

## Home Office & UK Visas and Immigration (UKVI) International Employee Policy

Date approved: 08.12.23  
Approved by: SMT  
Responsible Manager (s): Head of People and Payroll  
Executive Lead: Vice Principal Apprenticeships, Business and People

Applicable to staff:	Yes
Applicable to students:	No
Accessible to students:	No
Accessible to general public: (Including clients)	Yes

### Consultation

Consultation undertaken with:

- |  |     |          |
|--|-----|----------|
| • AMT  | Yes | 04.12.23 |
| • CCMT   | Yes | 04.12.23 |
| • Employee representatives ( <b>HR policies only</b> ) | Yes | 04.12.23 |

Policy review frequency, normally: every 2 years

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## **1. Scope and purpose of policy**

- 1.1 In accordance with the Immigration, Asylum and Nationality Act 2006, Blackpool and The Fylde College (B&FC) has a duty to prevent illegal working. This policy relates to the recruitment, employment and monitoring of all international employees to ensure that B&FC is fully compliant with the Act, as outlined in the UK Visas and Immigration (UKVI) Sponsor Guidance and Home Office immigration rules.
- 1.2 This policy also relates to providing Sponsorship for employees from overseas to ensure that B&FC is fully compliant with UKVI Sponsor Guidance and Home Office Immigration rules.
- 1.3 This policy does not form part of employee contracts of employment nor does it confer any contractual rights.

## **2. Policy statement**

- 2.1 B&FC takes all reasonable steps to ensure that every potential employee has the right to work in the UK, and carries out the necessary immigration status checks to ascertain any working restrictions.
- 2.2 For all employees, B&FC carries out pre-employment checks to confirm eligibility to work in the UK. B&FC will ensure records for international employees comply with UKVI Sponsor Guidance and Home Office immigration rules and are available to officials of the UKVI upon request.
- 2.3 B&FC ensures that it is fully compliant with the Sponsor Guidance and Home Office immigration rules in relation to recruitment process before any offer of employment is made to an international candidate.
- 2.4 Certificates of Sponsorships (CoS) are only issued in support of an international visa application once the prospective employee has satisfied all documentary requirements of both the UKVI and B&FC.
- 2.5 B&FC monitors the following for all employees who are employed either on a visa which permits work, or where B&FC has provided a CoS:
  - Visa expiry dates
  - Attendance
  - Up to date contact details
  - Where applicable, working restrictions relating to the number of hours permitted to work
- 2.6 B&FC must report to the UKVI;
  - Any changes to employee circumstances including termination of employment either by the employee or by B&FC
  - If B&FC becomes aware than incorrect conditions of stay have been granted on any employee visas
- 2.7 B&FC does not provide documentation to support visa applications for individual, non-college sponsored applicants.

- 2.8 B&FC is an A rated, international employee sponsor for the recruitment of overseas employees. This rating reflects that the UKVI is content that B&FC does not abuse immigration processes and has all the necessary systems in place to meet its duties as a sponsor.

### **3. Legislation**

- 3.1 B&FC is compliant with the UKVI Sponsor Guidance and Home Office immigration rules. Updates to these are embedded into the relevant policies and procedures as they occur (listed in section 6 & 7). The latest versions of the guidance and codes of practice can be found at:  
<https://www.gov.uk/browse/visas-immigration>  
<https://www.gov.uk/entering-staying-uk/Foreign-nationals-working-in-UK>

### **4. Student involvement**

There is no student involvement.

### **5. Accountability**

The Head of People and Payroll is responsible for the updating and implementation of this policy. The whole College community is responsible for the operation of this policy.

- 5.1 The Human Resources team will:
- Conduct right to work checks on all new and where appropriate existing employees
  - Ensure all vacancies are advertised in line with the UKVI's Sponsor Guidance and Home Office immigration rules
  - Liaise with the migrant and the hiring manager to gather the necessary information to complete the CoS application
  - Retain full records relating to sponsored migrant
  - Update this policy every two years, or sooner if required in line with legislative changes
- 5.2 The Head of Student Administration (who has responsibility for UKVI within B&FC) will:
- Manage B&FC's sponsor licence and allocation of unrestricted CoS with the UKVI
  - Ensure compliance with UKVI Sponsor Guidance and Home Office immigration rules.
  - Apply for and assign restricted and unrestricted CoS with the UKVI
  - Report any information about sponsored migrants to the UKVI in line with immigration regulations
- 5.3 Migrants must:
- Provide all the requested and necessary information for B&FC to conduct the Right to Work Checks
  - Provide HR with all the necessary personal information to enable the completion of the CoS
  - Apply for their visa as required in order to work or continue working at B&FC
  - Keep HR informed of any changes to their personal information or immigration status
  - Comply with all the conditions of their visa
  - Inform B&FC of any absences from work

- If required to register with the Police; this will be stated on their visa

5.4 All employees involved in recruitment and selection activities at B&FC are responsible for the operation of this policy

## 6. Linked policies

Resourcing Policy

Employee Attendance Management Policy

Disclosure and Barring Service (DBS) Clearance Policy

Employee Probationary Policy

Employee Disciplinary Policy

## 7. Linked procedures

Employee Attendance Management Procedure

Employee Probationary procedure

## 8. Equality, Diversity and Inclusion Impact Assessment

1.

Impact Assessment for the 4 strands of Equality, Safeguarding, Health and safety and Sustainability				
Initial Form to be completed with Risk Assessments or as part of a proposal or change to a policy, plan or new way of working				
Title of Activity: Home Office & UK Visas and Immigration (UKVI) International Employee Policy				<input type="checkbox"/> New or <input checked="" type="checkbox"/> Revision (rewrite) (tick as appropriate)
<b>Equality and Diversity.</b>				
Are there students, apprentices, other customers, community/stakeholders, and/or colleague concerns that the proposed policy, project or change may be discriminatory or have an adverse impact on people with protected characteristics?				
A	Students/Apps/Customer	Yes / No	If so, how many individuals / which groups of are likely to be affected?	This policy/procedure will be applied to all colleagues outlined in the document.
B	Community/stakeholders	Yes / No		
C	Colleague	Yes/ No		
Equality group	Positive impact High Low None	Negative impact High Low None	Reason / comments for positive impact why it could benefit any /all of the equality groups	Reason /comments for negative impact /what could disadvantage any/ all of the equality groups
Sex	None	None	N/A	N/A
Gender reassignment (Male/female/Non-binary/Transgender)	None	None	N/A	N/A
Age	None	None	N/A	N/A
Race or ethnicity	Medium	None	The policy may assist people from other countries who may be of different ethnic backgrounds to secure work at B&FC	N/A
(Disability) Learning difference	None	None	N/A	N/A
(Disability) Physical and/or sensory	None	None	N/A	N/A
(Disability) Mental health need	None	None	N/A	N/A
Sexual Orientation	None	None	N/A	N/A

Religion and Belief	None	None	N/A	N/A
Marriage and civil partnership	None	None	N/A	N/A
Pregnancy and maternity	None	None	N/A	N/A
Carers/care experienced	None	None	N/A	N/A
Socio Economic deprivation indicators	None	None	N/A	N/A
What changes or actions do you recommend to improve the service, project, policy, or change to eradicate or minimise the negative impacts identified? Who will be responsible for monitoring these actions?				
Have students, apprentices/other customers, communities and/or colleagues been consulted in the review / proposed change?				
A	Students/Apps/Customers	Yes/ No		
B	Community	Yes / No		
C	Colleague	Yes / No		
	If yes, who and how many have you involved and how have they been involved?	Review of the policy and procedure has been carried out in consultation with college management team, including curriculum heads, and HR.		
<b>Safeguarding:</b> Are there any aspects of this proposal which could cause a Student/member of staff/visitor to feel unsafe? If yes, how has this been considered? What are the risks? What are the benefits?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Health and Safety:</b> Have any risks been identified? If yes, how has this been considered? What are the risks What are the benefits?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Sustainability:</b> Are there expected benefits or impacts on sustainability issues? If yes, how have these been considered?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Evidence:</b> What evidence do you have for your conclusions and expectations for these conclusions? How will this impact be monitored for all these considerations?				N/A
Is this policy of a high/medium or low risk?:				<input type="checkbox"/> High <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Low