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23 October 2020

Dear Home Secretary,

I note that the Migration Advisory Committee has now responded to the commission letter that you issued in March and completed its review of the Shortage Occupation Lists. I recognise that the role of the Migration Advisory Committee (MAC) is to advise and that final decisions on the inclusion of roles on the Shortage Occupation Lists rests with Government. In advance of final decisions I therefore wanted to highlight some issues of concern.

The Scottish Government, Scottish local government, representative organisations and employers across the public and private sectors in Scotland expended considerable time and effort in gathering and submitting evidence to the MAC. As you will appreciate, under the current economic circumstances and with the end of the transition period fast approaching, employers have been looking to the review as an opportunity to mitigate some of the significant risks around future recruitment.

While concerns about recruitment are shared across many sectors of the economy I want specifically to highlight the concerns of the social care sector.

The Scottish Government, along with a wide range of partner organisations, has previously raised concerns about the impact of the ending of freedom of movement on the social care sector. It is notable that the MAC acknowledge this in the report and indeed their warnings about the impact on the sector are stark, noting that they expect 'the end of freedom of movement to increase the pressure on the social care sector, something that would be particularly difficult to understand at a time when so many care occupations are central to the COVID-19 pandemic frontline response'.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire
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We share these concerns. Evidence from our Expert Advisory Group has shown that the impact of ending freedom of movement from the EU and restricting future immigration will have a more pronounced detrimental impact in Scotland than in other parts of the UK. Given all of these concerns it is therefore crucial that we identify a solution that meets the needs of the sector.

The Scottish Government, local government and partner organisations have therefore provided strong evidence supporting the case for the inclusion of social care workers on the SOL. While the recommendation for the inclusion of senior care workers is welcome it does not go far enough. Only a small proportion of the social care sector falls into this category and thus the concerns of the sector remain largely unaddressed.

One of the arguments that the MAC has previously raised is that the issues in the social care sector cannot be solved by migration alone but require wider Government action on pay and support in the sector. The Scottish Government is taking significant action to support the social care sector and indeed the MAC themselves welcomed the 'proactive approach to the social care workforce' that was being taken in Scotland and 'the move towards increasing the formal training requirements, the focus on staff development and improving career paths for those in social care'. However, despite all of this work the MAC decided against adding social care to the Scottish specific SOL on the basis that skill levels for occupations apply UK-wide.

The Scottish Government are not pressing to include social care workers on the SOL to address a general labour shortage. Instead, our specific aim is to ensure that public health does not become adversely affected as a result of leaving the EU, particularly during a critical time in our fight against COVID-19.

You will of course be aware that the Scottish Government has argued for a tailored approach to migration policy. Our proposals for such an approach are evidence based, developed following engagement with employers, communities and umbrella organisations and reflect the distinct needs of Scotland's economy and public services. The position with social care absolutely demonstrates this issue with the MAC indicating that they are unable to deliver a solution recognising the distinct approach in Scotland because to do so would be a significant divergence in policy whereby skill levels are considered on a UK wide basis.

The economic and public health impacts arising from the COVID-19 pandemic, coupled with the need for further restrictions in response to rising infections, are placing a great deal of stress upon the health and social care sector. I trust that you agree that as winter approaches, we need to anticipate that this pressure will rise even further, and that therefore we should be doing all we reasonably can to reduce that pressure to ensure appropriate standards of care are given to the most vulnerable.

I want to make it clear that there are elements in the MAC report that we welcome. The expansion of the SOL to include further occupations is positive, as is the commitment to more regular reviews. However, we remain of the clear view that if the shortage occupations lists are to continue to play a meaningful role in the future immigration system then the Scottish Government should have the ability to influence and determine what is on the Scotland Shortage Occupation List.

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I read with interest the publication earlier this month of your Department's response to the Windrush Lessons Learned review. I noted in particular the recommendations on ongoing external engagement and transparency and openness to change to ensure policies deliver the desired objectives.

I appreciate that we have different views on a range of issues but I trust that we have a shared commitment to ensuring that employers in the public and private sector are able to attract and retain the skilled staff that they need. The Scottish Government has been clear that we want to engage positively to develop solutions that are evidence based, deliverable and work for Scotland. The Minister for Public Finance and Migration has now written seven times to the Immigration Minister seeking a Ministerial level meeting to discuss these important issues. It is unfortunate that so far there has been no agreement to a meeting and I trust that in the interests of engagement and transparency there will now be greater opportunities for discussions.

Yours sincerely,



KATE FORBES

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