



Consultation Response

Review of access to the NHS by foreign nationals

This consultation response details the views of the Royal British Legion and its members on the recent consultation by the Department of Health on the, *'Review of access to the NHS by foreign nationals'*. The Royal British Legion has gathered views from its 98 overseas branches which span from Hong Kong, the United States, to extensively throughout Europe.

The Royal British Legion safeguards the welfare, interests and memory of those who are serving or who have served in the Armed Forces. We are one of the UK's largest membership organisations and recognised as custodians of Remembrance.

1. The Military Covenant

A career in the Armed Forces differs from all others. Service personnel agree to sacrifice certain civil liberties and to follow orders; including orders to place themselves in harm's way in the defence of others. In return, the Nation promises to help and support people in the Armed Forces and their families when they need it most. This mutual promise is enshrined in the Military Covenant, which is acknowledged by all Services. The Military Covenant has been enshrined through convention, custom, and contemporary application, and it represents the Nation's moral commitment to its Armed Forces. The responsibilities detailed in the Military Covenant include a lifelong duty of care to provide for the physical and psychological wellbeing of all serving personnel and veterans. Most recently the new Coalition Government has pledged to uphold this covenant and enshrine it in law.

The Royal British Legion recommends and considers that the military covenant should be applicable to all veterans and their healthcare over the course of their lifetime.

2. Access to NHS for veterans living abroad

The Royal British Legion represents all veterans, including those permanently resident in the UK and those who live abroad for differing lengths of time, and live in a wide variety of countries. The Legion welcomes the move by the Department of Health to extend the period of absence, from three months to six months per annum, before individuals could potentially lose their free NHS treatment entitlement. It is felt this change will benefit veterans generally and align with similar tax laws. It is however felt in some parts of the overseas veteran community that this measure does not go far enough considering:

- Their service to their country,
- Their lifelong National Insurance (NI) contributions,
- Their lifelong continuing payment of UK income taxes and their income tax paid on pensions.

Despite these contributions to the UK, overseas veterans could find themselves paying NHS charges if they live abroad for over 6 months of the year if:

- They live part the year in a country that is not in the EEA (and therefore are not covered by the European Health Insurance Card),
- They live in a country that does not have a reciprocal agreement,

- They live in a country that compels residential status after only a few months (and therefore lose their UK residency and NHS entitlements),
- They are not of the age to draw their state pension (however this exemption still only covers immediate needs arising during temporary visit to the UK and not existing conditions).

The Royal British Legion understands the need to stop abuse of the NHS system through health tourism, however it is not felt that veterans themselves are the perpetrators of this problem. There is a distinct acceptance in the veteran community that if an individual has not contributed to the UK, then they should not enjoy the benefits of the NHS.

Any individual is entitled to British citizenship if they have served in the UK Armed Forces for four years. The Legion believes the principle of tying NHS access to British citizenship as a factor in assessing entitlement for veterans for NHS services may be a fairer, more equitable way of addressing the charging policy.

The Royal British Legion recommends that the exemption policy on NHS charges is reassessed to reflect the contributions of veterans in their service to their country to reflect the Military Covenant, and to reflect British citizenry entitlements linked to service.

The Royal British Legion also recommends that the exemption policy on NHS charges is reassessed to take into account veterans' contributions through their lifetime in NI payments and their contributions to the UK in income tax.

3. Temporary absence exemption for UK residents

Veterans often live in the UK for part of the year or visit their families regularly in the UK, whilst also spending significant periods of time abroad. These individuals under the current status quo risk being considered as not ordinarily resident, and so not entitled to free NHS treatment, unless protected by the exemptions that cover this group.

The Legion wishes to note that during the course of this consultation it was highlighted that the consultation document failed to detail that all veterans receiving a War Pension or a War Widows Pension were exempt from all charges on the NHS, even if they were deemed to be not 'ordinarily resident' and that exemptions related to all NHS charges and services - not simply treatment in relation to service injuries.

The Overseas Department through e-mail accepted this omission and assured the Legion that this exemption still stood.

The Legion recommends that the status quo exemption for all NHS charges for veterans receiving a War Pension or a War Widows Pension, whether they are deemed 'ordinarily resident' or not, or whether their treatment is for a service injury or not, is made explicit in the succeeding guidance issued by the Department of Health.

4. Health Insurance for overseas visitors

The Legion believes the health insurance market to be an inequitable market for many veterans. The Legion believes that a compulsory insurance scheme would negatively affect members and beneficiaries abroad.

Insurers would wish to make individual checks on pre-existing diseases and may base premiums on personalised risks, affectively preventing travel or charging unaffordable premiums to those with a poor health record, including elderly family visitors. This eventuality is particularly emphasised for older veterans and those with pre-existing conditions. It would not be an equitable state if veterans were forced to pay high insurance premiums to visit their families in the UK, or indeed barred from travel because insurance companies could choose not to insure them.

This inequitable status still stands even if the 'recommended insurance' option was taken as insurance companies could still choose not to insure those veterans who have pre-existing conditions or those who are elderly. The government would have to provide a fair insurance package so that veterans are not unduly penalised or barred from visiting the UK.

The Legion recommends that the Government investigate the equity of the travel insurance market, and provide solutions for a system of fair insurance coverage for those veterans who are elderly and/or those veterans who have pre-existing conditions.

Contact

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