



**Rt. Hon. Sajid Javid MP**  
**Home Secretary**  
**Home Office**  
**2 Marsham Street**  
**London SW1P 4DF**

3 May 2018

Dear Secretary of State,

## **Re: Demand for restricted certificates of sponsorship, Tier 2**

Congratulations on your appointment as Secretary of State for the Home Department.

Our organisations represent both employers and the medical profession within the health sector. While we recognise that there are a number of issues which require your attention as you start in post, we are writing to ask for your help in finding and agreeing a solution to the persistent problems being caused by additional demand in the Tier 2 cap, and to highlight the serious impact of these rejections for patient access, patient care and the costs to the NHS. We are keen to work with you to find a solution that works for patients, Government, employers and healthcare professionals working within the NHS.

You will be aware that the Tier 2 cap for skilled workers has now been reached for an unprecedented fifth month in a row. For the NHS, this has meant that hundreds of highly skilled international doctors have not been able to take up posts within the health service. We wrote to your predecessor in February 2018 to describe the impact and offer a possible solution. Please see letter attached.

We are mindful of the need to reach a solution that works for both the public sector and business, but also of the significant efforts required from the Home Office in the coming months to design and build a new model for managing EEA migration and the transition to settled status for those EEA nationals currently living in the UK. Recent announcements from the Secretary of State for Health

and Social Care to boost UK medical school places are welcome. However, given the length of time taken to train medical professionals, the NHS will need to continue to recruit doctors from overseas, within the parameters of Government migration policy, to protect patient care and safety. As such, we have taken these challenges into consideration in developing a suggested way forward.

### **The issue and demand for clinical staff in the NHS**

We know that the demand for professionals to work in all types of healthcare settings, across the UK, is continuing to increase. We need to devise a system allowing the NHS to recruit enough shortage specialities, such as nurses, whilst also having the flexibility to bring in doctors who work in other specialities when there is a clear health need.

Currently, the demand for nurses from overseas means that there are not enough restricted certificates of sponsorship for other professionals, including doctors and pharmacists, or for skilled occupations from across business. The doctors who have been offered employment subject to a visa are required to provide clinical care to patients. Without them, this has a direct impact on waiting times and temporary staffing costs, both of which are priority areas for employers.

Whilst there is a significant amount of work at both national and local level within the NHS to increase the supply of clinical professionals and retain talent, there is and will remain an on-going need to attract clinical staff from outside the UK.

### **Impact of the rejections on service delivery, costs and reputation**

The impact of delays in recruiting staff to clinical roles has three core elements:

1. It reduces the availability of clinical staff to see patients
2. It increases temporary staffing costs as NHS organisations are required to provide clinical cover in hospitals 24-7
3. It affects the reputation of the NHS both with the domestic population around ability to manage demand, and confidence and its credibility overseas within the global medical professional community.

An example of how this translates at a local NHS trust level: one orthopaedic doctor vacancy required the employer to use locums to fill the gap at a cost of £100,000 per annum. The employer found a full-time replacement from overseas who could start in February 2018. The doctor is ready to travel to the UK to start work. However, without the certificate of sponsorship the doctor remains overseas, the employer has a vacancy in the department and is needing to reduce planned patient treatment during the daytime and will need to pay enhanced costs to cover the out of hours work.

At a time when the Government is seeking to build confidence in the UK economy and maximise its attractiveness to countries beyond the EU, it is important that all policy is aligned to delivering that goal. Whilst we have a number of policies designed to increase the UK trained clinical workforce through additional training places and retaining this talent, we also need to continue to attract doctors and nurses from overseas to support the delivery of our NHS.

### **Policy suggestion**

Our proposal is to retain the current cap on restricted certificates of sponsorship for the short term but to exclude applications for shortage occupation roles from the allocation process. This proposal would prevent a crisis in the recruitment of NHS nurses and work for both employers and Government in the short term whilst the UK navigates through complex Brexit negotiations.

We believe our suggestion provides a pragmatic and considered approach which allows Government to retain its commitment to focus on managing migration. It also enables the NHS to employ the doctors and nurses it has attempted to recruit in recent months and who are needed now to manage the patient demand in the system.

### Next steps

We would welcome a meeting with you to work through the feasibility of this proposal or any other suggestions you may have which enable us to achieve the same end goal.

Yours sincerely



**Dr Chaand Nagpaul**  
British Medical Association  
Council Chair



**Danny Mortimer**  
Chief Executive,  
NHS Employers



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**Professor Wendy Burn**  
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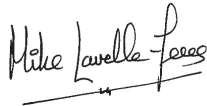
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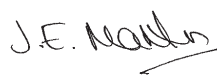
**Professor Carrie MacEwan**  
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**Dr Carl Waldmann**  
Dean of the Faculty of  
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**Professor Jane Dacre**  
President, Royal College of  
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cc. Rt. Hon. Jeremy Hunt MP, Secretary of State for Health and Social Care  
Dr James Kent, Special Advisor to Prime Minister