

EU standstill provisions maintained allowing the NHS to retain and employ healthcare workers

12 July 2023

Prior to the UK's exit from the EU on 31 December 2020, the European Union Directive 2005/35/EC allowed EEA and Swiss professionals to have their qualifications recognised in the UK (and vice versa) with minimal barriers. This meant healthcare professionals including doctors, nurses, midwives, pharmacists and dentists met minimum agreed standards which enabled their automatic recognition by regulatory bodies and allowed them to either continue to work or come to the UK and practise in their recognised fields.

The “standstill provisions”:

To ensure that the status quo was maintained at the end of the UK's EU Exit transition period, the Department for Health and Social Care (DHSC) put in place further Regulations to ensure that the UK retained a system of recognition for EEA and Swiss healthcare qualifications that was similar to the previous system for a specified period. This enabled UK regulatory bodies such as the General Medical Council, Health and Care Professionals Council and Nursing and Midwifery Council to continue to recognise EEA-obtained qualifications without additional tests other than language skills tests and checks on fitness to practise, where necessary. This meant that thousands of EEA healthcare workers who were employed in the NHS could continue to work without the burden of further assessments or registration. However, these “standstill provisions” placed a legal duty on the Secretary of State for Health and Social Care to review the arrangements no earlier than January 2023 and publish a report within 6 months.

The review and conclusion:

The review has now taken place and after targeted consultation with stakeholders including regulators and NHSE, the decision has been taken to retain the standstill provisions for a further five-year period. This will enable EEA qualified healthcare professionals to be able to continue to register with the relevant professional regulator, without the need to sit additional professional exams, mitigating delays to registration and employment in the NHS. The extension supports the DHSC aim to attract and recruit overseas healthcare professionals, without introducing complex and burdensome registration routes. The provision will be further reviewed in 2028.

What does this mean for healthcare employers?

Due to the current workforce crisis the NHS has become reliant on recruiting overseas staff, especially nurses, however since the implementation of a country blind immigration system, there has been a significant drop in the numbers joining from the EU (although the pandemic may have also had an impact). Although the NHS Long Term Workforce Plan 2023, aims to grow the domestic health and care workforce and reduce reliance on overseas labour, it recognises that this will take some time to achieve and in the short to medium term at least, overseas workers are an integral part of our healthcare system.

In light of this, the extension of the standstill provisions will be a welcome relief to healthcare employers. In their absence it is estimated that circa 4,000 EEA qualified staff working in the UK would need to take additional assessments each year to register with the relevant professional regulator.

Not only would this place an additional administrative burden, costs and delays on employers but could also further deter EEA nationals from remaining or joining the UK workforce when they benefit from the free movement provisions in the rest of the EU.

In addition to the extension of the standstill provisions, the government have implemented measures to support the recruitment of overseas workers including the increase to the 20-hour limit on supplementary employment for Health and Care visa holders which was introduced in March and remain in place until 27 August 2023 (see [HERE](#)), when they will be further reviewed.

Key contact



Bénédicte Viort de La Batie

Associate

Benedicte.ViortDeLaBatie@brownejacobson.com

+44 (0)330 045 2952

Related expertise

Employment

Employment services for healthcare