Yorkshire & Humber Region
ASC International Recruitment Fund

29th July 2024

Market Support and Training Package

LONDON CARE AND SUPPORT FORUM

social care, personal support and health services across the Capital

UNLOCKING SPONSORSHIP LICENCES: "Costs, Complexities, and Compliance"



INTERNATIONAL RECRUITMENT GUIDANCE

FOR SOCIAL CARE PROVIDERS & MANAGERS

LONDON CARE AND SUPPORT FORUM

social care, personal support and health services across the capital



WHO WE ARE

- The London Care and Support Forum, is part of the Care Association Alliance – national group of care associations. We link with The Home Office and CQC directly and also have the CAA benefit.

- We work with commissioners, providers and other stakeholders, such as Skills for Care to provide a supportive facility for the exchange of information, the creation of a better understanding of user requirements in a constantly changing marketplace and to encourage higher quality standards through workforce development, enhanced management and good leadership.

Adult social care recruitment and retention

Download PowerPoint

This visualisation shows Skills for Care's estimates of the workforce in the **independent sector between March 2017 and March 2024**. It also shows, using data reported each month in ASC-WDS, indicating changes in workforce size each month since March 2024.
These figures include locations open in March 2024 and updating during the year. They do not include filled posts from locations opening during the ..

Select a view:
- (●) Vacancy rate
- ( ) Starter rate
- ( ) Turnover rate

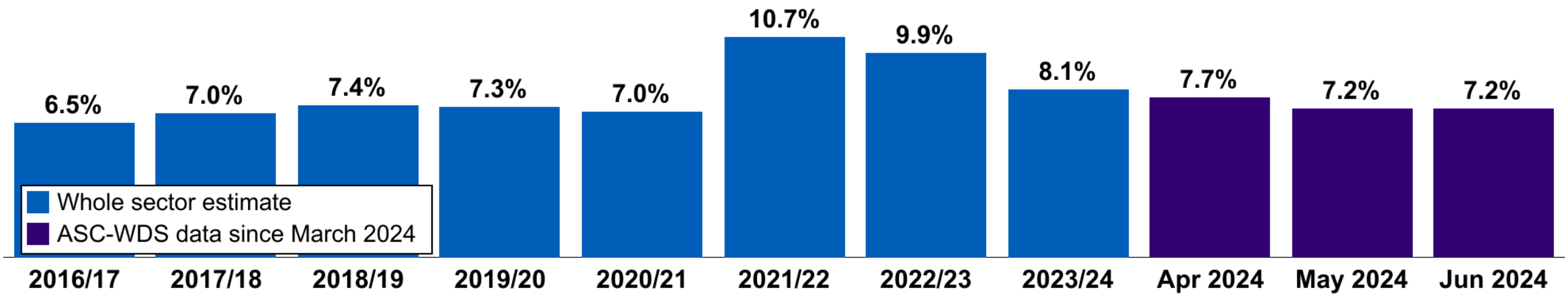
Select a service:
All services

As at 2023/24 there were around 107,000 vacant posts in the independent sector, down from around 127,000 in 2022/23.

Across the whole adult social care sector there were around 131,000 vacant posts in 2023/24 and around 1.7 million filled posts.

Glossary

Vacancy rate trend



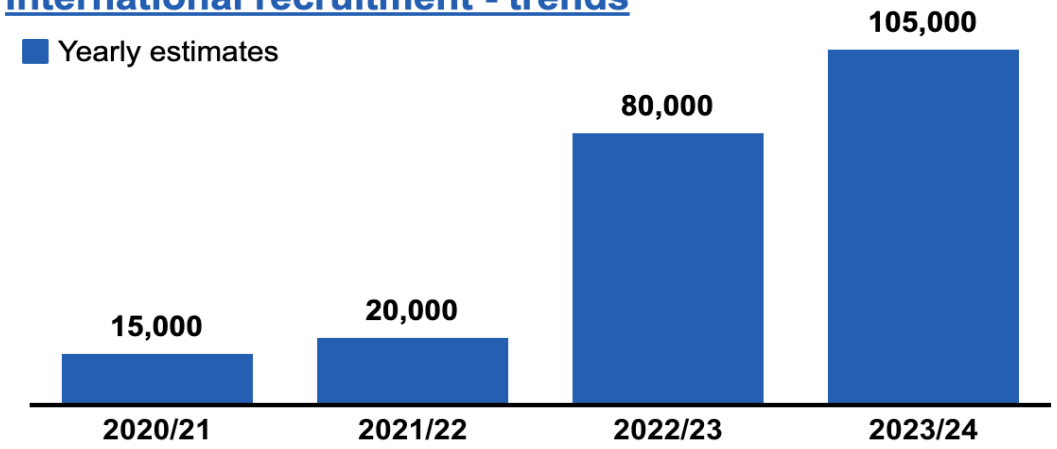
International recruitment estimates

This visualisation includes data from the **independent** sector only

Download PowerPoint

Glossary

International recruitment - trends

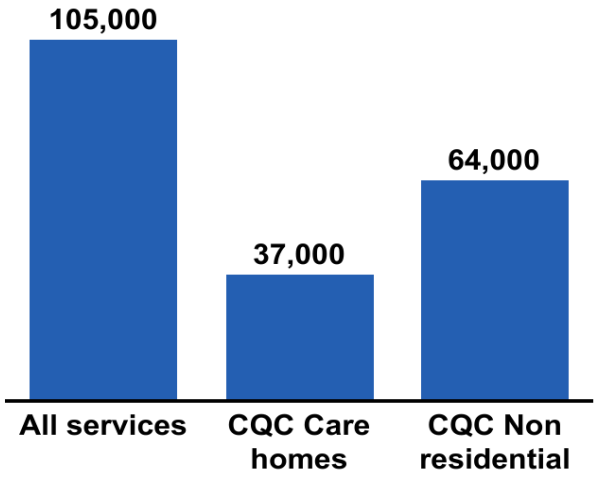


International recruitment definition:
People who have been recruited internationally - People in direct care providing roles with a non-British nationality who arrived in the UK within each year and started their current role within the quarter.

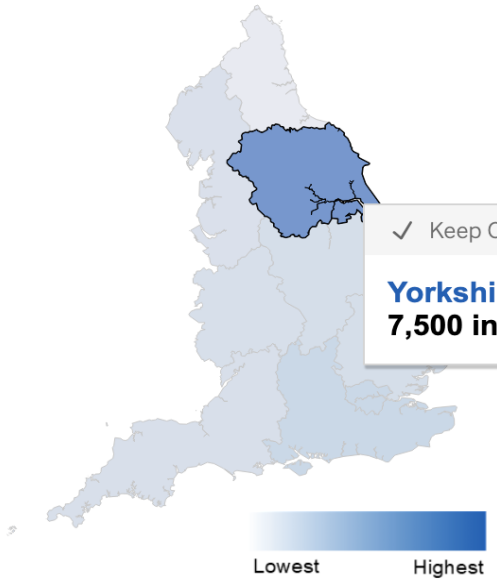
Quarterly trends will be updated in September 2024

Estimates of international recruits in 2023/24

Select a time period:
- 2022/23
- 2023/24



Hover over the map for regional information



International recruitment - totals and % change over time

Quarterly trends will be updated in September 2024

International recruitment provides an additional option for employers to bring in care workers and senior care workers.

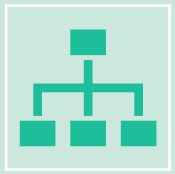
Press the button to find Skills for Care's support for providers to recruit internationally:

Press here to read more on International Recruitment

IS IT FOR ME?



Do you have **real, funded permanent vacancies** for roles that pay a minimum **£23,200 p.a or £11.90 per hour** or a minimum of **37.5 hour week**



Do you have the **right capacity in place to support the whole process**? You'll need people in your organisation who will take responsibility for the end to end process from ensuring you're compliant with the legal requirements through recruitment to supporting your new employees to settle in the country and in your organisation.



Is overseas recruitment part of your **long term workforce plan**? Get it right and your new recruits are likely to stay with you. They'll grow and develop with you and help you in recruiting from overseas more easily next time round.



Are you and your organisation **committed** to making overseas recruitment work for you? Becoming a sponsor is a serious commitment. The reality of the process is that it takes time, it can feel frustrating at times and you'll have an ongoing duty of care for people you recruit.

What the New Immigration Policy Means for UK's Social Care Sector

On Monday, December 4th, 2023, the UK Government introduced a comprehensive new immigration policy. This policy is part of a 5-point plan aimed at reducing net migration, which, according to Home Secretary James Cleverly MP, has reached concerning levels. The need for this policy change is highlighted by the recent surge in net migration rates.

	Previous Policy	New Policy
Minimum Salary Requirement	£26,200	£38,700 (exempted for Health and Social Care visas)
Family Visa Eligibility	Allowed	Not allowed for workers earning less than £38,700
NHS Charge for Foreign Workers	£624	£1,035
Visa Assessment System	Points-based (Tiers 1, 2, 5)	Under review
Graduate Visa Route	Open	Under review for potential abuse
Wage Regulations	No specific rule	Banning companies from underpaying up to 20%

Key points

•From 11 March 2024, care workers and senior care workers are unable to bring dependents when they migrate to the UK, and only CQC-registered providers in England will be able to sponsor Health and Care Visa applicants.

•From 4 April 2024, Certificates of Sponsorship issued for applications to the Health and Care Visa route will need to meet the national pay scale for their role or the new minimum salary threshold of £23,200 (whichever is higher). This is an increase from £20,960.

•All Health and Care Visa holders will continue to be exempt from paying the Immigrational Health Surcharge (IHS).

•From 4 April 2024, the Immigration Salary List (ISL) will replace the Shortage Occupation List (SOL). Occupations on the ISL can be recruited to on a salary below the general salary threshold. These occupations will still need to meet a threshold of either £23,200 (for Health and Care Visas),

.....Immigration salary list.....

Occupation code	Job type	Related job titles	Standard going rate	Lower going rate
6135	Care workers and home carers	Care assistant Carer Child care worker Home care assistant Home carer Support worker (nursing home)	£30,960 (£15.88 per hour)	£23,200 (£11.90 per hour)
6136	Senior care workers	Care coordinator (care/residential home) Senior care assistant Senior carer Senior support worker (local government: welfare services) Team leader (nursing home)	£30,960 (£15.88 per hour)	£23,200 (£11.90 per hour)

You qualify for the lower rate if you:

•Are applying for a Health and Care Worker Visa in certain occupations


LOST
CONFUSED
UNSURE
UNCLEAR
PERPLEXED
DISORIENTED
BEWILDERED

UK visa sponsorship for employers

HOW TO GET A SPONSOR LICENCE

1. Check your business is eligible.
2. Check if your job is suitable for sponsorship.
3. Choose the type of licence you want to apply for - this will depend on what type of worker you want to sponsor.
4. Decide who will manage sponsorship within your business.
5. Apply online and pay the fee.

UK Visas and Immigration (UKVI) may visit your business to check it's suitable.

AFTER YOU APPLY

You'll be given a licence rating if your application is successful.

You'll be able to issue certificates of sponsorship if you have jobs that are suitable for sponsorship.

Your licence usually stays valid for as long as you continue to meet the eligibility requirements.

What you need before you start

Documents

You are likely to need to send the Home Office a minimum of 4 supporting documents to prove you are a legitimate employer **within 5 working days** of submitting your application. These are set out in full in the Home Office sponsor guidance appendix A. You can send these electronically to the email address given when you complete your online application. Here's a simplified list of example documents which may be most relevant for an ASC provider:-

1. Corporate/Business Bank Statement (mandatory for start-ups operating for less then 18 months) or supporting letter from your bank manager
2. Employers Liability Insurance Certificate
3. CQC registration document
4. HMRC Registration – PAYE Reference Number/ Account Office Reference Number
5. Proof of ownership or lease of your business premises. If you send a copy of your lease agreement, it must be signed by all parties concerned
6. HMRC VAT registration certificate
7. Latest acknowledgement of a Company Tax Return CT620, or the completed CT600 tax return and the CT603 notice
8. Hierarchy chart of your organisation (see page 14)
9. Audited annual accounts

Key People

In order to complete your sponsorship licence application, you will need to assign a named person to three key roles to manage your sponsorship process. **These roles can all be filled by the same person** if you want. These roles are:

1. Authorising officer **(AO)** – this will be your most senior person responsible for the recruitment of all migrant workers and ensuring that all of your sponsor duties are met
2. Key contact – this person will act as the main contact between the Home Office and your business
3. Level 1 user – this person will carry out your day-to-day sponsorship activities
4. Level 2 user – this is an optional role to support the Level 1 User. You do not need to assign someone to it and you can also do so at a later stage (this is typically used by very large employers)

For a full description of each role, please see Section L4 in Part 1 of the Home Office Sponsor Guidance.

Cost

1. The cost of the sponsorship licence depends on the size of your organisation. For small or charitable sponsors the fee is £536. For a medium or large sponsor the fee is £1,476. You're considered a small business if two or more of the following apply:
   - your annual turnover is £10.2 million or less
   - your balance sheet total is £5.1 million or less
   - you have 50 employees or fewer
2. The fee is non-refundable if your application is refused (i.e. doesn't meet the requirements). If your application is rejected because it is invalid (i.e. full fee

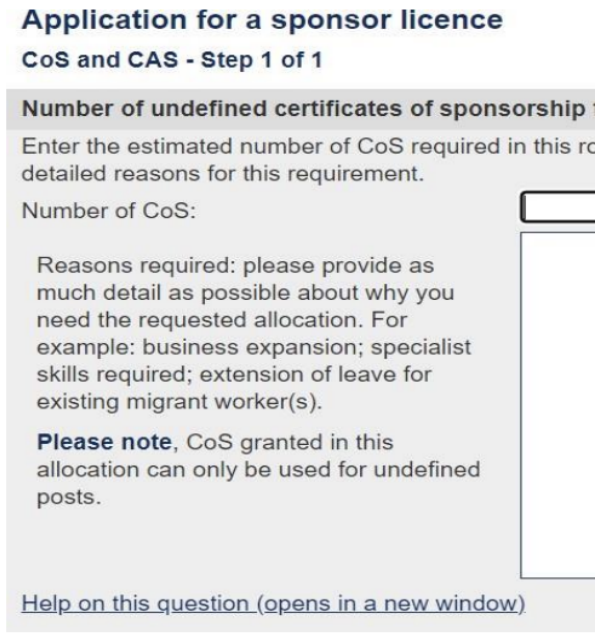
CoS: Step 1 of 1

You must assign a Certificate of Sponsorship (CoS) to each foreign worker you employ. This is an electronic record, not a physical document. Each certificate has its own number which a worker can use to apply for a visa.

When you assign the certificate to a worker, they must use it to apply for their visa within 3 months. They must not apply for their visa more than 3 months before the start date of the job listed on the certificate.

1. On this page you'll now need to enter how many Certificates of Sponsorship (CoS) you need and explain why. There is no restriction on the number of CoS that can be granted (however it should be proportionate to the current size of your organisation)
2. **Undefined** (previously unrestricted) **CoS** are for individuals already in the UK
3. **Defined** (previously restricted) CoS are for individuals applying from overseas
4. The allocation of undefined CoS is valid for a 12 month period and a defined CoS is valid for 3 months. If you are unable to use your CoS within this time you will be required to reapply for them

In the text box you should explain why your business requires the number of CoS you are requesting. You must be able justify this in the context of your existing business size, capability and structure.

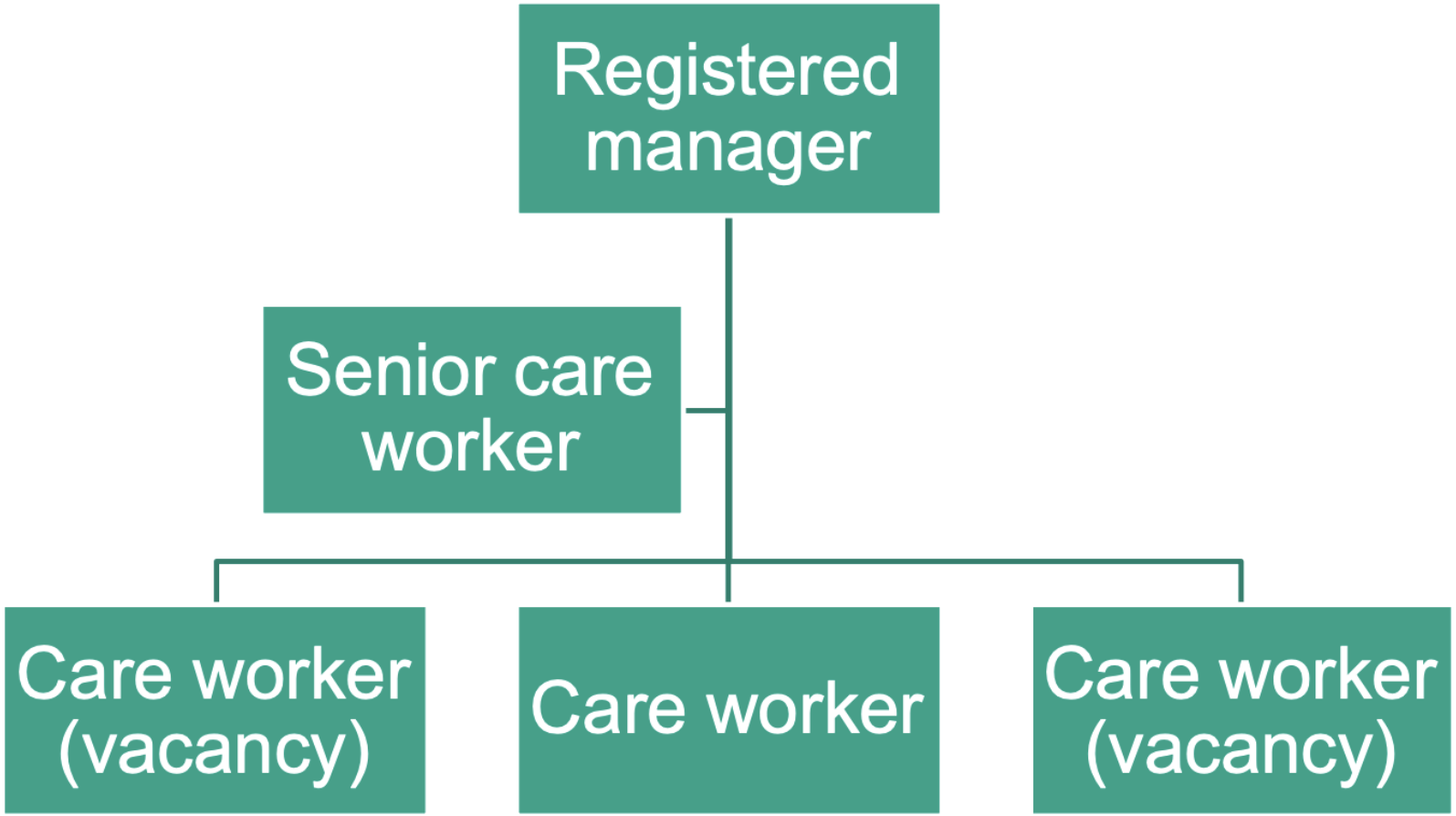


Applying for CoS:

- When requesting CoS, you may be required to provide evidence to UKVI to demonstrate that you have a genuine vacancy.
- This is so that UKVI can assess whether there is sufficient guaranteed work at the appropriate level available for the amount of CoS you are requesting.
- When submitting CoS applications, you will be required to explain why your business requires the number you are requesting.
- You must be able to justify this in the context of your existing business size, contracts, capability and structure.

Supporting documents - hierarchy chart

Example chart



You are required to include an organisation hierarchy chart as part of your application. This should indicate how your organisation is structured and where the vacancies sit within your business.

Please note – if you have a registered manager you should indicate this on this chart.

Documentation that may support CoS applications:

- Contracts of work you are currently delivering
- Supporting written statement explaining how the documentation you have provided relates to your businesses, recruitment needs.
- Evidence that your current staff are working additional hours to meet the contracted hours your business holds
- Evidence that you have had to use agency staff so meet the contracted hours your business holds
- Evidence that you have attempted to recruit domestically

Documentation that cannot be used to support CoS applications:

Local Authority (framework) contracts that do not show evidence that you are currently delivering care packages. You must be able to show that you currently have enough work to sponsor international staff and that you will be able to meet the minimum salary requirements. Contracts that only demonstrate prospective work will therefore not be considered as evidence. In some cases, UKVI may write to you to request additional information, so they can carry out further checks on your request. You should ensure that the evidence you submit to UKVI is relevant to their request, to avoid any additional delays in processing times.

Application process

1. You will need to collate supporting documentation from the outset of the application process. This is because UKVI will want to see evidence that your organisation meets the requirements of a sponsor when they are assessing the application. Firstly, complete the online application form

2. Pay the fees required for a sponsorship licence application

3. Submit your supporting documents as instructed at the end of your online application. Sponsor guidance appendix A: supporting documents for sponsor applications gives a full list of the documents required.

4. Case workers will consider your application. They will be looking at what the prospective employee will be doing, how they fit into the structure of the organisation/ business and how they will fit moving forward over four years. If there are no requests for clarification/ further information you will not hear anything until the end of the process.

5. You should expect to be contacted by UKVI within eight weeks.

6. Once you have obtained your sponsorship licence, you will then gain access to the Sponsorship Management System (SMS) which is an online portal that will allow you to manage your license and Certifications of Sponsorship (CoS).

Health and Care Worker visa

How long you can stay

Your visa can last for up to 5 years before you need to extend it. You'll need to apply to extend or update your visa when it expires or if you change jobs or employer.

How to apply

You must apply online.

How you apply depends on whether you're:

- outside the UK and are coming to the UK
- inside the UK and extending your current visa
- inside the UK and switching from a different visa

If you want to change your job or employer, you must apply to update your visa.

How long it takes

You can apply for a visa up to 3 months before the day you are due to start work in the UK. This date is listed on your certificate of sponsorship.

As part of your application, you'll need to prove your identity and provide your documents.

Getting a decision

Once you've applied online, proved your identity and provided your documents, you'll usually get a decision on your visa within 3 weeks.

You may be able to pay to get a faster decision.

Sponsorship responsibilities

- On becoming a sponsor, the organisation must fulfil certain duties, such as record keeping and reporting in order to maintain the sponsorship licence
- Conduct audits to ensure compliance is at the appropriate level.
- Have a dedicated team member with expertise to keep sighted on changing guidance from Home Office, regulators etc
- Stay up to date with workforce needs and trends. Ensure that for candidates when they arrive, they have pastoral care
- Review and evaluate your processes based on Government , agency, IR framework and candidate feedback

Compliance:

UKVI will monitor your sponsorship licence and use of Certificates of Sponsorship. They reserve the right to inspect businesses to ensure that you are aware of your responsibilities and are carrying out your duties as a sponsor.

They may visit or ring premises, without notice. The Authorising Officer is responsible for ensuring compliance with the terms of gaining a sponsorship licence.

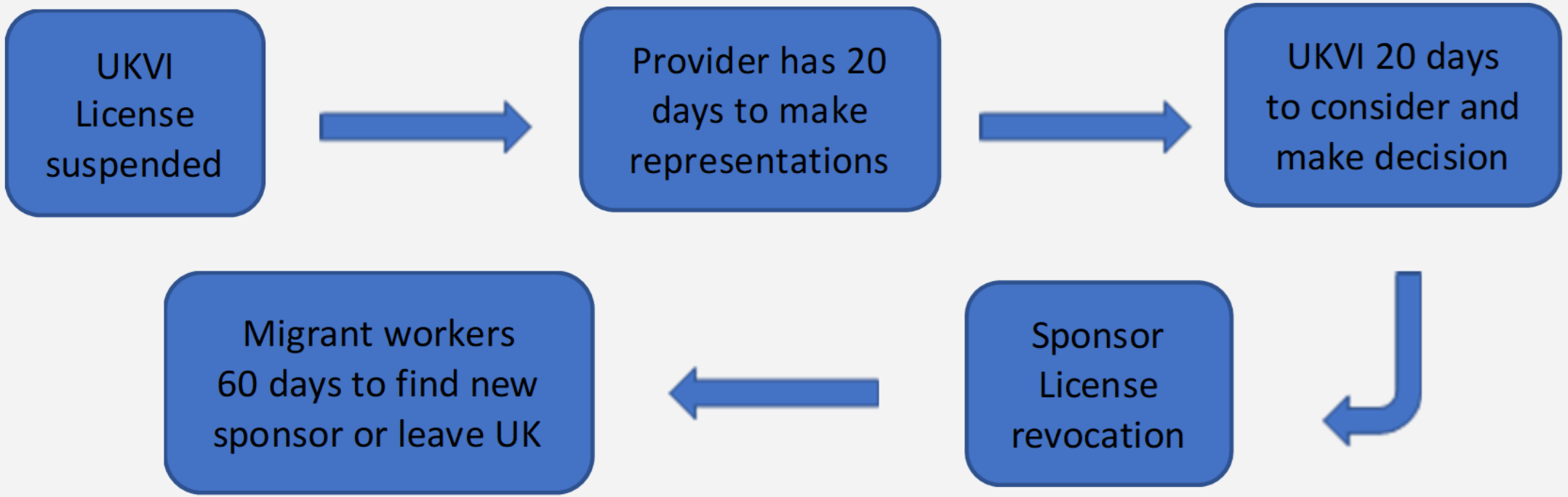
There are various things that UKVI will check for to ensure best practice:

- Sponsors must abide by UK law, including the minimum wage and working hours requirements, as well as any other entitlements such as sick pay and holiday pay
- Payments can only go through bank accounts and applicable deductions made in line with HMRC rules for tax, NI contributions and in some circumstances, accommodation fees

Home Office UKVI Sponsor License

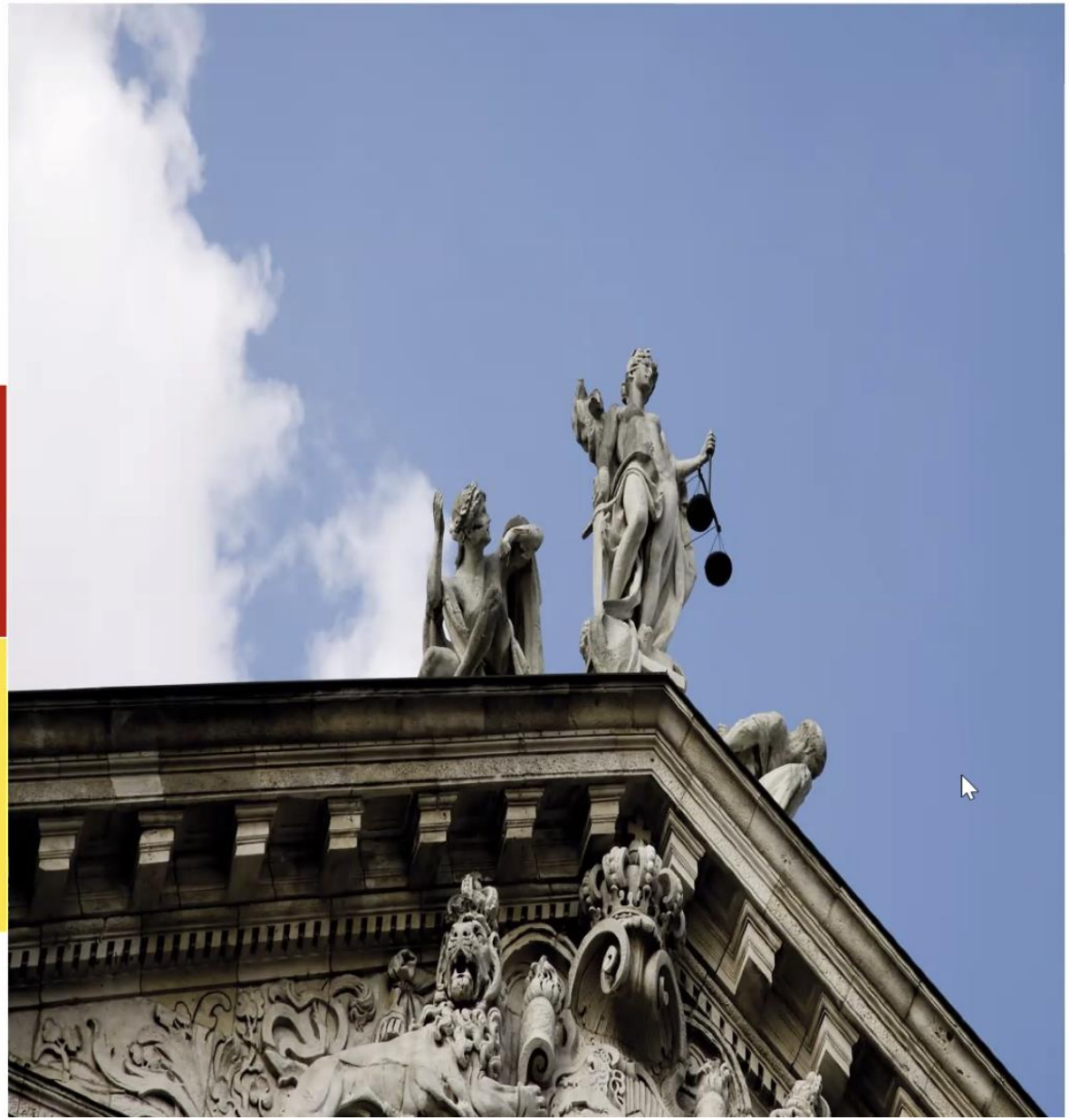
Home Office, UK Visa and Immigration re: suspended and revoked immigration sponsor licenses for health and social care providers. [UK visa sponsorship for employers: Overview - GOV.UK (www.gov.uk)](www.gov.uk) Predominantly but not limited to Domiciliary Care Agencies.

UKVI process:



Civil Penalty Increases

	First Breach	Repeat Breach (within 3 years)
Employers	**£45,000 (per worker)**	**£60,000 (per worker)**



What is CQC's remit:

Modern Slavery and Unethical International Recruitment is present in all sectors.

What we cannot do	What we can do
Investigate/assess/inspect concerns relating to • modern slavery • immigration and visas • international recruitment	**CQC will refer to and share the information with relevant partner agencies – Home Office UKVI – GLAA etc** **Regulate as per Health and Social Care Act & Regulations** • 19 Fit and Proper persons employed • Schedule 3 • Regulation 18 Staffing • Regulation 17 Good Governance • Regulation 12 Safe Care and Treatment Assess the risk and determine there is a need for a regulatory response.

Our regulatory policy position on modern slavery and unethical international recruitment

Page last updated: 8 November 2023

We recognise that workers recruited from overseas are a hugely valuable and important part of the UK's health and social care workforce. International recruitment itself is not a risk that leads to modern slavery.

However, a nationwide shortage of staff across health and social care, along with recent changes to immigration visas, has introduced concerns and increased the risk of mistreatment of both the existing workforce and internationally recruited staff. This includes an increased risk of modern slavery and unethical international recruitment practices.

Find out more

Our statement on modern slavery and human trafficking

INTERNATIONAL RECRUITMENT GUIDANCE

FOR SOCIAL CARE PROVIDERS & MANAGERS



Home Office

Care Quality Commission

Department for Business & Trade

HM Revenue & Customs



Working Time Directives/ HMRC Rules

- Employers must take all reasonable steps to ensure that each worker's average working time (including overtime) does not exceed 48 hours a week.
- Rest periods and rest breaks
  - Employers are generally required to allow workers the following rest periods and rest breaks:
    - a daily uninterrupted rest period of 11 hours
    - a weekly rest period of 24 hours uninterrupted rest a week or 48 hours a fortnight, at the employer's choice
    - a rest break of 20 minutes when working more than 6 hours a day.
- Paid Holiday at 5.8 weeks per year (including BH)



Supplementary Employment

*This seems to be a particular issue when employing Domiciliary care workers, home care workers and care workers, especially where the salary and hours prescribed on the Certificate of Sponsorship are at the '**minimum levels'** permitted by the Home Office**; i.e. £23,200 based on a 37.5 hour working week.***

For any prospective employer considering employing a candidate seeking supplementary employment to work an additional 20 hours a week and where you are presented with the above scenario you would need to consider the following:

A. Sponsored migrants can do additional paid work on a Health & Care Worker visa **AS LONG AS** they are doing the main job they are being sponsored for. Any supplementary work **MUST** take place outside their core working hours.

B. If their extra job is also eligible for a Health & Care Worker visa or the job is in a shortage occupation, they can work for up to **20 hours a week** for an additional employer without the need to be sponsored for that role.

C. If the worker undertakes additional employment that does not meet the supplementary employment criteria the worker will be in **breach of their conditions of stay**.

D. Their current employer could face the possibility of a **Compliance Audit** by the Home Office and the possibility of their **Sponsor Licence being revoked** for not abiding by the hours/salary they had confirmed when assigning a Certificate of Sponsorship to the potential employee.

E. The potential employee also faces the possibility of **their visa being curtailed to 60 days** within which time they will need to apply for a new Skilled Worker visa in order to work in the UK.


Right Cost
Right Skills
Right Time
Right People
Right Plan
Workforce
Employment Strategy

INTERNATIONAL RECRUITMENT GUIDANCE

FOR SOCIAL CARE PROVIDERS & MANAGERS



Q & A

LONDON CARE AND SUPPORT FORUM

social care, personal support and health services across the Capital

Any queries,

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