Introduction

This guidance provides information and advice on the EU Settlement Scheme and its implications for the adult social care workforce, people who use social care services and their family and friends in England. It’s aimed at all adult social care managers, owners and workforce/HR leads in England.

EU, EEA and Swiss citizens

Citizens of the EU, Iceland, Liechtenstein, Norway and Switzerland and their family members are eligible to apply to the EU Settlement Scheme to continue living in the UK after 30 June 2021.

Irish citizens are not required to apply to the EU Settlement Scheme to live and work in the UK.

People who have ‘indefinite leave to remain’ in the UK do not need to apply to the scheme.

People who have a UK permanent residency document **do need to apply** to the scheme.
Contents

You can click on the links below to take you to each section

Key messages
EU Settlement Scheme: summary
Social care workforce guidance
EU Settlement Scheme and people who use services
Local authorities’ role
Escalation process
Examples
Sources of advice for applicants
Further information and contacts

Disclaimer

The CPA assumes no responsibility or liability for any errors or omissions in the publication of this communication. The information contained in this update is provided on an “as is” basis with no guarantees of completeness, accuracy, usefulness or timeliness.
Key messages

EU citizens\(^1\) make a valuable contribution to our social care workforce. They also use the services you provide. So, they’re important to your business both as staff and clients. Most EU citizens need to apply to the EU Settlement Scheme to ensure they’re able to continue to live, work and access funding and services in the UK after 30 June 2021. It is free to apply.

While you’re not legally obliged to check if your staff and people who use your service have applied to the scheme, the CPA recommends that you direct them to information on the EU Settlement Scheme, and encourage them to apply where appropriate.

We recommend you:

- review your business continuity plan to ensure it covers the EU Settlement Scheme and implications for your workforce and people who use your services.

- assess how many members of staff and people who use your service might be affected by the EU Settlement Scheme. You’ll need to understand if they’re likely to leave the UK before 30 June 2021 or if they might need extra support to apply to the scheme, and what actions you can take to manage the implications and reduce any risks.

- ensure relevant staff, people using your services and their next-of-kin or advocates, are aware of the EU Settlement Scheme and how to apply.

- encourage and support staff and others to apply to the EU Settlement Scheme before 30 June 2021.

- provide information and reassurance to staff, those using your services and their family or friends.

- ensure staff can direct people using services and carers to information about the EU Settlement Scheme, but ensure they don’t act as formal advisers on the issues or process.

- allocate staff time and resources to the issue. This will vary depending on the scale and type of your organisation. Staff with lead responsibility for

\(^1\) In this document ‘EU citizens’ means EEA and Swiss citizens, who can all apply to the EU Settlement Scheme.
workforce contingency planning and engagement with people who use your services may be the most relevant leads on the EU Settlement Scheme.

**Employer guidance information:** The Government has produced a [toolkit for employers](#). This includes an [introduction](#) to the scheme, setting out your legal obligations.

Information is available in a range of languages.

Most notably, you have a legal duty not to discriminate against EU citizens as prospective or current employees or people who use or might use your service.

**The EU Settlement Scheme Summary**

People who apply to the EU Settlement Scheme successfully will be able to continue living and working in the UK after 30 June 2021.

They'll be given either:

- settled status, or
- pre-settled status.

They won’t be asked to choose which they’re applying for. Which status they get depends on how long they’ve been living in the UK when they apply. Their rights will be different depending on which status they get.

We recommend you familiarise yourself with the official guidance available on the [GOV.UK website](#).

**Links**

- [Stay in the UK after it leaves the EU ('settled status'): step by step](#)
- [EU Settlement Scheme: translated information materials](#)
- [Getting help with the EU Settlement Scheme](#)
- [Getting local support with the EU Settlement Scheme if you’re a vulnerable citizen](#)
EU Settlement Scheme and social care staff

This section includes information on adult social care providers’ legal obligations, advice from Government and notes on good practice from the Care Provider Alliance. It focuses on supporting EU staff to apply for the EU Settlement Scheme.

Legal obligations

The Government has produced a toolkit for employers. This includes an introduction to the EU Settlement Scheme that sets out your legal obligations. This information is reproduced below:

- There is no legal obligation for you to communicate the EU Settlement Scheme, however, you may wish to direct employees to the information that the government is providing.

- It is the responsibility of the individual to make an application to the EU Settlement Scheme. There is no requirement for the individual to inform you, as their employer, that they have applied or the outcome of their application. Likewise, you should not check that an employee has applied.

- You have a duty not to discriminate against EU citizens in light of the UK’s decision to leave the EU as both a prospective and current employer. You cannot make an offer of employment, or continued employment, dependent on an individual having made an application.

- You should not interpret information on the EU Settlement Scheme provided by the government and you must be careful not to provide immigration advice for your employees, unless you are qualified to do so.

- The deadline for applications to the EU Settlement Scheme is 30 June 2021.

Right to work checks

Job applicants can prove their right to work using any of the following:

- their valid passport or national identity card if they are an EU, EEA or Swiss citizen

- their valid biometric residence card if they are a non-EU, EEA or Swiss citizen family member

- their status under the EU Settlement Scheme using the Home Office’s online right to work checking service.
There will be no change to right to work checks until 1 January 2021 and you will not be required to undertake retrospective checks on existing EU employees.

**Links**

EU Settlement Scheme: Employer toolkit

Employing EU Citizens in the UK

Prove your right to work to an employer

View a job applicant’s right to work details

**Good practice advice**

As you’ll know, EU citizens make a valuable contribution to the social care workforce in England, so it’s essential you plan for any potential effects on this group of staff of the UK leaving the EU.

According to [Skills for Care](#), they make up approximately eight per cent of the total social care workforce (including local authority staff). In some areas – such as London and the South East – they make up a higher percentage of the workforce than the national average (14% and 12% respectively). The proportion of staff in certain professions, such as nurses working in social care, may be higher still.

Your staff might not be aware of the need to apply to the EUSS (for themselves, their partner or their children), or how to do it. They and their family members might be anxious about the process – including British staff married to EU citizens. Or they might believe they won’t be able to continue to live and work in the UK, so might not apply for the scheme and will, perhaps, leave the country.

We recommend you provide your staff with accurate information and encourage them and any relevant family members to apply.

We suggest that you:

1. **Review and update your business continuity plan**: The aim of your plan is to help you prepare for situations that, should they arise, could have a major impact on your business and the people who use your services. That preparation should then support continuity of care during any possible disruption.

   Your plan should cover the supply of staff you need to deliver services, any risks to that supply and actions you’ll take to reduce those risks. For example, it might include the following:

   - **Risk**: Existing EU staff believe they’re no longer able to work in the UK and make plans to leave
Mitigation: All managers are briefed on the EU Settlement Scheme and share Government information on it with staff – for example, the EU Settlement Scheme information that's been translated into a range of European languages, and materials from the employer toolkit.

You should:

- ensure your plan is consistent with other local contingency plans (for example, those developed by your local commissioners - local authority and CCG).

- keep your plan up-to-date, to take account of any national, local or organisational developments affecting the workforce

- review and update your plan regularly in collaboration with team leaders and workforce leads

- share the plan and any updates with all relevant staff so they're aware of how it operates

- contact your contracts / QA team in your local authority if you have any concerns about your contingency plan.

You can download and use this business continuity plan template prepared by CPA and commissioned by the Department of Health and Social Care.

If you need support in developing a business continuity or contingency plan, contact your local authority’s contracts or quality assurance team, your national trade association (CPA members), or local care association.

2. Identify critical staffing levels and understand where your service could be affected by having too few staff if those who are EU citizens left the UK, or if you had problems recruiting. You should know who to contact in your local authority and in the CQC and how to do it if there was a risk to the safety of your service.

3. Inform all staff about the EU Settlement Scheme: Don’t assume you know if they’re EU citizens, or if they have family members who are EU citizens. Share information about the scheme with all staff – including those from agencies. You could consider sharing information through one-to-ones, staff meetings, staff newsletters, posters in staff areas, emails and letters. You can download and share, or print out, the Government leaflets in the employer toolkit. You can also get translated leaflets.

4. Reassure all staff: Advise all your staff that EU citizens currently living and working in the UK will be able to stay if they apply to the EU Settlement
Scheme in time and they meet the requirements. The number of hours they work or the salary they earn will not affect decisions about their status. It's largely based on the length of time they’ve been in the UK. Let them know you’re supporting staff to apply to the scheme and have plans – your contingency plan – to ensure you’ll continue to have enough staff with the right skills.

5. **Identify EU citizens on your staff:** Depending on the size of your organisation, you might do this through one-to-ones or centrally. Ensure you have consent to record this information – including why you’ve asked for it and how you’ll use it. Ensure EU citizens are not discriminated against as a result of recording this information. Monitor the number and percentage of EU citizens in your workforce. Review and update the information regularly to identify new EU staff.

6. **Support EU staff to apply for the EU Settlement Scheme:** Provide EU citizens and those with family members who are EU citizens, with Government information about the process – as web links or printouts (see translated information leaflets on GOV.UK website). You might wish to run sessions for these staff, in which they have access to Government information and websites to research and complete their application. Be careful not to provide advice beyond explaining the information available on the Government websites. If you have them, you might want to use your HR department or HR advisers to run these sessions.

Home care or live-in-care providers who have limited face-to-face contact with staff might want to consider phone calls, emails or texts to staff, with scheduled slots for them to visit the office to complete their application if unable to do so at home.

Some live-in carers might live in the UK for short periods of time each year. You should encourage them to apply to the EU Settlement Scheme and to continue to work for you and return to the UK after an assignment. You should support them to get the proof that they need to show that they meet the residence requirements.

7. **Prevent discrimination:** You have a legal duty not to discriminate against EU citizens. You can’t make an offer of employment, or continued employment, dependent on an individual having made an application to the EU Settlement Scheme.

8. **Prevent harassment:** It's possible any member of staff (including EU and non-EU citizens) might be subject to harassment from the public, colleagues, people who use services or their family or friends because of their nationality, or
perceived nationality. You’re legally responsible for the safety of your workforce and should have plans to support staff, reduce risks to them and respond appropriately to discriminatory or other unacceptable behaviour in their workplace. Workers should know what to do if they’re threatened or assaulted and you should have robust procedures to enable them to carry out their duties safely. This might include reporting matters to the police.

9. **Reassure the people who use your services, their families and carers:** Tell them what you’re doing to support EU staff to stay in the UK.

10. **Share anonymised information:** Continue to provide overall, non-identifiable information to Skills for Care’ Adult Social Care Workforce Data Set, and your local authority commissioners so they can assess the position across the whole social care market, and identify any issues needing a system response. Your local authority should be working with all providers in the area to identify and support you to manage any risks.

**EU Settlement Scheme and people who use services**

EU citizens who use your services and their family members might not know about the EU Settlement Scheme, or they might be anxious about the implications for them. Although it’s difficult to be sure, there are indications that people who rely on social care services might be less likely to have applied to the scheme, so they could need extra information and support to do so.

One issue is that older people are more likely to have been in the UK for a longer period, possibly from before the UK first joined the EU, and may believe that their residency status means that they don’t need to apply to the EU Settlement Scheme. While you cannot act as an advisor, you should encourage them and their next-of-kin to look at the official government information about who needs to apply, and signpost them to advice and support.

As a caring organisation, you’ll want to support the people who use your services and their families through what might be an anxious time. And you’ll also want to ensure that they can continue to live in the UK, use your services and access funding and related services such as the NHS. To be able to do so, they’ll need to apply to the scheme.

You have a legal duty not to discriminate against EU citizens as prospective or current people who use your service.

You should not act as formal advisers, but you should make the people who use your services, and their next-of-kin, those with Lasting Power of Attorney (LPA) or friends aware of the EU Settlement Scheme.
You may wish to liaise with local services, such as Citizens Advice, Age UK, and the Carers Trust, to understand if they’re running any local awareness campaigns or support programmes to help people who use services and carers to apply for the scheme. You might want to share local contact details for these organisations with the people who use your services, or arrange for the organisations to provide support.

You can find a list of national organisations, and search for local organisations, who can support vulnerable applicants applying to the EU Settlement Scheme on the GOV.UK website.

As with all communication, you’ll need to meet people’s access needs.

If you run **residential care services**, you might want to:

- arrange a residents and family meeting to share information about the EU Settlement Scheme, how to apply and what advice might be available locally. You might also like to use this meeting to tell residents what you’re doing to support staff from the EU.

- print leaflets and materials to give to residents, their next-of-kin, and friends. Information is available in a range of languages.

- provide supervised access to computers during set hours to enable residents to apply to the scheme with support from their family or friends if needed.

- search for local organisations that can help. Visit Get help applying to the EU Settlement Scheme.

If you run home care services, you might want to:

- write to or email the people who use your services, and their family or friends, sharing web links to official Government advice or printouts, and information about any local advisers such as Age UK who can support them with their application. You can search for local organisations by postcode, or see a range of national organisations that can help. Visit Get help applying to the EU Settlement Scheme.

- follow up with them once they’ve received their email or letter – if English isn’t their first language they might not fully understand what they need to do.

- ensure your staff are aware of the information being sent to the people they support.
Local authorities’ role

Local authorities have a duty to ensure the wellbeing of people who are in the care system – including the people you support.

You should expect your local authority to ask what steps you have taken to identify anyone who uses your service who may be EU citizens and whether you’ve provided them with information and support to apply to the EU Settlement Scheme.

This may especially be the case for clients who do not have the mental capacity to make their own decisions. Local authorities will have made their own efforts to identify which clients are EU citizens, but you should not assume their records are complete or accurate, and so you should not rely on the local authority to inform you which of your clients are affected. While the responsibility to identify individuals who are within the publicly-funded care system lies with local authorities, they will expect you to work closely with them to try to identify everyone in your care. There are good business reasons for you doing this.

Local authorities also have a responsibility to ensure the social care market is sufficient and resilient. If you have a contract with a local authority, they’ll already require you to have a robust business continuity plan that takes account of any issues arising out of the EU Settlement Scheme.

If you’re finding it difficult to update your existing plan to take account of issues arising from the scheme, you should contact your local commissioning team, who might be able to offer limited support. Local authorities have access to data on the number of staff in their area who are EU citizens, but this will not be as detailed as the information you have, and it will not include names of staff.

If you’re unable to address service continuity issues, then you should approach your local authority commissioning team, who may be able to offer some limited support and put you in contact with other providers for mutual support.

In the case of a significant service issue, you should discuss this with the commissioning team who will advise on next steps.

Escalation process

If you experience risks to service delivery because of workforce or skills shortages, and are unable to reduce those risks, you should notify:

- your local authority and/or NHS commissioner (even if they don’t commission services from you as they have a responsibility to meet local people’s needs)
the Care Quality Commission.

As part of your contingency planning, you should have the contact details for the relevant teams in your local authority commissioning team, the local NHS clinical commissioning group team, and for the CQC.

**Scenario: Home care service and EU Settlement Scheme**

_We have included a general scenario to illustrate what you might wish to do._

XYZ Care is a live-in homecare service providing 24/7 support to people at home, the majority of whom fund their own care. Forty per cent of the service’s staff are currently non-British nationals, mostly recruited from the European Union, with some workers from Australia and New Zealand. A sudden reduction in the number of EU nationals in the workforce has the potential to reduce the organisation’s ability to deliver services in many different local authority areas. The organisation’s risk-reduction plan has included providing information about the EU Settlement Scheme to all its workers and one-to-one contact with staff while they’re on placement, arranged at a time to suit them (including out-of-hours). Although the organisation supports many people who fund their own care, it has ensured it knows how to contact the adult social services departments in each area of the country where it supplies support.

The organisation estimates that around five per cent of people who use their services are EU citizens. They have written to everyone who uses their service and/or their official next-of-kin to raise awareness of the EU Settlement Scheme, encouraging them to apply if applicable, and also advising them about steps they are taking to ensure all staff are able to continue to stay and work in the UK, reassuring them that the service will be able to continue to support them.
Sources of advice for applicants

Government information

Stay in the UK (‘settled status’): step by step
Apply to the EU Settlement Scheme (settled and pre-settled status)

EU Settlement Resolution Centre

For questions about an application call 0300 123 7379 or use the online form
www.eu-settled-status-enquiries.service.gov.uk.

Advice on supporting another person with an application – call 0300 7900566

Translated information

The guidance on the EU Settlement Scheme has been translated into 25 European languages and Welsh. Visit www.gov.uk/settled-status-translations.

Assisted Digital

This free service is available over the phone and in person for people who do not have the access, skills or confidence to complete the online application form.

Contact We-Are-Digital by calling 03333 445 675.

For people with hearing and/or speech difficulties, they can access this service on a smartphone, computer or tablet or text phone. Dial 18001 03333 445 675.

Text message: text the word “VISA” to 07537 416 944

Email: visa@we-are-digital.co.uk (Include a telephone number that you can be contacted on if possible).

Assisted Digital provides face to face support to fill in the application by attending an appointment at one of the community centres/libraries around the county – type in the postcode here to find the nearest centre.

If someone cannot travel, Assisted Digital can book a home visit to assist with their application.

For more information visit www.gov.uk/eu-assisted-digital.

ID document scanning service

This service is available to complete the proof of identity step if people do not have access to the EU Exit: ID Document Check app. There may be an administrative fee to use this service.

For a list of locations, visit www.gov.uk/eu-id-scanner-location.

Community organisations

If people need more support with their application, they can contact a nearby community organisation.

Useful links for care providers

**Government guidance on workforce**

EU Settlement Scheme

EU Settlement Scheme – employer toolkit

EU Settlement Scheme – translated information materials

Skills for Care’s Adult Social Care Workforce Data Set

CPA business continuity planning guidance and template

Contacts for care providers

There are many people and organisations who may be able to help care providers.

- A local care association or one of the national associations which make up the Care Provider Alliance could offer peer support, resources and advice (see list below).

- Other local services, or networks such as the Skills for Care Registered Manager Forums, which can provide peer support for first line leaders.

- Local authority and health care commissioners – who may have concerns, but who won’t want to see a service close unless it is unavoidable.

*Care Provider Alliance*

Associated Retirement Community Operators

Association for Real Change

Association of Mental Health Providers

Care England

National Care Association

National Care Forum

Registered Nursing Home Association

Shared Lives Plus

United Kingdom Homecare Association

Voluntary Organisations Disability Group

Local care association - contacts