

REIMBURSEMENT OF MEMBERS' EXPENSES SCHEME – INCIDENTAL AND ANCILLARY COSTS PROVISION

Executive Summary

1. The SPCB is invited to consider the arrangements which are being proposed to support Members, MSP staff and Parliamentary Service (SPS) staff who are European (EU) citizens and making an application to the [EU Settlement Scheme](#).
2. Part of this support includes providing access to technology to complete the application process here in the Parliament building, Edinburgh.
3. The SPCB is invited to consider whether meeting the cost for Members' staff travelling to the Parliament to access this support could be met from section 3.5.4 of the Scheme under the Incidental and Ancillary Employment cost provision as good employment practice given that the settled status will be a necessary requirement to be permitted to work in the UK.
4. It is proposed that to manage this the Human Resources (HR) Office's current delegated authority be extended to also include authorisation of any travel and overnight costs incurred by MSP staff applying for EU settled status and whom also work outside of Edinburgh and cannot access the technology without travelling to Edinburgh.
5. The proposed actions will support the Parliament's commitment to retain highly valued staff and make it easier for EU citizen staff to take the required steps to remain in the UK.

Issues and Options

6. Following the EU referendum result in June 2016 EU citizens and their family members who want to stay in the UK beyond 30 June 2021 will need to apply to the EU Settlement Scheme which opens on 30 March 2019.
7. The first part of the process for individuals making an application is to have documents checked to evidence eligibility to apply. The easiest way to do this is using the UK Government's EU Exit: ID Document Check app. This app is currently available on Android phones only and it is not presently compatible with Apple technology. The HR Office and BIT have therefore made two android phones, with the app installed, available for use at Holyrood in a private room. It is also possible for documents to be checked by sending them away to the Home Office in London. It is not known how quickly they would be returned.
8. In preparation for the Settlement Scheme opening on 30 March 2019, the HR Office has produced resources including a briefing pack for Members (Appendix 1), briefing pack for line managers and a dedicated webpage (Appendix 2) to support Members, MSP staff, SPS staff and their line managers.

9. Potentially affected staff will have to be identified through line management and Members as this information is not recorded on an HR System. The table below provides an estimate of the number of people affected based on EU27 nationals making up 3.4% of the Scottish population¹.

Group	Group size	3.4% of Group Size
MSP Staff	550	19 people
SPS Staff	570	19 people

10. The costs for an individual not normally based at Holyrood to travel to Edinburgh will vary depending on where they are travelling from.
11. Any overnight costs will be in line with published allowances rates (currently £163).
12. As mentioned above the HR Office currently has delegated authority to authorise costs under sections 3.5.1 – 3.5.3 of the Incidental and Ancillary Employment Costs provision of the Scheme in relation to MSP staff training and recruitment costs. It is requested that this delegated authority is extended to costs associated with MSP staff applications to the EU Settlement Scheme.

Resource Implications

13. It is confirmed that there are sufficient funds in the overall expenses budget to meet the estimated costs above.
14. There are no other costs associated with the application to the scheme, EU citizens can apply without any fee.
15. The Human Resources Office will provide one to one support to staff who are making an application. BIT will provide and maintain the android devices.

Governance

16. Provision is made within the Incidental and Ancillary Employment Cost provision of the Scheme for the SPCB to meet expenses it considers good employment practice.
17. The delegated authority given to the HR Office will be overseen by the Group Head for HR and Digital Services.

Publication

18. This paper can be published under the SPCB's Publication Scheme.

Next steps

19. The HR Office will communicate to Members, MSP staff and SPS staff information about the available support.

¹ http://www.parliament.scot/ResearchBriefingsAndFactsheets/S5/SB_16-86_EU_nationals_living_in_Scotland.pdf

20. A communication plan has been prepared to ensure that business managers and line managers have been fully briefed in advance of the scheme opening.

Decision

21. The SPCB is invited to:

- Extend the delegated authority of the HR Office to approve costs for MSP staff in relation to the EU Settlement Scheme to be met from the Incidental and Ancillary Costs provision within the Members' Expenses Scheme.

**Human Resources Office
February 2019**

APPENDIX 1

Members Brief: EU Settlement Scheme- Support for EU citizen colleagues applying for settled status

Introduction

This pack is designed to help you as an employer and/or manager to support any member of your team going through the EU Settlement Scheme. Colleagues who want to stay in the UK must apply for settlement status through the EU Settlement Scheme. The unpredictability of Brexit could be unsettling for your staff. As an employer or manager, you will want to ensure that your EU citizen colleagues are provided with the right level of support to get them ready for settled status and reassure them that there will be no change to the ability to work in the UK when the UK leaves the EU Union on 29 March 2019. In this pack information is provided on how best to support your colleagues affected and signpost to the relevant resources should further advice and guidance be required.

What is the scheme?

European Union (EU) citizens and their family members who want to stay in the UK beyond 30 June 2021 will need to apply to the EU Settlement Scheme. The EU Settlement Scheme allows EU citizens and their family members to continue to live, work and study here in the UK. It means they will continue to be eligible for:

- public services, such as healthcare and schools
- public funds and pensions
- British citizenship, if they want to apply and meet the requirements.

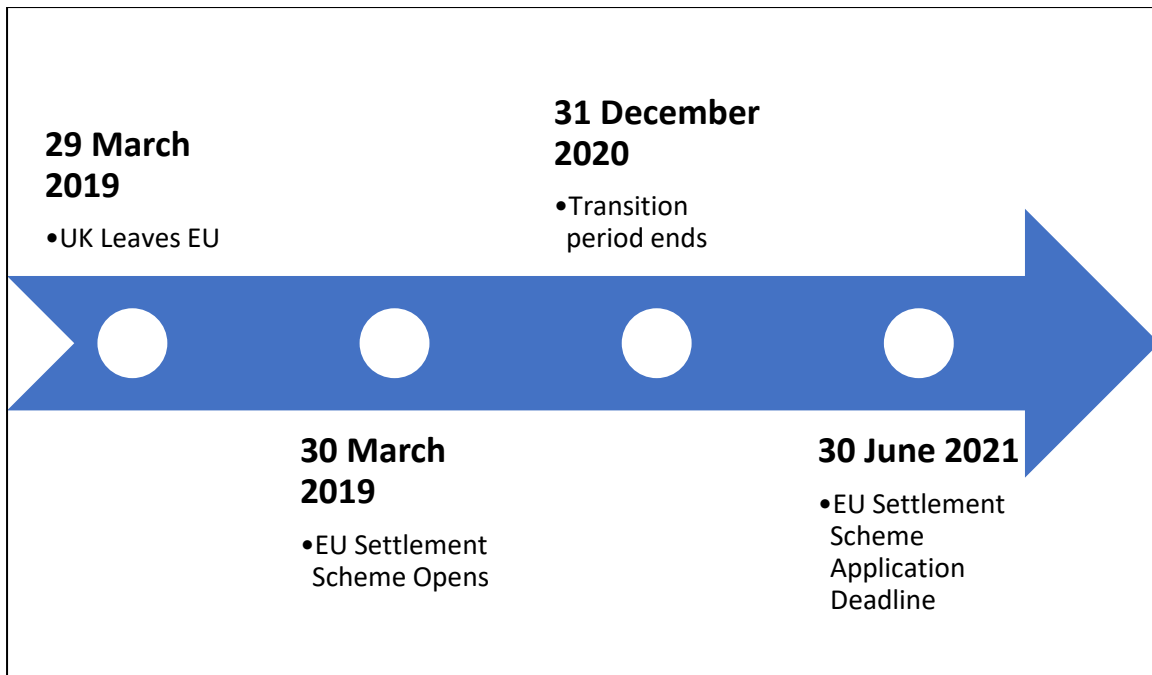
Who is eligible for the scheme?

Your colleague will need to be an EU citizen or a non-EU family member of an EU citizen. (Your colleague will not need to apply if they are an Irish citizen). Your colleague will need to be a resident in the UK by the end of the planned implementation period on 31 December 2020. If your colleague has been a resident in the UK for more than 5 continuous years when they apply, they will be eligible for settled status. If your colleague has been a resident for less than 5 years when they apply, they will be eligible for pre-settled status.

You will need to check with your staff on who might be eligible for the scheme. The information is not recorded centrally and you will need to communicate to your staff about the support that is available.

When does the scheme open?

The EU Settlement Scheme will open fully by 30 March 2019. EU citizens and their family members will have until 30 June 2021 to apply and their rights will remain unchanged until then, if they are resident in the UK by 31 December 2020. This application deadline will change to 31 December 2020 if the UK leaves the EU without a deal.



What support can be provided to staff going through this process?

There are different ways in which you can offer support to staff:

- Offer a one to one meeting with a member of staff to reassure staff that their rights at work won't be affected when the UK leaves the EU Union which is scheduled to take effect on 29 March 2019; and speak about how they can be assisted with the roll out of settled status;
- Provide time off for staff to apply for settled status or to seek legal advice;
- Signpost to expert immigration advice and other useful resources on getting ready for settled status; and
- Provide additional support to help colleagues with completing the form and who can't access an android phone.

The Application Process

Please note there are three options for ID checking as part of the process:

- Send documents away to the Home Office by post
- Make an appointment to have the ID document scanned and verified at a [location offering ID scanning](#). There is one location in Scotland that the UK Government has arranged for accessing ID Document scanning. This is at Registrar's Office, The Quadrangle, City Chambers, 253 High Street, Edinburgh, EH1 1YP. There is a fee of £14.00 for this service.
- Use the EU Exit: ID Document Check app (available on Android phones only)

The preferable option for applicants will be the android app. The online application takes a lot longer and requires the applicant's passport to be sent to the Home Office which could take weeks for it to be returned. The android app is simpler – it requires downloading the app from the Play Store and the passport details are scanned automatically. After using the app to verify your identity, the rest of the application

can either be completed on that device or on any smartphone, laptop or computer. The Home Office suggests that the form takes about twenty minutes to complete.

Please note the app will not be an accessible option for everyone. Staff using I phones will currently not be able to download the app. There might also be people who do not have the appropriate access, skills or confidence to complete the form (for example, there are steps in the process that include scanning documents and using face recognition technology). BIT has installed the app on two android phones to make it accessible for everyone. These can be provided via the Human Resources Office. Key contacts are [Phillipa Booth](#) (x86641) or [Aneela McKenna](#) (x86853) who can also provide additional assistance on completing the form via the app.

A quiet and private space is available in the Parliament building for anyone who wants to complete the application while at work. If your staff work out with the building, and have access to an android phone you may want to give them the time at work or at home to complete the application. The other alternative is to provide staff time to travel to the Parliament to access the android app available in the building. Travel costs can be met from the Incidental and Ancillary Employment Costs provision within the Members Expenses Scheme.

Drop in Sessions

Two drop-in sessions on 'What is the status of EU staff working in the Parliament and Preparing for the EU Settlement Scheme' for Members, SPCB staff and Members' staff will be held at Holyrood. They will be advertised via the Corporate Bulletin.

These will be held on:

- Wednesday 6 March 2019, 1.15pm – 2.00pm in Q1.04
- Monday 18 March 2019, 3.15pm – 4.00pm in Q1.03

Signposting and Resources

There is a dedicated web page on the EU Settlement Scheme with links and signposting to useful resources and advice services, for example, it may be helpful to direct someone to this page who requires immigration or legal advice. This page will keep staff up to date on any developments that could impact on staff applying for settled status.

Questions and Answers

THE EU SETTLEMENT SCHEME Frequently Asked Questions

Q. Will my employment rights be affected when the UK leaves the EU Union which is scheduled to take effect on 29 March 2019?

No, in advance of the UK's scheduled exit to leave the EU union, the UK government has committed to protect the rights of EU citizens and their family members currently living in the UK. This includes the right to live here, work here and access public services such as healthcare and benefits. To retain these rights **after 30 June 2021**, EU citizens must apply for UK immigration status under the EU Settlement Scheme.

Q: How do I apply for the EU Settlement scheme?

A: You can access the [application](#) online using a computer, tablet or mobile phone. Please note the first part of this process currently requires access to an android app to verify your identity. You can then complete the rest of the application either on the android device or on any smartphone, laptop or computer. The other option is to send your passport to the Home Office but this could take some weeks for your passport to be returned.

Q: I already have an android phone, what are the requirements for my device?

A: The UK Government has shared information about device requirements on [their website](#).

Q: I don't have an Android phone to scan my current passport or biometric residence card.

A: The Scottish Parliament has purchased Android phones which hold the **EU Exit: ID Document Checker app** to support staff. Please contact [Phillipa Booth](#) (x86641) or [Aneela McKenna](#) (x86853) to arrange a time.

Q: What information do I need to bring with me to complete the application form, if I use the Android phones available in HR?

A: Documents you will need to bring are either biometric passport, biometric national identity card or biometric residence card. You will also need to know your National Insurance number. The [UK Government has produced guidance](#).

Q. Will my information be left stored on the phone?

A: No, it is the app that stores information from your session. Information is only stored within the app and not anywhere else in the phone. Your information is only stored until the app is closed or your session ends. In addition, BIT will wipe the phones after each use.

Q: Is there any cost to apply?

A: There was originally a £65 fee that the Parliament had agreed to reimburse but this has now been removed from the scheme and EU citizens can apply without any fee.

Q: I work out with Edinburgh. What are my options to access a phone?

A: You should discuss this with your manager (or employer if you are employed by an MSP), they may be able to arrange something locally but if this is not possible, travel expenses can be covered to get to the Parliament building. The other option is to send your passport to the Home Office but this could take some weeks for your passport to be returned.

Q: Are there any other locations in Scotland offering ID document scanning?

A: There is currently only one location in Scotland offering [ID Document scanning](#). This is at Registrars Office, The Quadrangle, City Chambers, 253 High Street, Edinburgh, EH1 1YP. There is a fee of £14.00 for this service.

Q: Will I have to 'clock out' to complete the form or attend an external meeting about my application to the EU Settlement Scheme?

A: For Scottish Parliamentary Staff colleagues you do not need to use your flexi allowance. Please add the time as an External Appointment in TRS. MSPs' staff should discuss this with their employing MSP or manager.

Q: Is there a quiet space in the Parliament to complete my form?

A: The Human Resources Office has a quiet private space available for you to complete the form via the android app. Please contact Aneela McKenna (x86641) or Phillipa Booth (x86853) to arrange a time.

Q: I have a disability and I cannot access the android technology. What other support is available?

A: If you need additional support please contact [Phillipa Booth](#) (x86641) or [Aneela McKenna](#) (x86853) who will work through the form with you. You can also ask for support from the [UK Government – EU Settlement Resolution Centre](#). They can be called on 0300 123 7379 from inside the UK.

Q: Will the Parliament still be able to employ staff from other EU/EEA countries?

A: Yes. There will be no change to the immigration status of EU staff who are already here or who arrive before the end of the government's Brexit implementation period on 31 December 2020.

Q: How can I stay up to date with developments about the Scheme?

A: You can [sign up for email updates from the UK Government](#).

Useful Links and Resources

[UK Government – EU Citizens staying in the UK](#)

[UK Government – EU Settlement Briefing Pack](#)

[UK Government - Using the Android App](#)

[UK Government – EU Settlement Resolution Centre](#)

[European Commission – Brexit Negotiations](#)

[Citizens Advice Scotland](#)

[SPICe - Brexit/EU Hub](#)

[Sign up for email updates from the UK Government](#)

Screenshot of draft webpage: EU Settlement Scheme



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Following the referendum in June 2016, where the outcome was a decision for the UK to leave the European Union (EU), the Scottish Parliament wants to reassure everyone working here, that at this stage, there is no change to their ability to work in the UK.

In advance of the UK's scheduled exit from the EU on 29 March 2019, the UK government has committed to protect the rights of EU citizens and their family members currently living in the UK. This includes the right to live here, work here and access public services such as healthcare and benefits. To retain these rights after 30 June 2021, EU citizens must apply for UK immigration status under the EU Settlement Scheme.

The Application Process

The deadline for application is 30 June 2021. If the UK leaves the EU without a deal the deadline for applying will be 31 December 2020.

The Parliament wants to ensure that everyone who works here is valued and its EU citizen staff are provided with the right level of support to get them ready for settled status.

Staff who are eligible to apply for pre-settled or settled status must be either:

- > an EU citizen and have a valid biometric passport (this is an e-passport which has a digital chip)
- > or a non-EU family member of an EU citizen with a biometric residence card with 'EU Right to Reside' on the back, which you have applied for on or after 6 April 2015


If you are eligible to apply to the EU Settlement Scheme, you will need to complete an online application form to:

- > prove your identity;
- > show that you live in the UK; and
- > declare any serious criminal convictions.

The latest information is available from: <https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>

What happens next?

There will be no change to worker rights under EU law until the end of the planned implementation period on 31 December 2020.

There is a frequently asked questions (FAQ) document that has been put together for staff who are applying providing details of what support is available; alongside this is a  [briefing pack](#) produced by the UK Government. Please read through these documents as they contain important information regarding the Settlement Scheme.

This page holds the latest information for staff in relation to Brexit and will regularly be updated on any development that may affect staff.

Frequently Asked Questions are available, however if you have any further queries, members of staff should contact or email [Aneela McKenna](#) (0131 34 86853) or [Phillipa Booth](#) (0131 34 86841).

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Contact Details

[Phillipa Booth](#) (x86841)

[Aneela McKenna](#) (x 86853)

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Useful Resources

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