

Please keep your contributions as **brief and succinct as possible**, capturing headline information only on no more than three sides. An opportunity to provide a full assessment for your policy area will follow. If you can see challenges overlapping with other policy areas please flag these up.

**Cabinet Minister Subject Area:** Health and Social Services

**Portfolio Co-ordinator Contact:**

**Subject Area Contact:** (information redacted section 40)

<b>Policy or operational area/dossier: NHS workforce – recruitment &amp; retention and employment law (the Working Time Directive)</b>	
<b>1. Headline outcomes sought</b>	<ul style="list-style-type: none"> <li>• NHS Wales should retain the benefits arising from the EU's policy of freedom of movement and mutual recognition of professional qualifications.</li> <li>• NHS staff should receive health and safety protections equivalent to or greater than those currently provided by the Working Time Directive.</li> </ul>
<b>2. Red line issues and top priorities</b>	<p><u>The ability for NHS Wales to recruit the staff it needs from EU countries.</u></p> <p><u>The health and safety protections provided by the Working Time Directive.</u></p> <p>The EU's policy of freedom of movement and mutual recognition of professional qualifications within the EU means that many health professionals currently working in the UK have come from other EU countries.</p> <p>EU students can come to the UK and pursue medical training on the same basis as UK students. British students can also study in other EU countries. European rules on mutual recognition of qualifications mean that medical graduates from EU countries can apply for foundation year 1 places as trainee doctors.</p> <p>EU legislation on professional qualifications fast tracks citizens holding a qualification from an EU country as a doctor, nurse, midwife, dentist or pharmacist by automatically recognising their qualification, subject to satisfying regulators' other requirements in order to practice. Automatic recognition can therefore facilitate mobility by cutting through red tape. It also allows British health professionals to live and work more easily in other European countries.</p> <p>It is recognised that NHS Wales is experiencing recruitment and retention difficulties in some medical specialities, amongst some staff groups such as nursing and in some parts of the country. EU law on mutual recognition of professional qualifications has facilitated and speeded up NHS recruitment of those professionals to fill job vacancies and reduce dependency on</p>

	<p>expensive agency staff. However even if the UK chooses not to retain access to the single market, it is unlikely that a future government would make it difficult for the NHS to recruit and retain staff it needs.</p> <p>The European Working Time Directive (EWTD) limits the maximum amount of time that employees in any sector can work to 48 hours in each week, as well as setting minimum requirements for rest periods and annual leave. However, the directive allows doctors to opt out of the 48-hour limit (the UK is one of the few countries to make use of the opt-out).</p> <p>It should be noted that these issues will, in all likelihood, be common across the health sectors in other parts of the UK</p>
<b>3. Current international and EU legislative base (summary)</b>	<ul style="list-style-type: none"> <li>• Freedom of movement – Article 45 of the Treaty on the Functioning of the European Union</li> <li>• Mutual Recognition of Professional Qualifications Directive</li> </ul>
<b>4. Key issues for domestic legislation post-Brexit.</b>	Potential risks to service delivery arising from additional workforce pressures.
<b>5. Key devolution considerations</b>	Unknown
<b>6. Sector/area vulnerability and/or potential</b>	See 4.
<b>7. Other critical considerations</b>	None
<b>8. Key public messages</b>	Exiting the EU should not make it more difficult for NHS organisations to recruit the staff they need from EU countries.

**All contributions must be sent to (Information redacted section 40) by 18:00 22 July 2016**

**Lead Director: Julie Rogers**

**Author: (Information redacted section 40)**

**Date: 22 July 2016**

**For any further advice or assistance, please contact either of the following EU  
Policy contacts:**

**(Information redacted section 40)**