

	Briefing for Assembly Members for the debate on the External Affairs and Additional Legislation Committee reports on Brexit Preparedness.
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Introduction

This briefing has been produced for Assembly Members in preparation for the debate on the External Affairs and Additional Legislation Committee reports on Brexit Preparedness taking place in Plenary on Tuesday the 29th of January.

The Welsh NHS Confederation provided both [written](#) and oral evidence to the Committee in September 2018 but there has been significant developments since October last year and this briefing provides our current position. In addition, through our Policy Forum we have developed and published "[The key issues for health and social care organisations as the UK prepares to leave the European Union](#)" briefing which provides further detail on our position.

Key points to consider:

- There are significant risks associated with Brexit but the NHS across Wales are continuing to plan for a no-deal which we see as the worst-case scenario. That is the only responsible thing to do when there is no clarity on what the outcome will be.
- Our priority is that patients do not suffer as a result of the Brexit process. Even if there is a no-deal we cannot have no agreement about how to protect patients in Wales, the UK and across Europe. We are therefore calling on both the UK Government and the European Commission to guarantee patient safety whatever happens. That means free movement of medicines, free movement of medical devices and supplies for as long as it takes to resolve these concerns.
- This is an unprecedented situation for the health service. Of course, the NHS can adapt to emergencies, but that doesn't mean we shouldn't seek to avoid them. No-deal and no arrangements to protect patients is simply not acceptable and could potentially impact on the quality of services and impact on people's lives.
- Currently 1,450 individuals directly employed by the NHS in Wales identified themselves as EU nationals on the Electronic Staff Record.
- Health and social care requires a future immigration system which is responsive, agile and easy-to-use for both employers and those applying. We are extremely concerned about whether the visa proposals in the UK Government's Immigration White Paper will encourage the numbers of care staff that social care needs to sustain services and we want a guarantee from the UK Government that its settled status programme for EEA nationals will be honoured in the event of a no-deal Brexit.
- Both the UK and the Welsh Government have engaged with the health service in Wales on several issues and listened to the concerns that we have raised and responded to them and we will continue this engagement over the coming days, weeks and months.

Our key areas of focus

We do not take any stance on the merits or otherwise of Brexit. However, our aim is to make sure that we are in the strongest possible position in the event of the UK leaving the EU and that we achieve the following desired outcomes:

1. Providing a continued domestic and international pipeline of high calibre professionals and trainees in health and social care to deliver sustainable NHS, social care, and independent health services to ensure the best care to our communities and people who use our services.
2. Continued recognition of professional qualifications trained in the EU27 and mechanisms to alert each other of health and social professionals who are prohibited or restricted to practice.
3. That workers' employment rights and patients' rights are protected post Brexit.
4. Health and social care organisations across the UK will be able to continue to participate in EU collaborative programmes and lead and contribute positively to European Reference Networks post-Brexit.
5. Ensuring patients continue to benefit from early access to the wide range of innovative health technologies available on the EU market and not miss out on the opportunities offered by participation in EU clinical trials.
6. Ensuring regulatory alignment for the benefit of patients and the public's health, so that UK patients continue to benefit from early access to the wide range of innovative health technologies available.
7. Preserving reciprocal healthcare arrangements.
8. Ensuring robust coordination mechanisms on public health and wellbeing and securing the same, or higher, level of safety is guaranteed through domestic standards and regulations.
9. Securing a strong funding commitment to the healthcare sector, promoting solutions to minimise any potential additional pressures which may result from Brexit, as well as advocating for any loss of EU funds to be offset by alternative funding.
10. Continued engagement between the Welsh Government and the UK Government to ensure the interest of health and social care sector in Wales are safeguarded during the withdrawal process and beyond.

How the NHS is planning for a no-deal Brexit

The Welsh NHS Confederation and our members have been working with Welsh Government officials to consider and assess the scale of impact for Welsh health and social care services post Brexit, including contingency options. Since October 2017 the Welsh NHS Confederation has agreed to be the main contact for coordinating specific Brexit actions across NHS organisations and working with the Welsh Government. This communications and engagement work is intended to support discussions and actions on managing risks effectively within health and social care.

NHS leaders have set out their collective actions and measures that they are undertaking to prepare for EU withdrawal to ensure the smooth and effective running of services for our patients and service users. As part of the no-deal Brexit scenario NHS organisations are looking at potential gaps in the workforce which might arise and the supply of medicines,

equipment and consumables. They have also established Forums within their areas to look at impacts across their region for a no-deal Brexit. Preparations at this stage are focusing primarily on preparedness for the impact of a potential no-deal Brexit on 29th March 2019 and are being undertaken under the auspices of business continuity planning, in conjunction with local and regional partners, including through Local Resilience Forums and the All Wales Risk Group. Our focus and our ambition is to make sure that once we leave the EU, people in Wales will see no difference in the high standard of service we provide.

Supply of medicines

The NHS in Wales has been advised that they do not need to take any steps to stockpile additional medicines beyond their current stock levels and there is no need for clinicians to write longer NHS prescriptions. But our number one concern remains the ambiguity over what ‘no-deal’ means for the manufacturing of drugs and devices composed of ingredients or parts sourced from the EU and UK.

The EU has confirmed it will be imposing customs checks on UK goods coming into the EU. Delays of up to six months could have a devastating impact on the manufacture of drugs across Europe and affect the just-in-time supply chain on which the NHS relies. However, plans to ensure adequate supplies of medicines and devices have moved beyond stockpiling, and it’s clear there is sufficient freight capacity for medicines and medical products to move freely into the UK. Patients will also welcome the commitment that medicines and medical products will be prioritised on these alternative routes to ensure supply continues.

The key messages for health providers and patients is that we should not be stockpiling medicines because doing so could create devastating problems rather than solve them.

NHS workforce

According to the latest figures (November 2018), 1,450 individuals directly employed by the NHS in Wales identified themselves as EU nationals on the Electronic Staff Record (62% of NHS staff have completed the nationality field on the Electronic Staff Record). This equates to 3% of the total NHS Wales workforce. This is a significant number of trained, qualified and dedicated staff who could not be replaced in the short term – for example the percentage of medical and dental professionals working in the Welsh NHS is a higher percentage at 7%.

Number of directly employed staff identifying as EU National	EU Citizens	% of total directly employed workforce
Nursing and Midwifery Registered	354	2%
Administrative and Clerical	98	1%
Additional Clinical Services	181	2%
Medical and Dental	468	7%

Estates and Ancillary	111	2%
Allied Health Professionals	128	3%
Add Prof Scientific and Technic	70	3%
Healthcare Scientists	40	3%
NHS Wales	1,450	3%

While we are not currently experiencing any significant change to the numbers of EU nationals on the NHS Electronic Staff Record, individual organisations are considering local workforce issues and emphasising to staff their commitment to EU nationals working in the Welsh NHS both now and in the future.

Health and social care require a future immigration system which is responsive, agile and easy-to-use for both employers and those applying. A future immigration system should use public service value as a key factor in assessing skill levels and setting entry requirements, rather than using salary as a proxy for skill. Currently, many social care and health jobs do not fulfil the requirements for the minimum skills or salary levels of the current non-EEA immigration.

We are extremely concerned about whether the visa proposals in the Immigration White Paper will encourage the numbers of care staff that social care system needs to sustain services. The new immigration system must adjust skills and salary levels to ensure that health and social care provision can be properly staffed by the skilled care staff it needs. We appreciate the future opportunity to engage with the Home Office on this issue.

We want a cast-iron guarantee from the UK Government that its settled status programme for EEA nationals will be honoured in the event of a no-deal Brexit. Through the [Cavendish Coalition](#) we want to work with the UK Government to ensure the process for registering for settled status is as easy and smooth as possible – both the trial for health and social care workers – and when the scheme is opened to all EEA nationals in March 2019.

People travelling abroad and health arrangements

If the UK leaves the EU with a deal, we would expect it to include provisions safeguarding citizens' rights regarding free movement and access to social security benefits such as healthcare, at least for the transition period following Brexit. If, however, the UK leaves with no-deal at all, UK citizens will be subject to the same rules as people from countries outside the EU, unless individual Member States decide otherwise.

The UK Government has stated in their EU Exit Operational readiness guidance that they will seek to protect UK citizens in this eventuality through transitional bilateral agreements with other EU Member States and have introduced the Healthcare (International Arrangements) Bill to ensure that they have the legal powers to enter into such agreements in a 'no-deal'

scenario. The Bill could support a broad continuance of the existing reciprocal healthcare rights under current EU regulations (such as the European Health Insurance Card).

Public health

This week (21st of January 2019) Public Health Wales NHS Trust published the report, [The Public Health Implications of Brexit in Wales: A Health Impact Assessment Approach](#). The report examines the potential effects of Brexit on the short, medium and long-term health of people living in Wales. It highlights how the physical and mental health of the poorest, those with lower educational qualifications, those employed in agricultural and manufacturing sectors exposed to Brexit and those requiring health and social care must be key considerations as preparations for Brexit develop and also continue to be addressed following any final agreements.

Conclusion

The Welsh NHS Confederation, on behalf of our members, will continue to highlight the possible implications of Brexit on NHS Wales with the Welsh Government, Assembly Members and our stakeholders. In addition, as a member of the Cavendish Coalition and the Brexit Health Alliance, we will ensure that the impact for Wales is being made clear at a UK level by highlighting the likely effects on Welsh policy and legislation.

If you require any further information on any of the issues raised in this briefing, please do not hesitate to contact us: Nesta.lloyd-jones@welshconfed.org

The Welsh NHS Confederation

The Welsh NHS Confederation is the only national membership body that represents the leadership of all the statutory NHS organisations in Wales: the seven Local Health Boards, three NHS Trusts and Health Education and Improvement Wales.