



# What Brexit means for Scotland's older population:

## 10 questions for the UK Government

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Contact: [adam.stachura@agescotland.org.uk](mailto:adam.stachura@agescotland.org.uk)

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T 0333 323 2400 [www.agescotland.org.uk](http://www.agescotland.org.uk)

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In 2016, our sister charity Age UK set out policy priorities for Brexit. As the UK Government's stated date for leaving the European Union approaches, i.e. 31 October 2019, uncertainty remains over many of these priorities which profoundly affect the day to day lives of older people. We seek the new UK Government's answers to the following questions, whether or not a withdrawal agreement is negotiated.

## **Sustaining older citizens' rights and freedoms**

- 1. How will the UK Government ensure that older people's rights and freedoms are in no way weakened or undermined by the UK's withdrawal from the EU?*

There are a number of important respects in which our existing human rights legislation benefits older people, helping to protect them, for example, from the risk of abuse and neglect if they are in a care home, and supporting them in seeking redress should such a terrible thing happen to them. It is therefore crucial that these protections remain and are enforceable, taking into account the particular circumstances of Scotland along with the other three nations of the UK. Following Brexit, older people residing in the UK will not be able use the European Charter of Fundamental Rights (CFR) as it will no longer form part of the UK's legal systems. An equivalent system of rights should be developed to address the gaps in protection that the removal of the CFR leaves. As the UK Government has stated that it remains committed to the European Convention on Human Rights, the Human Rights Act 1998, which facilitates access to the ECHR in the UK, must be retained.

## **Certainty and security for older EU citizens living in the UK**

- 2. How will the Government ensure that older people eligible under the EU Settlement Scheme can claim their right to reside, and eligibility for healthcare, benefits and pensions, if they fail to meet the time limit?*

We estimate that there are 8,360 people aged 65+ in Scotland who are nationals of EU countries other than the UK<sup>1</sup>. A core group of these older people, including people with dementia and other cognitive impairments, will not apply for the EU Settlement Scheme by the due date. In order to apply, you need either a passport or ID card, and you must apply either through an Android device or by visiting a

scanning centre where you can be helped to use the online service, or via an “Assisted Digital” network for people who need more support<sup>ii</sup>. Given that a third of older people have not used the internet in the last three months<sup>iii</sup>, and the nearest scanning centre could involve a round trip of more than one day<sup>iv</sup>, many will struggle, particularly as a quarter of older people don’t have access to a car<sup>v</sup>. We understand that extensions will be given to people with extenuating circumstances, but there is no clarity about how this will be implemented in order to protect the most vulnerable older people. Ultimately there will be a number of people for whom no amount of extension or support will enable them to apply to the Scheme. These people’s rights to reside and their access to healthcare and benefits must be guaranteed.

## Certainty and security for older UK citizens living in the EU

### *3. In the event of a ‘no deal’ departure, how will the Government protect the rights of older UK citizens living in the EU?*

The Government has reassured older UK citizens living in the EU that they can continue to claim the State Pension and as at present they can continue to have certain state benefits transferred to their country of residence<sup>vi</sup>. However, the longer term prospects for State Pension uprating for UK citizens living in the EU is unclear: 2022/23 is the last year for which the Government has committed to uprating their State Pension<sup>vii</sup>. Their future State Pension increases, and residency and healthcare rights will vary, depending on the progress of negotiations with each EU member country. This is resulting in great uncertainty for those affected. For example, older people with existing health problems may find it difficult to buy private insurance or the price extortionate, and may previously have relied on the European Health Insurance Card (EHIC) for medical cover.

### *4. If older UK citizens currently living in the EU decide (or have to) to return to the UK post Brexit, how will the Government ensure their speedy access to housing, care and benefits?*

Some older citizens may wish to – or have to depending on whether a withdrawal agreement is reached before 31 October – move back to the UK because of a reduction in support or concerns about the possible impact. If so, there are likely to be questions around their access to housing, care and other services. Specialist information and advice services will need to be available straight away.

## Sustaining the Scottish and UK healthcare systems

5. How will the UK Government ensure that Scotland retains enough health and care workers, given EU nationals currently account for 17,000 of them in Scotland?

The Scottish Government has estimated that there are 17,000 non-UK EU nationals working in Scotland's health and social care services<sup>viii</sup>. Across health and social care services there are many existing staff shortages which could be exacerbated if substantial numbers of EU nationals leave, or if fewer come. There are an estimated 9,830 EU nationals working in Scotland's social care sector alone<sup>ix</sup>. While EU nationals already here can apply to stay under the EU Settlement Scheme, under immigration proposals put forward under the previous UK Government those coming to work in our health and care services in future will not get preferential access to the UK labour market and the proposed earnings threshold would keep out many lower-paid staff. There could be particular pressures in hospitals and community health services, where nearly 6 per cent of doctors are EU nationals, and in particular parts of the country where EU nationals account for a greater portion of the health workforce.

6. How confident is the Government that older people will continue to have access to the medicines and medical supplies they depend on?

As the CBI says<sup>x</sup>, a huge amount of effort has already gone into preparation, but there is still a risk to supply in the event of logistical difficulties and longer term disruption to the industry. In addition, anybody who depends on particular medicines will need reassurance that their medicines, or suitable alternatives, will be fairly distributed to those who need them most. It is particularly important that there is no disruption to the flu vaccination programme which typically begins at about the same time as the UK is currently scheduled to leave the EU at the end of October.

7. What will the Government do to ensure effective cross-border prevention and control of communicable diseases which older people, along with others, may be at risk of contracting?

For example, it is unclear what relationship the UK will have with the European Centre for Disease Prevention and Control<sup>xi</sup>, and the EU has said that the UK will no

longer have access to the safety databases that allow information to be shared about outbreaks of disease and faults in medicines<sup>xii</sup>.

## Consumer protection for older consumers

### 8. How will the Government ensure that Brexit does not undermine older people's consumer rights?

Much of EU consumer law has already been implemented in UK legislation, so there would be no immediate reduction in legal rights. Indeed, we would hope that the Government uses Brexit to go further and introduce new consumer rights specific to the UK context (e.g. rights to UK-specific information). However, this greater flexibility is offset by the risk of reduced protection for UK consumers. For example, existing cross-border cooperation on scams could be weakened; and it may no longer be possible to claim protection if you buy a package holiday from a EU trader not specifically selling into the UK if the provider goes bust<sup>xiii</sup>.

### 9. How will the Government ensure that older people who have pensions or savings in a different EU country can easily, safely and affordably access their money?

Some businesses are reported to have stopped selling annuities to UK citizens resident abroad<sup>xiv</sup>, claiming that guidelines by the European Insurance and Occupational Pensions Authority mean they need to apply for permission with each member state to do so, which is not commercially viable<sup>xv</sup>. The Government needs to ensure that UK citizens who moved abroad expecting to rely on their private savings for an income, or EU citizens who worked and saved in the UK, are able to transfer their money and access appropriate products without undue cost, risk or difficulty.

### 10. How will the Government ensure that vulnerable older people continue to have access to food and other essentials if there are shortages?

Around 2/3 of Scotland's circa 1 million people aged 65+ are living with a limiting long term health condition<sup>xvi</sup>. 90,000 are living with dementia<sup>xvii</sup> and the number living alone is set to increase by around 50%<sup>xviii</sup>. They will find it hard to manage if there are shortages, and the 200,000 pensioners in Scotland who are currently living in poverty<sup>xix</sup> will also struggle to afford any knock-on price increases. People living with long-term conditions may also be reliant on a special diet and worry

about availability. While manufacturers and suppliers have plans in place, the CBI points to the possibility of shortages, particularly as winter is a time of peak demand and transporting goods is already more difficult because of the weather<sup>xx</sup>.

### **Find out more about our work**

As Scotland's national charity supporting people over the age of 50, Age Scotland works to improve older people's lives and promote their rights and interests. We aim to help people love later life, whatever their circumstances. We want Scotland to be the best place in the world to grow older.

Our work is guided by the views and needs of older people themselves.

Our Policy, Communications and Campaigns team research, analyse and comment on a wide range of public policy issues affecting older people in Scotland.

### **Further information**

Contact the Age Scotland Policy, Communications and Campaigns team:

[policycomms@agescotland.org.uk](mailto:policycomms@agescotland.org.uk)

0333 323 2400

Twitter [@agescotland](https://twitter.com/agescotland)

Facebook [/agescotland](https://www.facebook.com/agescotland)

Linkedin [Age-Scotland](https://www.linkedin.com/company/agescotland)

Website: [www.agescotland.org.uk](http://www.agescotland.org.uk)

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- <sup>i</sup> *EU Nationals living in Scotland*, Scottish Parliament Information Centre, November 2016 ([http://www.parliament.scot/ResearchBriefingsAndFactsheets/S5/SB\\_16-86\\_EU\\_nationals\\_living\\_in\\_Scotland.pdf](http://www.parliament.scot/ResearchBriefingsAndFactsheets/S5/SB_16-86_EU_nationals_living_in_Scotland.pdf)). This paper stated 4% of non-UK EU nationals in Scotland were aged 65+. Our calculation is based on Scottish Government figure of 209,000 non-UK EU nationals living in Scotland in 2016 ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/693745/Scottish\\_Government\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693745/Scottish_Government_.pdf))
- <sup>ii</sup> <https://www.gov.uk/government/publications/eu-settlement-scheme-assisted-digital-service/eu-settlementscheme-assisted-digital-service>
- <sup>iii</sup> <https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/datasets/internetusers>
- <sup>iv</sup> <https://data.parliament.uk/resources/constituencystatistics/scanning-centres-map/> (example of Northern Scotland to Oban/Glasgow)
- <sup>v</sup> <https://www.equalityhumanrights.com/en/file/4926/download?token=o4KPGthk>
- <sup>vi</sup> <https://www.gov.uk/guidance/uk-nationals-in-the-eu-benefits-and-pensions-in-a-no-deal-scenario>
- <sup>vii</sup> [https://www.gov.uk/guidance/uk-nationals-in-the-eu-benefits-and-pensions-in-a-no-deal-scenario?utm\\_source=89d96ace-1091-48b7-b96b-bf68576](https://www.gov.uk/guidance/uk-nationals-in-the-eu-benefits-and-pensions-in-a-no-deal-scenario?utm_source=89d96ace-1091-48b7-b96b-bf68576)
- <sup>viii</sup> [https://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr\\_181025\\_nhs\\_overview.pdf](https://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_181025_nhs_overview.pdf)
- <sup>ix</sup> Ibid
- <sup>x</sup> *What comes next? The business analysis of no-deal preparations*, Confederation of British Industry, July 2019
- <sup>xi</sup> <https://www.kingsfund.org.uk/publications/articles/brexit-implications-health-social-care>
- <sup>xii</sup> *What comes next? The business analysis of no-deal preparations*, Confederation of British Industry, July 2019
- <sup>xiii</sup> *Brexit: Consumer Rights*, House of Commons Library Briefing Paper, 29 May 2019
- <sup>xiv</sup> <https://www.moneymarketing.co.uk/canada-life-no-longer-sells-annuities-to-expats-in-eu/>
- <sup>xv</sup> Also see *Brexit and Private Pensions*, House of Commons Library Briefing Paper, 5 February 2019
- <sup>xvi</sup> <https://www2.gov.scot/Topics/Health/Services/Long-Term-Conditions>
- <sup>xvii</sup> *National Dementia Strategy, 2017-20*, Scottish Government, 2017
- <sup>xviii</sup> <https://www.nrscotland.gov.uk/files/statistics/rgar/16/16rgar.pdf>
- <sup>xix</sup> <https://www.gov.scot/publications/poverty-income-inequality-scotland-2015-18/pages/6/>
- <sup>xx</sup> *What comes next? The business analysis of no-deal preparations*, Confederation of British Industry, July 2019