

Briefing: Immigration (Health and Social Care Staff) Bill, Second Reading, 6 November 2020.

As representatives of thousands of internationally educated health and care staff, and people in later life who rely on their expertise, we are calling on the UK Government to grant everyone who supported the COVID-19 emergency, automatic Indefinite Leave to Remain. We support this Bill – sponsored by Christine Jardine MP – which seeks to grant indefinite leave to remain for health and social care staff across the UK.

Granting automatic indefinite leave to remain to international health and care workers who continued to help tackle this virus should be instinctive and we call on the Government to act. This Bill must include all health and care staff – irrespective of the setting in which they work – in its scope because they have all played a vital role in supporting patient care in hospitals, our communities and in people's own homes. The support that they provide, though brought to the fore through this pandemic, has always been essential and the RCP earlier this year already called for a 'new deal' for international health and care staffⁱ in recognition of this. YouGov polling from May 2020 showed 67% of the public thought it was unlikely that the NHS would have been able to tackle coronavirus without international staff. They are and always will be, key workers.

Currently, there are 84,316 non-EEA internationally educated nurses working in health and care across the UK.ⁱⁱ The RCP's annual 2018/19 census of consultant and higher specialty trainee (HSTs) physicians revealed that close to half (43%) of advertised consultant posts with an advisory appointments committee went unfilled due to lack of suitable applicants.ⁱⁱⁱ 40% of consultant physicians and 63% of HSTs said rota gaps occurred on a daily or weekly basis. In the latest Skills for Care report on workforce across adult social care, 9% of the care workforce has a non-EU nationality (134,000 jobs) and 7% has an EU nationality (113,000 jobs). This varies regionally with as much as 37% of the care workforce being non-British in London.^{iv} There are around 112,000 vacancies in adult social care in England on any given day.^v

Without our international health and care staff dedicating their careers to providing safe and effective care to people in need across the UK, patient care would be further compromised because of the high domestic vacancy rates across the sector. The NHS and wider health and care system benefits hugely from the cross-border sharing of knowledge and skills and has always been a diverse organisation – representing the society and patient population it cares for. The government must make sure that it is doing everything possible to value and welcome international health and care staff to the UK.

In May, the Home Office announced that the families of any health or social care workers who die as a result of COVID-19 will receive "immediate indefinite leave to remain, free of charge".^{vi} However, we would like to see the Home Secretary go further and grant Indefinite Leave to Remain to every health and care worker who has provided care during the COVID-19 pandemic. Staff retention is essential for patient care and the sharing of knowledge and skills and therefore, retaining existing international staff is an important aspect of this. 69% of the public think that the UK Government should publicly acknowledge the contributions of international staff working in health and social care during the pandemic.^{vii} Granting Indefinite Leave to Remain would be a public, positive step to show our internationally educated colleagues that the government appreciates and recognises their commitment and value to the NHS and social care.

We are aware that as part of the government's target to reach 50,000 more nurses by the end of this Parliament, it is expected that there will need to be significant overseas recruitment of an additional 18,000 internationally educated nurses. However, the social care sector will be left to fill the high numbers of vacancies domestically, which remains a challenge, despite multiple recruitment campaigns in recent years. This shows a contradiction in how the

government values the contribution of overseas staff, despite NHS and social care workers providing equally important patient care – especially during the pandemic. Social care staff – ineligible for the skilled worker scheme – must be given a migratory route and made to feel welcome in the UK beyond the government accepting the Migration Advisory Committee’s (MAC) latest recommendations to include senior social care staff on the Shortage Occupation List.

Additional information:

While this debate is focused on legislation to grant Indefinite Leave to Remain to health and care staff across the UK, the discussion cannot be separated from the other significant barriers which staff face as internationally educated professionals. We are concerned that other Home Office migration policies run the risk of forcing international staff to leave the UK prematurely. In particular, we are concerned that the no recourse to public funds condition applied to migrant workers is a key disincentive to retention and another example of failing to recognise the value they bring.

While British nationals unable to work while shielding or self-isolating due to COVID-19 have benefitted from the security of public financial support, we are concerned that migrant workers are being forced to choose between continuing to work despite being at risk, or otherwise staying at home and falling into destitution. This is wrong and will put staff and patient lives at unnecessary risk.

We welcomed the MAC’s announcement last year to lower the salary threshold to £25,600 under the new immigration system. However, this will inevitably exclude a large number of entry-level applicants working in the social care sector, who often face a much lower annual average salary. We recommend and expect the government to reconsider the MAC recommendations and urgently commit to implementing a migratory route for social care staff by adding these much needed, key worker roles to the Shortage Occupation List.

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ⁱ Royal College of Physicians, 'Immigration new deal' 2020. Available at: <https://www.rcplondon.ac.uk/guidelines-policy/rcp-briefing-immigration-new-deal>

ⁱⁱ Nursing and Midwifery Council, 'Registration Statistics', 2020. Available at: <https://www.nmc.org.uk/about-us/reports-and-accounts/registration-statistics/>

ⁱⁱⁱ <https://www.rcplondon.ac.uk/projects/outputs/focus-physicians-2018-19-census-uk-consultants-and-higher-specialty-trainees>

^{iv} Skills for Care, 'The state of the adult social care workforce in England', 2020. Available at: <https://www.skillsforcare.org.uk/adult-social-care-workforce-data/Workforce-intelligence/documents/State-of-the-adult-social-care-sector/The-state-of-the-adult-social-care-sector-and-workforce-2020.pdf>

^v Skills for Care, 'The state of the adult social care workforce in England', 2020. Available at: <https://www.skillsforcare.org.uk/adult-social-care-workforce-data/Workforce-intelligence/documents/State-of-the-adult-social-care-sector/The-state-of-the-adult-social-care-sector-and-workforce-2020.pdf>

^{vi} Home Office, 'Extension to bereavement scheme for NHS and social care staff' 2020. Available here:

<https://www.gov.uk/government/news/home-office-extends-bereavement-scheme-to-nhs-support-staff-and-social-care-workers>

^{vii} [RCP briefing health and social care immigration](#) May 2020