

What does Brexit mean for our older population? 10 questions for the new Government

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Age UK congratulates the Prime Minister and the new ministerial team on their appointments, and look forward to working with them to make the UK a great place to grow older.

In 2016, we set out Age UK's policy priorities for Brexit. As 31 October 2019 approaches, uncertainty remains over many of these priorities, which profoundly affect the day to day lives of older people. We seek the new 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 each of the four nations (England, Wales, Scotland and particularly Northern Ireland). Following Brexit, older people residing in the UK will not be able to use the European Charter of Fundamental Rights (CFR) as it will no longer form part of UK law. 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 retainedⁱ.

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 118,000 people aged 65+ in the UK who are nationals of EU countries other than the UK and Ireland.ⁱⁱ 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 online form, by visiting an identity scanning centre where you can be helped to use the online service, or via an 'Assisted Digital' network for people who need more supportⁱⁱⁱ. Given that a third of older people have not used the internet in the last three months^{iv}, many will struggle. 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^v. However, the longer-term prospects for State Pension increases for UK citizens living in the EU are unclear: 2022/23 is the last year for which the Government has committed to uprating their State Pension^{vi}. 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 to return to the UK after a departure from the EU, how will the Government ensure their speedy access to housing, care and benefits?*

Some older citizens may wish to 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 UK healthcare system

5. *How will the Government ensure that we maintain enough health and care workers, as EU nationals currently account for 166,000^{vii} of them in England?*

Across health and care services there are many existing staff shortages which could be exacerbated if substantial numbers of EU nationals leave, or if fewer come. While EU nationals already here can apply to stay under the EU Settlement Scheme, under immigration proposals put forward under the previous Government those coming to work in our health and care services in future would 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 10 per cent of doctors are EU nationals,

and in particular parts of the country – for example, 13 per cent of the social care workforce in London is made of up EEA nationals^{viii}.

6. *How confident is the Government that older people will continue to have access to the medicines and medical supplies they depend on, especially in the event of the UK leaving without a deal?*

As the CBI says^{ix}, 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^x, 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^{xi}.

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^{xii}.

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^{xiii}, 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^{xiv}. 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 in the event of the UK leaving without a deal?

Among people aged 65+ in the UK around 4 million are living with a limiting long-term health condition, 840,000 with dementia and 3.8 million live on their own^{xv}. They will find it hard to manage if there are shortages, and the 2 million pensioners who are currently living in poverty^{xvi} 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^{xvii}.

ⁱ See, for example <https://www.parliament.uk/business/lords/media-centre/house-of-lords-media-notice/2019/january-2019/human-rights-act-is-not-safe-after-brex/>

ⁱⁱ Estimate generated using the 2018 Annual Population Survey

(<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/methodologies/annualpopulationsurveyapsqmi>). This is likely to be an underestimate, since the Annual Population Survey does not sample people living in communal establishments, including care homes.

ⁱⁱⁱ <https://www.gov.uk/government/publications/eu-settlement-scheme-assisted-digital-service/eu-settlement-scheme-assisted-digital-service>

^{iv} <https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/datasets/internetusers>

^v <https://www.gov.uk/guidance/uk-nationals-in-the-eu-benefits-and-pensions-in-a-no-deal-scenario>

^{vi} https://www.gov.uk/guidance/uk-nationals-in-the-eu-benefits-and-pensions-in-a-no-deal-scenario?utm_source=89d96ace-1091-48b7-b96b-bf685767344c&utm_medium=email&utm_campaign=govuk-notifications&utm_content=daily

^{vii} <https://www.kingsfund.org.uk/publications/articles/brexit-implications-health-social-care>

^{viii} [NHS Digital 2018; Skills for Care 2018](#)

^{ix} *What comes next? The business analysis of no-deal preparations*, Confederation of British Industry, July 2019

^x <https://www.kingsfund.org.uk/publications/articles/brexit-implications-health-social-care>

^{xi} *What comes next? The business analysis of no-deal preparations*, Confederation of British Industry, July 2019

^{xii} *Brexit: Consumer Rights*, House of Commons Library Briefing Paper, 29 May 2019

^{xiii} <https://www.moneymarketing.co.uk/canada-life-no-longer-sells-annuities-to-expats-in-eu/>

^{xiv} Also see *Brexit and Private Pensions*, House of Commons Library Briefing Paper, 5 February 2019

^{xv} *Later life in the United Kingdom 2019*, Age UK

^{xvi} *Households below average income: an analysis of the income distribution 1994/95 – 2017/18*, DWP, 2018.

<https://www.gov.uk/government/statistics/households-below-average-income-199495-to-201718>

^{xvii} *What comes next? The business analysis of no-deal preparations*, Confederation of British Industry, July 2019