



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

The Petitions Committee

Completion Report

**Summary of the Petitions Committee's consideration of
P-03-073 Petition on Work Permits for Foreign Nurses**

July 2008

Presented

15 August 2007

Ruled Admissible

21 September 2007

Initial Consideration

4 October 2007

The committee agreed that:

- The Chair would write to the Minister for Health and Social Services requesting that an assessment be undertaken of the potential impact of the changes to immigration law on the health and social care workforce in Wales.

(See Annex 1 for the relevant extract from the transcript of the meeting on 4 October and Annex 2 for the letter sent to Edwina Hart AM, Minister for Health and Social Services)

Further Consideration

21 February 2008

The Committee considered the letter received from the Minister for Health and Social Services, and agreed to:

- Ask the Clerk to investigate whether the Equality of Opportunity Committee could consider this as part of its inquiry into migrant workers in Wales.

(See Annex 1 for the relevant extract from the transcript of the meeting on 21 February and Annex 3 for the letter received from the Minister for Health and Social Services)

22 May 2008

The Clerk of the Equality of Opportunity Committee, after discussing the petition with his Chair, has confirmed that this petition falls outside the inquiry's terms of reference.

After considering this, the Committee agreed to:

- Write to the Minister for Health and Social Services for an update regarding evidence gathering for the Migration Advisory Committee.

(See Annex 1 for the relevant extract from the transcript of the meeting on 22 May 2008 and Annex 4 for the letter sent to the Minister for Health and Social Services)

9 July 2008

The committee considered the response from the Minister for Health and Social Services, and agreed to:

- Close the petition as events have overtaken it.

(See Annex 1 for the relevant extract from the transcript of the meeting on 9 July 2008, and Annex 5 for the letter received from the Minister for Health and Social Services)

Petitions Clerk
July 2008

Annex 1

Extracts from Petitions Committee Meetings

4 October 2007

Val Lloyd: We now move to paper 6, which is a petition to oppose retrospective changes to the work permit regulations for foreign nurses and other care staff.

Andrew R.T. Davies: This is quite a big and delicate petition.

Val Lloyd: It is also not a matter for the Assembly.

Andrew R.T. Davies: However, it is an issue for the health fraternity in Wales.

Val Lloyd: Would you consider referring it to the UK Government for it to consider it and then to pass it on to the relevant department in Whitehall?

Andrew R.T. Davies: Equally, there is an issue here of staffing within our own NHS and I think that the Health, Wellbeing and Local Government Committee in the Assembly needs to have a look at this specific issue, because clearly a deficit will occur here if this is carried out, as I am sure that everyone who uses a hospital is aware. So, I would also like to see our own health committee take a view on this.

Val Lloyd: I am not averse to what you are saying, but the difficulty is that we have already, quite rightly, referred one major thing to the health committee today, and I am sure that its members will be pleased to undertake it. However, the timetable for this term is very full.

Peter Black: There is a potential for these changes to have an impact on the national health service in Wales and also on social services departments. In that sense, although it is a non-devolved matter, it will have an impact on devolved functions. I would like to see some sort of assessment of the impact of these particular changes on devolved functions, such as the health service and social services. Therefore, before the committee takes a view as to what happens to the petition, we need that sort of information in front of us. I am not sure what the correct way of doing that is—perhaps we could get our own research department to do that for us, or perhaps we could ask the Minister to comment on it. One of those two courses of action seems to be very sensible.

Val Lloyd: I agree with Peter. I think that it will have more of an effect on social services than health services, but, of course, we should now be having seamless care between those two. Could we ask the Minister for her view? I see that you all agree. You are quite right, even though the process itself is not devolved, it will have an effect on us in Wales.

21 February 2008

Val Lloyd: Out next one is P-03-073, on work permits for foreign nurses. We have had a very helpful letter from Edwina Hart, the Minister for Health and Social Services. I cannot explain the disparity in the dates on the letter. My office has no trace of it coming in or being sent to the secretariat, but we do have a different secretariat now. If you notice, the letter is not stamped. If it is the fault of my office, then I apologise, but it has not been deliberately held back. I do not know where it was. It has come from the ether.

1.40 p.m.

Andrew R.T. Davies: The letter explains the situation as it was in November and that will carry on into the third quarter of 2008, but this has not finalised the situation. A temporary measure has been put in place, and my understanding of it—and I have a limited understanding of this—is that the implication for the health service is great. We are limited

as a committee in what we can do but I would be loath to close the petition, because there needs to be a watching brief on this and, hopefully, some sort of permanent measure can be put in place to alleviate the effects of this Order.

Michael German: I would like to make a suggestion. I cannot remember exactly the terms of reference but the Committee on Equality of Opportunity is doing a review on migrant workers at present. Does this fit within that committee's terms of reference? It is doing a very extensive review; it is not going to be short. The key issue here is in the last sentence. Large numbers of Filipino people, particularly from Wales, are being sent home because their employers cannot afford the £7.02 per hour wage level. If there is a committee that could take this on board as part of a review that this could fit within, I think that that would be appropriate. If not, I would like to have a view from the relevant human rights commissioner on this issue, because I know that there is severe disquiet among organisations such as the Welsh Refugee Council and others who have real worries about the people who are going back because of this sort of issue. It needs to be delved into a bit more. It would be good if the committee were prepared to take it on board, because it is an ongoing problem.

Val Lloyd: It is relevant that the Minister ends her letter with: 'I would be happy to keep the Petitions Committee updated on progress.' So, she expects more developments in this area.

Bethan Jenkins: As Mike said, it is a good idea to refer it to the Committee on Equality of Opportunity, because we are trying to take in every aspect of migrant workers. This is a pressing matter and we have not really begun our investigations yet, so we could start with this.

Val Lloyd: When are you starting on this work?

Bethan Jenkins: Next week.

Val Lloyd: I was supporting what you were saying, because the Minister does not feel that there is closure on this. That is what I was saying in a short-hand way. Is the committee happy with the suggestion to ask the Committee on Equality of Opportunity to consider this? I see that you are.

Michael German: I would ask the committee to consider it as a matter of urgency, as an item in its report, if possible, because this is a pressing issue.

Val Lloyd: I am not certain that we can request that the committee deals with it as a pressing issue. I do not believe that we could instruct that.

Michael German: No, but we could request it.

22 May 2008

Val Lloyd: The first petition that we have before us is P-03-073 and it is on work permits for foreign nurses. This has been with us for some time. We have now had a response from the Clerk of the Committee on Equality of Opportunity, who has confirmed, after discussions with the Chair, that the petition falls outside the inquiry's terms of reference. Therefore, that is a blind alley for us. I do not believe that we have much left to us on this, unfortunately.

Bethan Jenkins: The Minister told us that she was keeping an eye on the Department of Health in England, which is monitoring the impact of reduced work permit provision on the workforce in terms of providing evidence for the Migration Advisory Committee. She said

that she would keep us informed about that. Therefore, until we have that reply, could we keep it open? We have not had anything back from the Minister yet.

Val Lloyd: We had that response in November, so I believe that we could write back to the Minister, asking whether she has had any further information on that. Is that acceptable to everyone? I see that it is.

9 July 2008

Janice Gregory: The second update in paper 3 is on the petition on work permits for foreign nurses. There has been a response. I therefore invite your comments on this petition.

Andrew R.T. Davies: The situation seems to have moved on in that many of the issues have been answered over the passage of time, and, I hope, as a result of some of the questions that we as a committee have put to various bodies. I fail to see how we can take this petition any further. I hope that the petitioners feel that we have exhausted every avenue and that we have given them some sort of satisfaction in terms of what they were asking for. I therefore suggest that the petition now be closed.

Janice Gregory: The letter from the Minister is very clear, is it not? Is everyone content to close the petition?

Kirsty Williams: I am.

Bethan Jenkins: I am, too.

Janice Gregory: Thank you. That petition is now closed.

Annex 2

Y Pwyllgor Deisebau

Petitions Committee

Mrs Edwina Hart
Minister for Health and Social Services
Welsh Assembly Government
Cardiff Bay
Cardiff
CF99 1NA

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: P-03-073

11 October 2007

PETITION – WORK PERMIT REGULATIONS FOR FOREIGN CARE NURSES AND OTHER CARE STAFF

As you will be aware, the Assembly now has a duty under Standing Order 28 to consider all admissible petitions it receives. The Petitions Committee has been established to consider these petitions. At its meeting on 4 October, the Committee considered a petition calling for the Welsh Assembly Government to make representations to the UK Government in relation to changes to work permit regulations. A copy of the papers that the Petitions Committee considered is attached.

The Petitions Committee discussed the petition and decided that I should ask you to undertake an assessment of the impact of the changes to work permits on the health and social care workforce in Wales, and to consider making representations to the UK Government.

The Committee will consider your response at a future meeting.

Yours sincerely

Val Lloyd
Chair, Petitions Committee

Annex 3

Edwina Hart AM MBE

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Our ref: EH/06521/07

Your ref:



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Val Lloyd
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28th November 2007

Dear Val

Thank you for your letter of 11th October regarding a petition about Work Permit Regulations for Foreign Care Nurses and other Care Staff.

These concerns have arisen due to the revision of the occupational guidance issued by the Border and Immigration Agency. This guidance advises work permit case workers on current and planned industry requirements for the post of Senior Care Worker, and provides updated labour market information to enable them to apply the existing work permit criteria correctly. There has been no change to the work permit criteria themselves and there has been no change of policy.

Government policy is that the resident labour force (including the expanded EU) should be sufficient to meet the needs of posts below the level of the work permit criteria. Recent research and consultation by the Border and Immigration Agency with the social care sector has shown that the majority of Senior Care Worker posts are unlikely to meet the work permit skills criteria.

As a temporary transitional measure (until the 3rd quarter of 2008), to ensure continuity of care provision while the sector adapts its recruitment practices, the work permit skills criteria will be waived for extension applications for those Senior Care Workers who have been issued work permits in the past. They must, however, demonstrate that the post is unchanged and that the salary level reflects the higher skills requirement with a minimum wage of £7.02 per hour.

Annex 4

Y Pwyllgor Deisebau

Petitions Committee

Edwina Hart AM
Minister for Health and Social Services
Welsh Assembly Government
Cardiff Bay
CF99 1NA

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: PET-03-073

5 June 2008

Dear Edwina

PETITION – WORK PERMITS FOR FOREIGN NURSES

On 22 May 2008, the Petitions Committee gave further consideration to the above petition. In previous correspondence on this petition you indicated that the Department for Health in England were monitoring the impact of reduced work permit provision on the workforce in order to provide evidence to the Migration Advisory Committee. Can you please inform the Committee on the latest information you've received regarding this evidence gathering and notify the Committee when this evidence comes before the Migration Advisory Committee.

Thank you for your continued consideration of this issue, I look forward to hearing from you.

Yours sincerely,



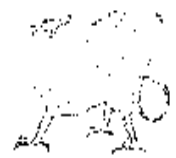
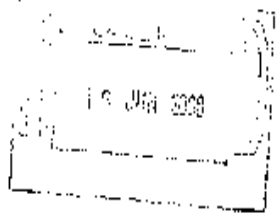
Val Lloyd,
Chair, Petitions Committee

Annex 5

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Edwina Hart AM MBE
Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

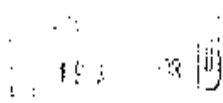
Our ref: EH/02838/08
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Deon Val

Ap30

12 June 2008

Thank you for your letter of 5 June 2008 requesting further information on the position regarding the revised arrangements for work permits for foreign nurses and care staff. I am happy to provide you with an update.

The newly formed Migration Advisory Committee met in January and will be meeting again this month. During the time of their last meeting and now they have been gathering information from a range of sources to help them identify the criteria that they will use to assist them in drawing up a shortage occupation list which will be used alongside the introduction of Tier 2 of the new Points-Based system for migration. Evidence has been received from a range of workforce data sources, Sector Skills Councils across the UK and through public consultation.

At the same time the UK Border Agency has been developing proposals for transitional arrangements prior to implementation of Tier 2 of the Points-Based system in the summer of 2008. These proposals have been informed by their Healthcare Sector Advisory Panel and have been passed back to that panel to comment upon. DH and Welsh Assembly officials have been part of the discussions along with the Care Sector Skills Councils of England and Wales and healthcare providers.

The current situation is that all current UK work permit holders are able to apply for extensions based on a valid certificate of employment and confirmation that the job is at or above NVQ level 3 or equivalent and is paid at the appropriate rate. The proposals from the Border Agency are building in flexibility to allow some criteria to be waived for existing permit holders.

The Borders Agency has identified permit holders who will require renewals, and are monitoring the extension applications and outcomes. This will identify if and when potential problems in any area are likely to occur.

The time for publication of guidance is late summer

