

Migration Advisory Committee call for evidence: The impact of the ending of freedom of movement on the adult social care sector

Summary and Recommendations

As part of COSLA's continued commitment to highlight the positive benefits of migration and make the case that a reduction of in-migration to Scotland from European Economic Area (EEA) countries will adversely impact on Scotland's local authorities, COSLA is providing a response to the Migration Advisory Committee (MAC) call for evidence on the impact of ending freedom of movement on the adult social care sector.

This paper invites members of the Community Wellbeing Board to:

- i. Discuss COSLA's response to the MAC call for evidence (please refer to Annex A); and,
- ii. Endorse the COSLA response to the MAC call for evidence.

References

Previous reports on MAC calls for evidence:

- 20-06-19 CWB Board – MAC call for evidence on skills shortages
- 19-11-08 CWB Board – Response to MAC Salary Threshold and Points Based System Consultation

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Purpose

1. COSLA will respond to the current MAC call for evidence on the adult social care sector, as part of our ongoing commitment to highlight the positive benefits of migration. This paper will highlight the stark shortages in Scotland's social care workforce and the impact this is having on service provision. COSLA will outline the need to keep all our options open to ensure our social care workforce is buoyant and can meet increasing demand for services. This includes lobbying for a UK immigration system that can meet Scotland's social care workforce needs on a local, as well as a national level.
2. Board members are asked to discuss and endorse the proposed submission to the MAC attached at Annex A.

What is changing?

3. Freedom of Movement in the UK for EU citizens ended at 11pm on 31st December 2020, and the UK Government introduced the new UK Points-Based Immigration System on 1st January 2021.
4. The points-based immigration system applies to EU and non-EU citizens, with the exception of Irish citizens. Under the system, applicants for skilled work visas must meet several criteria, including a job offer from a licensed sponsor that meets the applicable minimum salary threshold, and that it is for a role at RQF 3 or above (A Level and equivalent). In terms of social care, Senior Care workers can be employed under this system, but jobs below that level cannot.
5. In July 2021, the MAC was commissioned by UK Government to undertake a review of adult social care and the impact the ending of free movement has had on the sector. The MAC wish to hear organisations' views on:
 - The impact of COVID-19 on staffing levels and recruitment in the social care sector;
 - The impact and wider implications of the EU Exit referendum on current and future European workers in social care;
 - The medium- and long-term consequences on the social care sector as a result of the end of free movement; and
 - Ways in which location can impact on staffing and recruitment in the social care sector.

Current COSLA Position

6. COSLA has consistently supported the need for an immigration system that can meet the needs of Scotland's economic, workforce, and demographic needs, at a local, as well as national level. COSLA has raised particular concerns with the new immigration system regarding how it has limited Local Government and employers' ability to attract and retain migrant workers, particularly in key sectors where we are facing skills gaps and shortages, such as social care. We have called for an immigration system that will give us the ability to encourage inward migration and incentivise young people to work and settle within areas of Scotland where local populations are facing the sharpest decline.
7. We have also raised our concerns that introducing a stringent immigration system at the same time as we are experiencing the damaging effects of COVID-19 will have significant implications for Scottish Local Government, for our economy and our workforce.

Proposed COSLA Position

8. COSLA welcomes the opportunity to respond to the MAC call for evidence to ensure a robust Scottish Local Government voice is heard and social care needs are considered in the new immigration system.
9. The submission has been prepared by COSLA in consultation with our member councils, and we have drawn on wider data from the Scottish Social Service Council (SSSC) workforce data (2021), Scottish Care workforce recruitment and retention survey findings (2021), Scottish Care independent nursing data (2021), Society of Personnel and Development Scotland (SPDS) workforce planning survey (2020), and analysis of MyJobScotland 2019 and 2020 vacancy data.
10. The key points from the evidence we have gathered are as follows:
 - There are significant shortages in the social care workforce and there is a lack of candidates to fill posts;
 - COVID-19 has had a substantial impact on staffing levels, due to a combination of absence (shielding, self-isolation requirement and staff who have become unwell), which has led to greater pressure on existing staff, longer working hours and high levels of staff burnout;
 - There are concerns about the additional barriers social care employers are facing with the ending of freedom of movement and the introduction of the new points-based immigration system for EU and non-EU workers, which will lessen recruitment opportunities. For example, the evidence shows that the salary threshold will act as a barrier to recruiting a substantial proportion of social care staff from EU and non-EU countries;
 - It is perceived that employers may be discouraged from sponsoring migrant workers and that potential candidates may be discouraged from applying for posts in the UK due to concerns about navigating a costly and bureaucratic immigration system;
 - Evidence suggests that the recruitment situation has worsened since the UK left the EU and due to the impact of COVID-19. We do not have enough robust data to disentangle this complex situation and apportion responsibility to either the ending of free movement or the pandemic;
 - We acknowledge free movement is not the definitive answer to social care recruitment challenges, but EU workers have played an important and valuable

role in the social care sector and have helped to address some of these challenges. Many local authorities are concerned that losing the opportunity to employ migrant workers in the future will further exacerbate our social care workforce crisis;

- Evidence highlights the additional barriers providers face when trying to recruit staff in rural areas, e.g. public transport, driving times, affordable housing and sourcing staff to cover rural areas; and
- The UK Government has specifically asked the MAC to consider visa options for social care workers. If a visa scheme for social care workers is to be introduced, it must acknowledge the importance of retention in the workforce and continuity of service provision; recognise the wider contribution made by migrant workers and the importance of family migration; and be a system that is not overly complex, bureaucratic or costly (for the employer and employee alike).

Next Steps

11. Members' views on COSLA's draft response to the MAC are welcomed. Subject to agreement from the Board, and any amendments that are required by members, COSLA's response will be submitted to the MAC.
12. COSLA will continue to seek every opportunity to lobby the MAC and UK Government for a flexible immigration system that works for every sector and in every part of the country.

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