

## Written evidence submitted by the NFU (LFS0013)

### Introduction

1. The NFU represents 55,000 members in England and Wales, involved in 46,000 farming businesses. In addition, we have 30,000 countryside members with an interest in farming and the countryside. The NFU has previously lobbied government in respect of the future immigration system and the needs of the Agriculture and Horticulture Sector. On this front, some aspects of the Government's plans are welcome but there remain a number of major areas of concern with the proposals as published by the Home Office on 19 February 2020. The NFU therefore welcomes the opportunity to respond to this Call for Evidence.

2. Please note that in compiling this response, we have tried to focus on the longer-term issues relating to the future immigration system and have only made comments relating to Covid 19 where this is necessary to place our submissions into context. Our more detailed commentary on labour issues connected to Covid 19 will be contained in our separate response to the EFRA inquiry 'Covid 19 and food supply.' As this document exceeds 3,000 words an executive summary has been included and paragraphs have been numbered for ease of reference.

### Executive Summary

3. As detailed in our response below, the points-based system (PBS) proposals will have a negative impact on Agriculture and Horticulture unless:

- shortages in the sector and wider supply chains are adequately recognised via the shortage occupation list and the list is kept under regular (at least annual) review;
- other benefits such as accommodation are allowed to count towards salary;
- the English-speaking level and any related evidence requirements are set at a basic as opposed to fluent level;
- charges to sponsoring employers and interested migrant workers are accessible and manageable;
- already extremely challenging, if not now impossible timescales for ending freedom of movement and implementing a new immigration system are revisited in light of Covid 19;
- the framework used to ascribe skill level to occupations is reviewed holistically as detailed in paragraph 13 and the inherent intellectual bias removed;
- Modifications are made to address the lack of any specific route for entry level workers as per the two suggestions made in paragraph 14-16;
- There is a drive to further expand youth mobility schemes, particularly in terms of adding more countries, including those in the EEA;
- Consideration is given to other measures such as adapting the PBS factors to allow points to be credited to those with qualifications other than PhD's where the qualification is relevant to the role and/or to shortage occupations; improving data to inform MAC decision making; and revamping the MAC commission to incorporate business representation akin to the makeup of the Low Pay Commission.

4. Permanent labour needs exist across the whole of our sector but we would anticipate these needs being most acute for the Dairy, Horticulture and Poultry sectors, with the latter two sectors also being most affected in relation to seasonal workforce needs. Remaining focused on seasonal needs, industry data identifies that 70,000 workers are needed to fill 80,000 seasonal horticultural roles, with a further minimum of 8,500<sup>1</sup> workers needed in seasonal poultry production and between 300-500 roguers<sup>2</sup>

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<sup>1</sup> In Nov/December 2019, the NFU interviewed 104 seasonal turkey producers out of an estimated 900 producers in the UK. The sample population was derived from UK turkey producers that advertise seasonal turkeys via the NFU Turkey Finder Online Tool. The survey sample was therefore more likely to capture information from smaller/ medium sized producers rather than large scale producers (the latter being known to be under represented on the Turkey Finder database). The 104 turkey producers we surveyed employed a total of 980 seasonal workers. We multiplied this figure by 8.65 (i.e. 900 estimated

needed for crop production, producing an overall need for at least 78,800 seasonal workers at production levels. Additionally, there is recognition that further seasonal workers are needed in the onward supply chain. In light of which, we make clear our position on the Seasonal Worker Pilot scheme and its future, namely that there should be:

- Urgent further expansion of the existing scheme in time to allow growers to recruit workers from Autumn 2020 for the 2021 season when freedom of movement ends and to thereby ensure overall demand for 70,000 workers is met.
- Expansion of the scope of the scheme to cover all seasonal needs within Agriculture and Horticulture (i.e. to not only include edible horticulture but also Ornamentals<sup>3</sup>, Viticulture, Poultry and Crop Production Roguers) as well as seasonal needs in the wider supply chain.
- An increase in the number of operators under the pilot scheme and inclusion of direct recruitment by GLAA licensed businesses.

5. We also highlight the lack of clarity around the future of the existing seasonal sheep shearing scheme (which covers around 100-150 migrant sheep shearing specialist) and the need for the scheme to preferably be retained - or if it is not, for sheep shearing to also be covered by the Pilot.

6. Finally, we set out that staff retention and productivity measures do not alter the need for a fit for purpose future immigration system and that automation in particular, will be a longer term and only partial answer to workforce needs in Agriculture and Horticulture.

### **What impact will the Government's proposed points-based immigration system (PBS) have on labour in the food supply chain?**

*The PBS, salary thresholds and recognition on the shortage occupation list*

7. Current proposals for a reduced salary threshold of £25,600 represent movement in the right direction, with the potential for flexibility on salary created by tradeable points being welcome. We do however have concerns about the factors and weighting that have been chosen. Since medium to high skilled workers will need a minimum of 70 points from Table A below to come to the UK for work, mathematically experienced entrants earning below £25,600 and without a PhD **will only be able to come to the UK to work if they are filling a role that is recognised as being in shortage.**

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number of producers in the UK / 104 producers in the survey sample) to give an overall UK industry estimate. This provided an estimate of 8,477 seasonal workers for the whole of the UK, although the under representation of larger producers is likely to mean this is an underestimate.

<sup>2</sup> As more official figures do not currently exist, and we do not have any survey data of our own, this is a rough approximation based on 30,000 ha of organic arable land and 3.7 roguing hours/ha, over 8 hour days, for approximately 6 weeks.

<sup>3</sup> Whilst this report largely focuses on the food supply chain, many of the observations made about labour needs in respect of the horticultural sector also largely apply to ornamental and non-edible crop production.

**Table A**

Characteristic	Points	Tradeable
Offer of Job	20	No – these criteria are mandatory. The full 50 points must be scored for each of these three sections.
Job at appropriate skill level	20	
Speaks English at required level	10	
Salary of £20,480 (min) - £23,039	0	Yes, these factors are tradeable. The worker must score at least 20 points from amongst these criteria.
Salary of £23,040-£25,599	10	
Salary of £25,600 or above*	20	
Job in shortage occupation	20	
PhD relevant to the job	10	
PhD in STEM subject relevant to the job	20	

8. At present, no roles from within Agriculture or Horticulture feature on the Shortage Occupation List despite the NFU having highlighted shortage areas to the Migration Advisory Committee (MAC) during its previous review (see attached a copy of our submission). This is unacceptable and will make the proposed PBS system largely unworkable for the sector. The findings of our ‘NFU Agriculture & Horticulture: Permanent Labour Survey’ and the implications of ONS Annual Survey of Hours and Earnings data from 2018 both show that earnings levels in the majority of Agricultural and Horticultural roles are typically below the £25,600 threshold. The NFU survey for example suggests that 55% of farm workers earn less than £25,000 and therefore less than this threshold, with the percentage for some specific sub sectors of Agriculture and Horticulture varying upwards of this to 77%. This is also reflected in ONS data collated and shared with us by DEFRA (see supplemental evidence for both items).

9. In simple terms, **the majority of businesses in Agriculture and Horticulture will be unable to get experienced workers through the new points-based system.** Therefore, given the real-world limitations on the ability of farmers and growers to simply increase pay and pass labour costs on to retailers or consumers, **recognition of shortage roles in Agriculture and Horticulture and in wider supply chains is vital going forward.**

10. In terms of gaining this recognition, we are aware that the MAC has been commissioned to review the shortage occupation list in line with the lowering of the skills threshold from high skilled to medium skilled – or to be more specific, to review shortages for all roles coded in Appendix J to the Immigration rules as being at level 3, 4 or 5 of the Recognised Qualification Framework (‘RQF’). These levels relate to roles seen as requiring a skill level between A level or equivalent and degree level or equivalent and reflect the roles that will be eligible for PBS following the lowering of the skills threshold. Given how imperative it is that our shortage roles our recognised, this review is welcome and NFU will both be directly engaging with this review, as well as seeking to mobilise the wider supply chain to ensure all shortage areas are brought to the MAC’s attention. In terms of this EFRA consultation however, it is worth highlighting that some of the occupation codes in Appendix J cover clusters of job titles referred to as being ‘Low Skilled/ RQF3’, with guidance notes dividing these clusters between jobs that do and do not meet the required skills level for the PBS. This is unnecessarily complex and the NFU would call for these clusters to be simplified so that all job titles within the occupation are recognised as being eligible for the PBS. This is particularly so given paragraph 12 and 13 below.

*New Entrants*

11. As the NFU previously called for the retention of different salary thresholds for new entrants, the 30% reduction to salary thresholds that will be applied to new entrants is welcome and may open up some opportunities for new entrants within our sector. Nevertheless, the costs and burdens associated with sponsoring an inexperienced migrant worker may make the route less appealing for employers.

Furthermore, it is not clear how many new entrants will be seeking to access work in the UK. Consequently, it is still critical that shortage occupations in Agriculture and Horticulture and the wider supply chain gain recognition as without this, the only means by which the PBS would be fit for purpose for our sector would be via a further reduction to the salary requirement.

*Skills Threshold and the need for removal of inherent bias towards ‘intellectual’ roles*

12. Another key area of concern with the proposed PBS is that as shown in Table B below, various roles in Agriculture and Horticulture are currently seen as not being sufficiently skilled to be eligible for the PBS.

**Table B**

<b>Meet skill level</b>	<b>Does not meet skill level</b>
Managers and proprietors in agriculture and horticulture, herd managers, livestock breeders, pig breeders, horticultural foreman, nursery supervisor, horticultural technician, nursery stock production technician/ specialist, some managers in animal husbandry, sheep shearers and chicken sexers*	Weighers, graders, sorters, packers, agricultural machinery drivers/ tractor drivers, agricultural/farm workers, farm labourers, herdsman and shepherds.

The roles in the right-hand column do in fact require skill (e.g. manual dexterity, quality control and animal husbandry and welfare) and are just as integral to our sector but will not, as matters stand, be covered either by the PBS or a separate entry level scheme.

13. On this subject and referring back to paragraph 10 above, the RQF that underpins Appendix J was developed for primarily education related purposes by the Department for Education and the Education and Skills Funding Agency. A significant proportion of manual and practical roles in Appendix J tend to fall at or below RQF3 which is the threshold for eligibility for the PBS. The standard occupation codes (‘SOC codes’) used in Appendix J for roles within Agriculture and Horticulture do not reflect the variety of roles within the sector or provide an easy tool to fit to roles, nor for example do they match occupation maps used by other areas of government e.g. IFATE. It is possible that this is because the skills required for some of these occupations tend to be more vocational than academic, with more skills learned through practical experience. It is a disappointing characteristic of the PBS that it devalues vocational skills, which often provide a far more tangible and economically valuable business contribution to Agriculture and Horticulture businesses. This devaluation of vocational skills must be avoided. Recognition needs to be given to the fact that roles in Agriculture and Horticulture often involve application of science, technology, engineering and mathematical ‘STEM’ skills (e.g. understanding animal nutrition to ensure the feed animals are consuming enhance productivity and produces the best welfare results) and or entail training and CPD requirements (e.g. BASIS and NRoSO). The NFU would therefore advocate a full re-appraisal of the underlying RQF base.

*Entry level roles and the unacceptable vacuum in future immigration proposals*

14. Following on from the intellectual bias discussed at paragraph 13, we are deeply concerned with the lack of any specific pathway, temporary or otherwise, for entry level roles. NFU has repeatedly highlighted the need for workers at *all* skills levels and sought to make the point that the value of workers who undertake so called ‘low skilled’ roles in our sector and in the wider economy cannot be underestimated. The term ‘low skilled’ is demonstrably derogatory to workers classified in this manner and adaptation of this language by the Government would be welcome. The current Covid 19 crisis particularly underlines this point with many of the workers who are key to the nations efforts to tackle Covid 19 falling into this ‘low skilled’ denomination. This includes farm workers and workers elsewhere in the food chain, such as those working in processing plants, who are all essential to delivering food to the nation’s plates.

15. The NFU would therefore call for plans for the future immigration scheme to be modified. Two proposals for how this could be done are as follows:

- Provision could be made for evidenced entry level shortage roles in strategic sectors like Agriculture and Horticulture to be excepted from the normal skill level required for the PBS;  
  
and/or
- A visa could be designed that would allow a temporary route of at least two years for workers to come into the UK to carry out work in entry level shortage roles within strategically important sectors such as Agriculture and Horticulture. The design of which could be premised on sponsored workers undertaking a formal qualification like an apprenticeship alongside their work and progressing into a more skilled role at the end of it via an in-country switch to a visa under the PBS. This could be called a Skilled Access Visa.

16. These two proposals would better reflect the contribution made to our society of those filling entry level roles in our sector, as well as in other important areas of the economy, both in normal circumstances and in today's current unprecedented global pandemic. Both of these proposals link access to work in the UK to need for that labour and the latter proposal has the inbuilt benefit of improving and developing skills and ensuring a progression pipeline within the industry.

#### *Expansion of Youth Mobility Schemes*

17. As a partial measure to address the gap in respect of entry level roles, a drive is also needed to further expand youth mobility schemes. These schemes allow 18-30 year olds with £1,890 in savings and without dependent children to come to live and work in the UK for 24 months if they are from listed countries (Australia, Canada, Japan, Monaco, New Zealand, Hong Kong, the Republic of Korea and Taiwan) or are British overseas citizens, British overseas territories citizens, British nationals (overseas). If these schemes were further expanded, for example to cover countries in the EEA who to date have had freedom of movement, then this may well provide a route to source some of the workers needed for entry level roles. We would however caution that a more general entry level route is still needed in line with our two proposals in paragraph 15 above.

#### *Exclusion of benefits other than direct earnings*

18. Linked to our comments in paragraph 7-9 above on earnings levels and the weighting given to the factors that feature in the PBS, it was disappointing that neither the MAC nor the Home Office saw fit to allow wider aspects of the remuneration and benefits package to count towards the salary threshold. Many workers in the Agriculture and Horticulture sector are provided with accommodation and on-site recreational facilities either free of charge or for a minimal charge in line with accommodation offset rules. Accommodation in Agriculture and Horticulture will often also come with benefits like payments of council tax and utilities (e.g. gas/ electricity/ other forms of fuel, TV and internet) which have a significant value. Finally, there are often other benefits like company cars and travel allowances, free car parking, fuel allowances and canteen and food related subsidies. These benefits all have a significant financial value to the employee. Inclusion of these benefits would therefore, in combination with recognition of the sectors shortage roles, be extremely helpful in ensuring the PBS recognises the special working conditions and requirements within our sector.

#### *English Speaking Requirement*

19. A mandatory feature of the proposed PBS is that migrant workers entering under the PBS are able to speak English. While the NFU would welcome basic English skills, we would emphasise that language skills are easy to acquire over time through immersion in the English language and that the priority for Agriculture and Horticulture is to be able to source enough skilled workers. If the required

standard of English is set too high or there are restrictive evidential requirements this will prevent the PBS from being accessible and in turn, jeopardise the sector's access to the workforce it needs to continue producing high quality, high welfare food and other produce to the nation.

#### *Accessibility of PBS administration and costs for employers and migrants*

20. The NFU welcome the abolition of the resident labour market test; the commitment to simplify processes, reduce bureaucracy and shorten timescales for processing visas; as well as the decision not to cap the number of migrants able to come via the PBS. All of these items will make the new PBS more accessible. It is however important to recognise that Tier 2 of the existing immigration system has historically been the preserve of larger businesses with greater financial resources, HR departments and access to external advisers to guide them through its complexities. The new PBS will now need to cater for many small to medium sized businesses such as those that make up the bulk of the Agriculture and Horticulture sector. In this respect, it is essential that charges for sponsoring businesses are kept within reach and the immigration skills charge currently applied to Tier 2 is abolished, if not universally, then certainly for SMEs. In a similar vein, to attract migrants, the immigration health surcharge that migrants pay should be made payable by instalments, especially as it is set to rise further under the new PBS.

#### *Timescales*

21. There was already significant concern prior to the advent of the current Covid 19 crisis that the timescales for implementing the future immigration system would not allow businesses sufficient time to prepare for the end of freedom of movement on 31 December 2020. Covid 19 only serves to compound this concern. Firstly, it is not realistic for government to expect the normal level of engagement with consultations like the shortage occupation list review when current workforce and other Covid 19 related issues are so pressing – something which is particularly concerning given the importance highlighted above of shortage roles within the sector gaining this recognition. Secondly, as and when the Covid 19 crisis abates, there will need to be a period where businesses have the space to rebuild and where time is allowed for the impact of the virus to be fully understood and modifications to the future immigration system made accordingly.

22. While reflecting on Covid 19's implications for future immigration, it is worth pointing out that the Covid 19 crisis' impact on Horticulture this season will also span into the 2021 season. Recruitment of workers from 2020 will, as is usually the case, start in the Autumn of 2020 for the 2021 season. This is to secure adequate returnees to give growers confidence and maintain productivity. Many of the domestic workers who will be recruited this season, however, will be furloughed workers who are likely to return to their furloughed employers, increasing attrition rates. Likewise, many of the returnee migrant workers contracted in 2019 may not come for the 2020 season, meaning it will be more difficult to recruit these returnee migrants for the 2021 season. The net result of which is that there will be continuing disruption and uncertainty from Covid 19, that will only be compounded by our departure from the European Union. It is also worth highlighting that for ornamental horticulture, the closure of garden centres as part of the closure of non-essential shops, is likely to make the challenge of business recovery particularly acute. Indeed, these ongoing impacts from Covid 19 on the horticultural production sector will heighten the already urgent need for further expansion of the Seasonal Workers Pilot scheme as will be discussed in detail below.

#### *Other Aspects of the Future Immigration System*

23. Some additional observations over and above the points made about the proposals for future immigration are that:

- Future development of PBS factors should allow points to be credited to those with qualifications other than PhD's which are relevant or equivalent to the role and/or to shortage areas.

- There must be a commitment to reviewing the Shortage Occupation List on a minimum annual basis to ensure it is responsive to industry need.
- Steps must be taken to improve the available data to inform decision making, as the MAC themselves have highlighted.
- The composition of the MAC should be reviewed so that it has business representation within its makeup in a similar way to the Low Pay Commission.

### **Which sectors will be most affected by a reduced ability to recruit from abroad?**

24. Agriculture and Horticulture is acutely reliant on non-domestic labour and because of the nature, permanence and location of on-farm work, suffer from difficulties in attracting domestic workers – difficulties which have only been heightened by historically low unemployment levels (3.8%) prior to the Covid 19 crisis. While the full impact of the latter is difficult to quantify, continued access to migrant labour must be maintained in order to ensure an adequate supply of labour and in turn prevent businesses closing, being unable to expand, downsizing or relocating overseas – not least because almost all businesses will be in recovery mode in the wake of Covid 19. Furthermore, as well as being recognised as a key sector in the nation’s efforts to mitigate the impact of Covid-19, Agriculture and Horticulture also has an immediate economic value which is vitally important to the nation’s food security, and delivers wider public value that cannot be underestimated in terms of:

- forming the bedrock of the wider £121 billion food and drinks manufacturing sector which employs 4 million people and represents 14% of the UK’s total employment;
- delivering high standards of food production, animal welfare and environmental protection that may not be mirrored in imported foods;
- managing over 71% of the UK land area;
- supporting rural tourism; and
- underpinning rural economies, as well as in doing so, contributing to the government’s levelling up agenda.

25. While labour needs exist across all sub sectors of Agriculture and Horticulture, we would identify that permanent workforce concerns are particularly significant in:

- Dairy;
- Horticulture; and
- Poultry.

Seasonal workforce needs on the other hand, are particularly significant in:

- Horticulture (where labour represents between 50-70% of production costs);
- Poultry; and
- Seasonal Sheep Shearing within the Livestock sub sector.

For almost all of our sub sectors however, there are issues around labour in the onwards parts of the supply chain. For example, while as a rule, the Livestock sub sector has a reasonably settled labour supply and a pipeline of workers coming through from agricultural learning providers, there are shortages in livestock haulage and in the slaughtering and processing industry which impact on beef and sheep profitability. Similarly, the Combinable Crops sub sector, is impacted upon by supply chain shortages in areas like seed cleaners and dressers, researchers and agricultural machinery drivers.

### **Will investment in staff retention, productivity, technology and innovation compensate for the Government not implementing an immigration route for ‘lower skilled workers’?**

#### *Staff retention*

26. Retention of domestic staff and EEA nationals eligible under the EU settlement scheme is an important objective. The EU settlement scheme has been publicised to our members as part of the NFU’s work in this area and the number of applications and high success rate for applicants is pleasing

to note. Nonetheless, the FDSC [report](#) on 'Preparing for a Changing Workforce' details that our sector has an ageing workforce meaning that even if all existing EEA workers were retained, there would be an issue in terms of replenishing these workers in the future.

27. In reality of course, there is ultimately no way of knowing precisely how many staff will be retained. Some may decide to return to their home country after freedom of movement ends, whether this be in terms of an immediate loss or loss over time. It is also not yet known whether some applicants to the Settlement Scheme have applied as a precautionary or insurance measure to keep their options open. This is particularly so with returnee seasonal migrant workers. Additionally, anecdotal feedback suggests that the current Covid19 crisis could accelerate a potential reduction in both permanent and returnee seasonal migrant workers from EEA countries, whether this is in terms of:

- workers who undertake roles in our sector alongside other sectors being made redundant and returning home due to lack of income;
- virus concerns making work abroad practically or emotionally less attractive; or
- migrant workers prevented from travelling to the UK making other alternative arrangements in their home countries or nearer EU countries.

Clearly, more time is needed to understand how all of these points, including the full access to workforce implications of Covid 19, will map out – which in turn underlines the need for revision of current timescales for implementing the future immigration system.

28. A further point to be made in respect of staff attraction and retention is that various case studies (see attached sample), along with data gained via our permanent labour survey and other studies (e.g. [RABDF's report](#) and [related analysis](#)), demonstrate that various factors make attracting domestic workers challenging. The RABDF study for example indicates that only 4% of respondents would consider dairy work to be of interest based on a survey which looked at the essential characteristics of the role. This inability to attract workers domestically is often the case despite employers putting in place measures intended to attract and retain staff. Interestingly on this point, we are aware of anecdotal evidence that even in the current Covid 19 crisis, initial interest from domestic workers in taking horticultural jobs to help with shortages isn't always converting into workers placed. Notwithstanding negative media coverage, there appear to be a variety of more structural reasons for this lack of conversion. Following an initial drop off in interest pre and post the announcement of the Coronavirus Job Retention Scheme, significant interest level from domestic workers still remained and was bolstered by the allowance for furloughed workers to undertake new secondary paid employment while on furlough. The conversion difficulties however, are seemingly more connected with the timing of the seasonal work available (many workers needed immediate placement due to loss of income), as well as factors like workers not wanting to travel and/or not wanting to live on farm; not wanting to commit to a set contract length; and/ or not wanting to work offered hours but rather work a lower level of part time hours or in some cases, to work hours determined by the worker – something which is not necessarily possible for grower businesses to accommodate.

29. Quite clearly, there is work to be done in terms of raising the profile and appeal of roles in the Agriculture and Horticulture Sector. Indeed, NFU is actively engaged as part of the Food and Drink Sector Council (FDSC) Senior Skills Leadership Group in developing a body to promote skills and lifelong learning in the industry. There are many aspects to this endeavour, but it would include developing a comprehensive framework of competencies and skills which would be mapped to available roles and training options to show new and existing entrants alike to identify:

- the skills need for particular roles; and
- available progression routes.

Linked to which would be the ambition to draw out and highlight the science, technology, engineering and mathematics involved in roles within Agriculture and Horticulture and to improve the appeal of the sector by gaining external recognition of the professionalism that already exists within the industry, as well as building on and enhancing this through a culture of continuous professional development. Nonetheless, the critical point for the purposes of this inquiry is that the above work, while being supported by DEFRA, is still at its inception stage and its impact on staff attraction and retention is therefore likely to be felt only in the medium to long term. In the interim, it is vital that access to

workforce is not jeopardised and to prevent this happening, modifications to current proposals for the future immigration system are needed as detailed above.

### *Productivity, Automation and Innovation*

30. In the attached report entitled 'The Potential of Robotics and Artificial Intelligence in Agriculture Automation' the FDSC Agri Robotics Task and Finish Group indicate that robotics and automation is a medium to long term possibility. While there is no doubt that automation has a lot of potential, ***it will not be capable of replacing workers in the near future or in all areas of Agriculture and Horticulture.*** The design of the future immigration scheme must therefore ensure continued access to workforce to prevent shortages impacting on Agriculture and Horticulture and the wider food chain.

### **What impact has the Seasonal Workers pilot scheme (SWPS) had on agriculture and horticulture?**

31. The SWPS (which currently relates to edible horticulture only) followed extensive engagement from the NFU and is regarded positively by our members, as indeed is this year's expansion of permit numbers from 2,500 to 10,000. There is, however, equally recognition that the SWPS will need further modification and expansion to address future seasonal labour shortages due to the imminent expected ending of freedom of movement on 1 January 2021 (see below). Likewise, with overseas visa centres currently being closed due to Covid 19, there is deep concern that the SWPS's utility this year will be undermined even if these centres now re-open and that longer-term evaluation of the SWPS must not be prejudiced by this fact.

### **What should be the future of the scheme, including whether it should cover more, or different, agricultural and horticultural sectors?**

32. The best available data suggests that the horticulture sector needs 70,000 seasonal workers to fill around 80,000 seasonal roles. Data from our 2019 NFU Labour Provider Survey (attached) shows that to date we have been experiencing shortages in the region of a 11.3% shortfall even with freedom of movement. Furthermore, shortfalls in September and October when the picking season reaches its peak range from 21.4% - 24.5%<sup>4</sup>, with returnee worker rates for 2019 reaching an all-time low of 20.5%, thereby reducing productivity and increasing costs. Despite efforts to attract domestic workers and competitive levels of pay, the temporary nature of the work along with factors like the remote location of roles, have made it difficult to recruit locally for some decades now – a trend which is mirrored elsewhere in the world. Indeed, the data we have from our survey shows that the vast bulk of seasonal workers are in fact EEA nationals (89.4% EEA, 11.8% rest of the world and 0.8% UK). The net effect of this has meant NFU has consistently called for further expansion of the SWPS so that horticultural demand is fully met in 2021. Furthermore, we have been clear in highlighting to government that this expansion needs to happen in time to allow grower businesses to start recruitment for the 2021 season from the Autumn of this year as there is a lead in time for recruitment process. **From our understanding of the processes involved in such expansion, this is now overdue and potentially unachievable.**

33. We have further highlighted a need for:

- the scope of the SWPS to be widened to cover seasonal horticultural roles outside of edible horticulture (e.g. ornamental horticulture and viticulture);
- the number of operators to be increased to ensure end users have a wider choice of provider and that further expansion of permit numbers does not jeopardise competition within the market; and
- grower businesses who are GLAA licensed to be able to engage in direct recruitment via the SWPS.

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<sup>4</sup> Figures include workers who do not turn up as well as roles unfilled.

34. In terms of the first of these asks, our focus historically has been on expansion to other areas of horticultural production e.g. ornamentals and viticulture. However, there are seasonal needs in other areas of Agriculture and Horticulture e.g. in the seasonal poultry and meat production sectors and in sheep shearing (see note below), as well as hand roguers for crop production. Our data on seasonal poultry production worker needs for example suggests that a minimum of 8,500<sup>5</sup> workers are needed each year, again with a predominance of EEA nationals filling the roles. Similarly, the number of seasonal roguers needed each year is approximated to be 300-500.<sup>6</sup> **In light of the current immigration proposals leaving these needs unaddressed, we would now call for future expansion to cover all seasonal needs in Agriculture and Horticulture.** Additionally, we are conscious that there are shortages in related upward supply chains and that given the 'just in time nature' of these supply chains, shortages further up the food supply chain cause bottlenecks that have repercussions throughout the chain, including at production level. This being so, **we would also welcome expansion to cover seasonal needs in the supply chain** in the longer term.

#### *A note on the current Sheep Shearing Scheme*

35. Within current rules, there is a recognised scheme that allows highly skilled, overseas shearers from countries like New Zealand and Australia to come to the UK from 1 April to 30 June to assist in shearing the UK's 13 million sheep each year. This helps ensure sheep are shorn in time and that their welfare is safeguarded e.g. in terms of preventing blowfly, avoiding overheating issues and reducing the chances of rigging where sheep get stuck on their backs and are more vulnerable to prey. It is estimated by the National Association of Agricultural Contractors that the 100-150 sheep shearers who come in under these rules cover around 20% of the shearing workload. Additionally, skilled shearing contractors are in short supply both within the UK and globally. Coupled with the seasonality of the work, the current arrangement is of great importance to sheep farmers, yet it is still unclear whether the intention under the future immigration system is for this scheme to be retained. While sheep shearers would in theory qualify for the PBS, the seasonal nature of the work is likely to make the PBS an unsuitable route. Consequently, we would call preferably for retention, or if not, for sheep shearing to be covered via an expanded pilot scheme as discussed above.

#### **How many seasonal workers are required in agriculture and horticulture each year, and how can this demand be reasonably met from 2021?**

36. Assuming the sheep shearing rules remain as a stand-alone scheme then aggregating horticultural, poultry and crop production seasonal needs as outlined above, at least 78,800 workers are needed at production level, with additional need in wider supply chains. Furthermore, as set out in paragraphs 31-35, the key means by which this demand can realistically be met would be via further expansion of the SWPS.

Attachments:

NB: If the below mode of attachment does not work, please use the contact details above to enable us to supply these items via email.



2019\_PS0 MAC SOL  
Call For evidence NFU



Agriculture &  
Horticulture\_Permanen

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<sup>5</sup> See comments at footnote 1.

<sup>6</sup> See comments at footnote 2.



A2L MAC Wages  
Data v2.xlsx



Robotics and AI TFG  
Report - highlights.pdf