

After Brexit

The right to work as
a teacher in the UK and the EU





**EU
REFERENDUM**



On 23 June 2016, in a Referendum, the UK voted to leave the European Union (EU). This leaflet explains the implications of that vote for UK teachers living/working in the EU and for other EU teachers who are living/working in the UK.



The decision to leave the EU

The UK remains a part of Europe and, pending further decisions and negotiations, remains a member of the EU. However, the Referendum vote now means that the UK Government will be taking steps to end the UK's membership of the EU. This will have implications for teachers in/from all parts of the UK.

The Referendum decision requires the UK Government to take steps to leave the EU. There will be a process for withdrawing the UK's membership of the EU once the UK Government has invoked Article 50 of the Lisbon Treaty which sets out how an EU country might voluntarily leave the union.

The UK will have two years from the date when Article 50 is invoked to conclude new arrangements on withdrawal from the EU and, where appropriate, to establish legal terms for a future relationship with the EU. These terms may include provisions relating to trade with the EU and on the free movement of people. Failure to reach an agreement with all EU member states risks the UK being excluded from the EU with no arrangements in place.



No immediate change

In a communication to stakeholders issued on 1 July 2016, the Department for Education stated:

'There will be no immediate changes in the circumstances of European citizens living, studying or working in the UK – current arrangements will continue to apply to European pupils and their families, and to teachers, early years and social work professionals and all others who work with children...European teachers and student teachers are highly valued for their contribution to our children's education. The UK is still a member of the EU and remains bound by EU law until the terms of our exit have been determined.'



Free movement of people

The right to free movement of people includes the right to work in another EU member state.

The EU Directives on the free movement of people confer certain rights on individuals and family members (including spouses, registered partners, dependent children under 21 years old, dependent parents, etc.), whatever their EU nationality.

In the case of registered partners, the right to free movement is provided if the country where a teacher wishes to work recognises registered partnerships as equivalent to marriage. In the UK, registered civil partnerships are recognised as equivalent to marriage.

There is no change to these rights.



PASSPORT




PASSPORT



Right to work

Until the process of leaving the EU is concluded, teachers who are EU citizens (including UK teachers) will continue to have the right to live or work in any country in the EU/European Economic Area (EEA).


The EU/EEA includes:


 Austria


 Greece

 Romania


 Belgium

 Hungary


 Slovakia

 Bulgaria

 Ireland

 Slovenia


 Croatia


 Italy

 Spain


 Cyprus

 Latvia

 Sweden


 Czech Republic

 Lithuania

 United Kingdom


 Denmark

 Luxembourg


 Norway (non-EU)

 Estonia

 Malta

 Iceland (non-EU)


 Finland

 Netherlands

 Liechtenstein (non-EU)

 France

 Poland

 Germany

 Portugal

Teachers from non-EU/EEA countries working in the UK are not affected by the result of the UK Referendum on EU membership.

There is no change to these rights.

Employment rights

As an EU national working in another EU country, teachers also have the right to live in that country without the need to have a residence permit.

Teachers from other EU countries working in the UK are subject to the same working conditions as UK nationals, including with regard to their pay, hours of work, maternity leave entitlements and health and safety at work.

There is no change to these rights.



Teachers' rights

Teachers have the same rights as nationals of the country they are working in regarding pay, working conditions and social security/welfare.

In order to work in a non-EU country, or to work in the UK as a national from a country outside the EU, you will need to obtain a suitable work visa.

Teachers should contact the relevant embassy of the country where they want to work for details about work permit requirements.

There is no change to these rights.



Equal treatment

Teachers are entitled to be recruited under the same conditions as teacher nationals of the country in which they are seeking work and cannot be asked to meet any additional requirements.

A UK teacher can apply freely for a teaching job vacancy advertised in any other EU country. Similarly, teachers from other EU countries are free to apply for teaching posts in the UK.

There is no change to these rights.



Teacher training and recognition

Each EU country may have local/national requirements for specific qualifications, certificates or for professional registration as a condition of being employed as a teacher.

In order to work as a teacher in an EU country where a system of professional regulation applies, individuals will need to apply for recognition of their teaching qualifications in the country where they wish to work. The regulatory authorities in that country must reply to any application within four months. If the regulatory authorities in the country where an individual is seeking to work as a teacher consider that an individual's training is significantly different in terms of duration or content from that given in the host country, the teacher may be asked to undertake additional professional experience or training.

There is no change to the financial support available to those individuals who have secured a place on an Initial Teacher Training (ITT) course starting in September 2016 or are thinking of applying for an ITT course starting this year.

There is no change to these rights.



Professional registration

To work as a teacher in Scotland, Wales or Northern Ireland, teachers must be registered with the GTC Scotland, the Education Workforce Council in Wales or the GTC Northern Ireland. For further information about the UK regulatory bodies, go to: Scotland: www.gtcs.org.uk; Wales: www.ewc.wales; Northern Ireland: www.gtcni.org.uk.

Information for EU/EEA nationals wanting to work in England can be obtained from the National College for Teaching and Leadership at: www.gov.uk/guidance/qualified-teacher-status-qts#eea-nationals.

Teachers employed in the UK will also be required to satisfy certain checks relating to the right to work with children and vulnerable adults. These safeguarding checks will include application for clearance by the Disclosure and Barring Service (England and Wales), Disclosure Scotland and AccessNI (Northern Ireland). These employability checks will need to be undertaken before a teacher takes up employment. Teachers from the UK wishing to work in another EU country should contact the relevant embassy and/or regulatory body for details about employment conditions and requirements.

There is no change to these rights.



Taxation and benefits

By working in another member state and by transferring residence to that country, a teacher will become 'resident for tax purposes' in the country where they are working.

Teachers from other EU countries working in the UK will be required to pay the same level of tax and social security contributions (i.e. National Insurance) as host country nationals. The same principle applies to UK teachers who work in other EU countries.

Teachers from other EU countries working in the UK will be insured for social security purposes in the UK. Individuals, and in certain circumstances their family (see conditions above), are entitled to the same social security benefits as UK nationals.

These rights cover sickness and maternity benefits, disability, old-age and survivor benefits, benefits payable for accidents at work, occupational illness, death and unemployment, as well as family allowances. You cannot be excluded from benefits on grounds of nationality, for reasons of residence, or for any other discriminatory reason.

There is no change to these rights.



EU nationals in the UK

A teacher who is working in the UK can apply for a registration certificate if they are a citizen of an EU/EEA country and want to prove their right to live or work in the UK. However, the Government is clear that there is no requirement to apply for a registration certificate if an individual:

- is a 'qualified person' (e.g. working as a teacher, or studying, or self-employed, or looking for work);
- has a 'family member' (e.g. spouse, civil partner, dependent child, dependent parent/grandparent) who is a qualified person;
- has a retained right of residence (e.g. if your marriage or civil partnership to a qualified person has ended (with a divorce, annulment or dissolution), or that person has died and you had lived in the UK for at least one year before they died, or you are the child of an EEA national who has died or left the UK, or if you are the parent and have custody of a child who has a retained right of residence because they are in education in the UK).



UK residence

A registration certificate can make it easier to claim certain benefits and services and prove that you have a right to work in the UK.

Individuals can also apply for a UK residence card to certify permanent residence if they have lived in the UK for at least five years as a qualified person. In certain circumstances, an individual may apply for permanent residence even if they have lived in the UK for fewer than five years.

Further information about registering your right to live in the UK as an EU citizen can be found at: www.gov.uk/eea-registration-certificate.



Living in the UK

Everyone has the right to work and to live in safety, and without fear. Regrettably, since the result of the UK Referendum to leave the EU, there has been an increase in the number of reported 'hate crimes' targeted against individuals and families because of their nationality, ethnic background or religious belief.

The NASUWT condemns such behaviour and is working hard locally, nationally and internationally to help secure the conditions in which all teachers, pupils, families and communities can live, work and study safely and free from fear of violence, intimidation and abuse.

The NASUWT is at the forefront of efforts nationally and in the EU to support the work of schools in promoting equality and to celebrate the ethnic, cultural and religious diversity of our communities. The NASUWT is a founding member of the European Trade Union Confederation for Education (ETUCE) and Education International (EI) which represents 32 million teachers and educators in over 170 countries.



Respect and dignity

Where teachers in the UK are affected by racial, religious or other forms of prejudice-related bullying, hatred or bigotry, they should contact the NASUWT immediately for advice and support. Where incidents take place outside the school, including during holidays, members should still contact the NASUWT for help and support, and report the matter to the police.

The NASUWT believes that no-one should live in fear because of who they are or where they come from. Any teacher who experiences or witnesses prejudice-related bullying, harassment, victimisation, physical or mental abuse or other forms of hate crime should make a note of the incident (including the date, time and location of the incident) and the names of any witnesses, and report the matter immediately.

If the abuse or harassment is received via social media or other online platform, a screenshot of the offending material should be taken immediately on the computer, tablet or mobile phone prior to reporting the incident.



NASUWT

The Teachers' Union

NASUWT membership provides teachers with:

- **help and advice about teaching in the UK;**
- **support and representation on issues related to your employment;**
- **help finding a job;**
- **free training and professional development;**
- **advice about your rights at work;**
- **information about your pay and conditions of service;**
- **advice about pensions;**
- **legal advice and support;**
- **financial advice and assistance;**
- **financial benefits including insurance, access to money-saving offers for a new car, holidays and eating out.**

The NASUWT is the union for all teachers in all sectors of education, including nursery/early years, primary, secondary/post-primary and further education (FE).

The NASUWT represents teachers and school and college leaders in state maintained schools, academy schools, free schools, independent schools, sixth-form colleges and FE colleges.

NASUWT members who wish to work in countries outside the UK should contact the Union for advice about their membership. The NASUWT can also help with information and advice about the implications of taking a break from service in the UK as a result of working overseas, including the implications for future pay, pensions and employment rights.

Wherever they teach within the UK, teachers can rely on the support of the NASUWT.

Being a member of the NASUWT is the best way to protect your job, status, pay and working conditions as a teacher and school/college leader.

Even after the 2016 UK Referendum vote to leave the EU, the NASUWT remains committed to protecting the working conditions of teachers, including teachers who have come to the UK from overseas.

Being a member of the Union provides all members with support at work, as well as information and advice, and also a voice in your workplace, with employers and with government. Whatever issues you are facing, being part of the largest UK teachers' union is the best way to ensure that your rights at work are protected and improved.

Teachers from other EU countries who work in the UK can join the NASUWT. Membership is **FREE** for the first year.

England

03330 145550

advice@mail.nasuwt.org.uk

www.nasuwt.org.uk

Northern Ireland

028 9078 4480

rc-nireland@mail.nasuwt.org.uk

www.nasuwt.org.uk

Scotland

0131 226 8480

rc-scotland@mail.nasuwt.org.uk

www.nasuwt.org.uk

Wales

029 2054 6080

rc-wales-cymru@mail.nasuwt.org.uk

www.nasuwt.org.uk

NASUWT
The Teachers' Union



A World of Difference