universities UK is strongly urging the Government to guarantee funding for all third country participation by UK researchers if the UK does not associate to Horizon Europe.

The government has not yet confirmed the details of the Discovery Fund that it proposes to introduce if the UK does not associate to Horizon Europe. This information is critical for universities who are concerned about retaining and attracting staff who plan to apply for ERC awards.

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

- Reassure individuals whose employment is explicitly linked to EU funding about steps taken by the government to underwrite EU funding.
- 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.
- Ensure that the government commitments are well communicated to all researchers and encourage them to share this information with EU collaboration partners.

4. NMC registrants and applicants from the EU

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

Current NMC registrants

For EU nationals already on the NMC register, there is nothing that they need to do.

Applying to join the NMC register before 31 December 2021

For nurses, midwives and nursing associates trained in EU countries, there will be no change in the NMC registration process until the end of the Transition period. Applicants need to begin their application and pay the assessment fee by 31 December for the current registration process to take place and will then have six months to return the supporting evidence.

Applying to join the NMC register from 1 January 2021

From 1 January 2021, applicants who hold qualifications from EU countries will need to follow the same application process from those trained outside the EU. As the UK's future relationship with the EU is still being negotiated, we are in a 'standstill approach' aimed to minimise disruption. The Government has now [published guidance](#) on what this means for healthcare professionals.

The type of application that applicants need to make will depend on their qualification and not their nationality. This interim process will last two years and will continue to be reviewed by the NMC.

Fees and tests for applicants after 1 January 2021

Adult nurse or midwife: Nurses responsible for general care or midwives who have a qualification that meets the EU requirements for automatic recognition, will be able to have their qualification recognised by the NMC and will not need to take a Test of Competence. The total cost for application and registration is £293 (an assessment fee of £140 and initial registration fee of £153).

EU specialist nurse: EU specialist nurse qualifications (for example children's or mental health nursing) will need to take a Test of Competence. The total cost for application and registration is £1,170.

Swiss nationals

Swiss nationals, or a dependent or spouse with acquired rights in Switzerland, who have a qualification that would previously have been automatically recognised by EU law will be able to use this qualification to apply for NMC registration. Training must have started before 31 December 2020. This process will continue for up to four years under the terms of the agreement that the UK government has agreed with Switzerland.

UK nurses working in the EU

UK-trained nurses, midwives or nursing associates already registered by an EU member state will not be affected.

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. HCPC registrants and applicants from the EU

The HCPC has confirmed that EU registrants currently on its register do not need to take any action. They have produced a [flow chart](#) to explain how any changes might affect EU registrants and applicants.

EU applicants

EU can continue to follow the same application process up until 11.00 on 31 December 2020. After this time, most EU applicants will follow the international registration process.

6. Immigration from the EU until 2021

6.1. EU Settlement Scheme

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

- are an EEA (except Irish), Swiss national or dependant
- have started living in the UK by 31 December 2020
- 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.

The deadline for applications will be 30 June 2021. 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 [Introduction for Employers](#) provided by the Home Office can be used to publicise the EU Settlement Scheme. Students as well as staff should apply.

7. Immigration from the EU and the rest of the world from 2021

On 1 January 2021, the new points-based immigration system will come into effect. Nationals from EEA countries and Switzerland will be subject to the same rules as nationals from the rest of the world. The only exception are Irish nationals.

7.1. Skilled worker route

The main new immigration route that university healthcare faculties will find relevant for recruiting foreign staff is the skilled worker route. To be applicable for the skilled work visa, applicants must obtain 70 points. Applicants must meet the following mandatory criteria in addition to passing the relevant UK criminality checks:

- the applicant must have an offer of a job from a licensed sponsor;
- the job must be at or above the minimum skill level: RQF3 level or equivalent (A-level or equivalent qualification). Workers will not need to hold a formal qualification. It is the skill level of the job they will be doing which is important
- the applicant must speak English to an acceptable standard

Meeting these criteria will give people 50 points. A further 20 points must be obtained through “tradeable” points through a combination of points for their salary, a job in a shortage occupation or a relevant PhD.

Characteristics	Mandatory/tradeable	Points
Offer of job by approved sponsor	Mandatory	20
Job at appropriate skill level	Mandatory	20
Speaks English at required level	Mandatory	10
Salary of £20,480 to £23,039 or at least 80% of the going rate for the profession (whichever is higher)	Tradeable	0
Salary of £23,040 to £25,599 or at least 90% of the going rate for the profession (whichever is higher)	Tradeable	10
Salary of £25,600 or above or at least the going rate for the profession (whichever is higher)	Tradeable	20

Job in a shortage occupation as designated by the Migration Advisory Committee	Tradeable	20
Education qualification: PhD in a subject relevant to the job	Tradeable	10
Education qualification: PhD in a STEM subject relevant to the job	Tradeable	20

It costs:

- £630 (£464 for a shortage occupation) for a visa for up to three years when applying from overseas
- £704 (£464 for a shortage occupation) for a visa for up to three years when applying in-country
- £1,220 (£928 for shortage occupation) for a visa for over three years when applying from overseas
- £1,408 (£928 for shortage occupation) for a visa for over three years when applying in-country

7.2. Student visa

The student visa replaces the previous Tier 4 (General) student visa. Applicants must have been offered a place on a course by a licensed student sponsor, have enough money to support themselves and pay for their course, and prove their English skills at CEFR level B2 to a course at degree level or above, or at CEFR level B1 for a course below degree level.²

Prospective students can apply from outside the UK up to six months before starting their course and will usually receive a decision within three weeks. Prospective students applying from inside the UK, can apply up to three months before starting their course and will usually receive a decision within eight weeks. They must apply before their current visa expires and their new course must begin within 28 days of their current visa expiring.

If the applicant's course is at degree level, they can usually stay in the UK for up to five years. If it is below degree level, they can usually stay in the UK for up to two years.

It costs:

- £348 to apply for a Student visa from outside the UK plus the healthcare surcharge
- £475 to extend or switch to a Student visa from inside the UK plus the healthcare surcharge

7.3. Health and care worker visa

The health and care worker visa will be most relevant for health and social care organisations seeking to recruit foreign workers.

² Nationals from the following countries do not need to prove their knowledge of English: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, Malta, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, USA.

To qualify for the health and care worker visa, applicants must:

- be a qualified doctor, nurse, health professional or adult social care professional³
- work in or have a job offer for an eligible health or social care job
- work for a UK employer that has been approved by the Home Office
- have a 'certificate of sponsorship' from their employer with information about the role they have been offered in the UK
- be paid a minimum salary - how much depends on the type of work they do
- prove they can read, write, speak and understand English to at least level B1 on the Common European Framework of Reference for Languages (CEFR) scale⁴

Those on a health and care visa and their partners and children will not have to pay the healthcare surcharge.

7.4. Graduate route

This new route is due to launch in Summer 2021 and will provide students with two years (three years for PhD students) to work or look for work in the UK after they have completed their studies.

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

Ensure that information on your website and your relevant materials includes clear information about the new immigration system.

Ensure that those involved in advising, recruiting and supporting international staff and students understand the new points-based system and the relevant visa routes.

8. 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, unions and professional bodies to influence Government policy in relation to the impact of Brexit on the health and social care workforce. The Coalition has welcomed the changes that have been made to lower the salary threshold, extend the Shortage Occupation List and the Health and Care Visa. Concerns remain about the social care sector's ability to recruit from abroad in the face of persistently high vacancy and turnover rates and rising demand.

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*](#)

³ Out of the disciplines the Council of Deans of Health covers, the following [qualify](#) for the health and care worker visa: medical radiographers, podiatrists, physiotherapists, occupational therapists, speech and language therapists, nurses, midwives, paramedics, health professionals and therapy professionals that are not elsewhere classified

⁴ Nationals from the following countries do not need to prove their knowledge of English: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, Malta, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, USA

[*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.

Other key outputs from the Cavendish Coalition include:

- [response](#) to the Migration Advisory Committee's call for evidence on the Shortage Occupation List (3 July 2020)
- [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)
- [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)
- [working paper](#) on future immigration policy options (June 2018)

9. Useful resources and guidance

NMC

- What Brexit [means](#) for nursing and midwifery
- Overseas application [process](#) for nurses and midwives
- Overseas application [process](#) for nursing associates

HCPC

- Brexit - [information](#) for professionals

UK Government

- [Guidance](#) for no deal preparations for higher education institutions
- An [employer toolkit](#) for EU settlement scheme has been published
- [Factsheet](#) - New routes launched as part of points-based immigration system
- [Guidance](#) for EEA-qualified and Swiss healthcare professionals practicing in the UK from 1 January 2021

Universities UK

- [Recommendations](#) for government and universities in a no-deal Brexit
- Brexit [FAQs](#)
- [Guidance](#) for Preparing for the end of the Transition period
- [FAQs](#) for EEA and EFTA students in the UK
- Immigration [information](#) for providers with staff and students in individual EU countries post-Brexit under either a deal or no deal scenario

UK Research Office

- [Factsheet](#): Brexit and continued UK participation in EU programmes for research, innovation and higher education

NHS Health Research Authority

- [Guidance for health and social care researchers at the end of the Transition Period](#)

NHS Confederation

- Preparing your NHS organisation for the end of the EU exit transition period - [a quick guide](#)
- [Data adequacy and Brexit: practical implications for the NHS](#)

King's Fund

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

For more information contact:

Dorothea Baltruks, Senior Policy and Research Officer, dorothea.baltruks@cod-health.ac.uk