9 November 2018

Dear Colleagues,

EU WITHDRAWAL UPDATE

At the workshop session with Chief Executives on 10 October, I committed to continuing to give you regular updates on EU Withdrawal matters, following our letters on this subject of 29 June, 23 August and 5 September. This letter provides a summary of the key developments and announcements which have taken place since the workshop.

Mutual Recognition of Professional Qualifications (MRPQ)

The UK Government (UKG) has continued its preparations for a possible no deal scenario, with the publication of further batches of ‘Technical Notices’ designed to give information to citizens and businesses about what to do in such a scenario.

Of particular note is the Technical Notice on Services published on 12 October, which includes advice about the handling, in a no deal scenario, of MRPQ, including for doctors, nurses, dental practitioners, midwives and pharmacists. The Notice makes clear that for EEA professionals (including UK nationals holding EEA qualifications) who are already established and have received a recognition decision in the UK, this recognition decision will not be affected and will remain valid. EEA professionals (including UK nationals holding EEA qualifications) who have not started an application for a recognition decision in the UK before exit will be subject to future arrangements, which will be published by UKG before exit day. EEA professionals (including UK nationals holding EEA qualifications) who have applied for a recognition decision and are awaiting a decision on exit day will, as far as possible, be able to conclude their applications in line with the provisions of the MRPQ Directive. I would be grateful if Boards could give due consideration to the operational implications of the Notice on Services.
The Home Office’s ‘Settlement Scheme’ for EU27 citizens

My letter of 29 June included draft guidance notes - one for managers on supporting EU27 and EEA staff, and one aimed at staff themselves – which I understand you have found useful in taking forward your internal communications. Since then, UKG has continued its preparations for the introduction of an ‘EU Settlement Scheme’ for EU citizens living in the UK post-Brexit. The plan is that this Scheme will open to all EU citizens in the UK from early next year. Jane Hamilton’s letter of 5 September included a link to a UKG ‘employer tool kit’, the aim of which is to help equip employers with the right tools and information to support EU citizens and their families on the Scheme.

On 11 October, the Home Office laid amendments to immigration rules designed to put into place a pilot of its Scheme, to include health, social care and university staff UK-wide. The pilot will run for a short period from 29 November. Whilst it is welcome that workers in these sectors in Scotland will be included in the pilot, and thus have the early opportunity to confirm their settlement status in the UK post-Brexit, the Scottish Government is extremely disappointed that family members of these workers will not be included in the pilot. The Cabinet Secretary for Health and Sport wrote to Caroline Nokes, the Home Office Minister, on that basis. Whilst the Cabinet Secretary made clear in her letter that she would not be prepared to positively promote the pilot in its current form, it is nevertheless important that those who want to take part in the pilot have access to the necessary advice and information. For that reason, the EU Withdrawal Team in my Directorate is in close contact with your HR Directors, making sure they have information from the Home Office, via us, as soon as we have it.

Follow up to Chief Executives’ Workshop session on 10 October

Thank you once again for your participation in what I thought was a very useful session. Based on the presentations and discussions at this workshop session, the analysis we did of Board returns to my letter of 29 June, and also the developments that have taken place since the workshop, I would summarise the main risks to Board operational readiness as a result of EU Exit, at the current time, as follows:

- Workforce – impact on future recruitment;
- Medicines Supply, including vaccines, medical radio-isotopes, and blood and plasma products;
- Supply of Medical Devices, including clinical consumables;
- Ongoing arrangements for reciprocal healthcare;
- Clinical Trials;
- Research Funding;
- Procurement;
- Public Health – impact of EU withdrawal on health and Wellbeing;
- Public Health – Cross-border Co-operation;
- Food/energy/fuel supplies;
- Financial impacts.

The Scottish Government is now intensifying its preparations for all EU exit possibilities in order to protect the Scottish economy, our businesses and workers. We are also engaged in civil contingencies planning around any impacts which may have an immediate and direct effect on citizens. Finally, we are working across Government to develop communications
messages and will keep you advised and involved once those messages have been agreed. The EU Withdrawal Team briefed your communications leads on this latter point at their meeting on 8 November.

I am aware that Chief Executives are keen to ensure that their Boards are fully engaged in all the ongoing work towards ensuring their organisations are operationally prepared for EU Exit. In order that you are able to do that, I will aim to provide a further update to you with details of ongoing work in these areas in the next few weeks.

Yours sincerely,

[Signature]

Shirley Rogers
Director of Health Workforce, Leadership and Service Transformation