

Brexit and Older People

Briefing Paper December 2017



Introduction

Following the decision on 23 June 2016 by the UK electorate to leave the EU by 52% to 48%, the government is now in the middle of negotiating Britain's departure. The scheduled leaving date is 29 March 2019, followed by a two year implementation period in which EU rules and laws will still apply. This briefing paper will consider the impact of Brexit on pensioners in Britain and the 247,000 British citizens aged 65 and over living in other EU countries (excluding Ireland).¹ The final outcome of Brexit is by no means certain, and thus the information outlined here is based on current information available and the agreements arising from negotiations.

State Pension and the Triple Lock

As a member of the EU, the UK is part of long-standing provisions in EU law to co-ordinate social security schemes for people moving within Europe. The UK state pension is uprated on the triple lock - the higher of the rate of inflation, average earnings or 2.5%. This is passed on to British recipients abroad, but only in an EEA country or where there is a reciprocal social security agreement. At the moment, there are 474,130 UK pensioners living within the European Union (including Ireland).²

Until the UK formally leaves the EU, the existing social security rules therefore continue to apply and entitlements remain unchanged. As of September 2017, a joint technical note of the EU-UK positions on citizen's rights said, both sides were committed to lifetime export of uprated pension, recognising contributions both before and after exit.³ However, it is important to note that this is not yet part of the final agreement.

NHS and Social Care

Over 60,000 people from EU countries, outside the UK work in the NHS in England and around 90,000 in adult social care.⁴ As of December 2017, a joint document from the UK and the EU stated that both EU Citizens and UK nationals can continue, "to live, work or study as they currently do under the same conditions as under EU law".⁵ Anyone who arrives legally before the 29th March 2019 will therefore have the right to stay. EU citizens in the UK will also have equal access to social security, health care, education and employment. However, the biggest concern surrounds long term recruitment.

¹ *Pensioners in the EU and UK*, Office for National Statistics, 5th September 2017

² *Written Questions PQ 53851*, 24th November 2017

³ *Comparison of EU/UK Positions on Citizens' Rights*, 28th September 2017

⁴ *Brexit and health and social care-people & process*, House of Commons Health Committee, Eighth Report of Session 2016-17

⁵ *Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union*

At this early stage, the impact of Brexit on the recruitment sector has proved too difficult to measure. Whilst certainly, there has been a slowdown in recruitment from EU nations, this cannot be deemed to be solely the cause of the referendum. Other factors cited include the introduction of language testing for EU nurses.⁶ However, many EU workers have already left and there is much uncertainty about the long-term future of the ones remaining.

Protecting British citizens living in the EU

UK citizens who move elsewhere in the EU before Brexit day will have the right to stay in that country. However, it is unclear whether they will receive automatic residency rights and whether they can uphold their right to freedom of movement.

Holidaying in the EU

The European Health Insurance Card (EHIC) currently offers vital medical protection for British citizens holidaying in the EU. It has been agreed by the EU and Britain that existing EHIC arrangements will be protected for the time being. However, a deal on what will happen following Britain leaving the EU remains unclear.

Human Rights protection

Since the UK joined the EU, EU legislation and EU Court of Justice judgments have frequently required improvements to UK anti-discrimination law. The UK is a signatory to two key human right documents with Europe. One is the European Convention of Human Rights (ECHR) and the other is the EU Charter on Fundamental Rights (CFR). The former will not be affected by Brexit as this convention is separate from the EU. However, in the current form of the EU withdrawal bill the CFR will not apply in Britain following March 2019.

The Equality and Human Rights Commission has lobbied for the Charter's inclusion in UK law, saying it protects certain rights, including those specifically for older people. For example, Title III Article 25 of the charter states: "The union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life."

The Irish border and universal benefits

A fundamental challenge and contentious item of the Brexit negotiations surrounds the border between Northern Ireland and the Republic of Ireland. Since 2005, there have been no checkpoints on the border. In relation to older people, a key issue would be the use of free travel across the two countries. Should a hard land border emerge following the negotiations this would put this at risk. As in the rest of the UK, concessionary bus travel is essential to ensuring older people can retain independence in later life.

Conclusion

The NPC will continue to monitor the impact of the UK's decision to leave the EU, and the implications that this might have on older people. In particular, we are keen to ensure that older people are not "blamed" for the referendum result as part of a

⁶ Written evidence from the Nursing and Midwifery Council (BRE0103), Parliament UK, March 2017

phoney war between the generations. Further briefings on this subject will therefore be issued as things develop.