

Nuneaton and Bedworth Borough Council Town Hall, Coton Road, Nuneaton Warwickshire CV11 5AA

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> > TOM SHARDLOW CHIEF EXECUTIVE Town Hall, Nuneaton, Warwickshire, CV11 5AA

Our Ref: MM

Date: 7th August 2025

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If calling please ask for: Democratic Services

Dear Sir/Madam,

An Extraordinary meeting of the **Health and Corporate Resources Overview and Scrutiny Panel** will be held in the Council Chamber, Town Hall, Nuneaton on **Tuesday, 19 August 2025** at **6.00 p.m.**

Yours faithfully,

Tom Shardlow

Chief Executive

To: All Members of the Health and Corporate Resources Overview and Scrutiny Panel

Councillors S. Dhillon (Chair), J. Hartshorn (Vice-Chair), J. Bonner, T. Jenkins, M. Kondakor, S. Markham, W. Markham, B. Pandher, C. Smith and Mrs D. Ross.

AGENDA

PART 1 – PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

- APOLOGIES To receive apologies for absence from the meeting.
- 3. <u>DECLARATIONS OF INTEREST/PARTY WHIP</u> To receive declarations of Disclosable Pecuniary and Other interests in accordance with the Members' Code of Conduct and of the Party Whip in accordance with the Overview and Scrutiny Procedure Rules 4E, Paragraph 16(b).

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non- pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made so that interests that are declared regularly by members can be viewed in a schedule on the Council website (Councillor Declarations of Interests) Any interest noted in the schedule on the website will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

- 1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.
- 2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Audit & Standards Committee, that Member may vote and/or

speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

4. <u>PUBLIC CONSULTATION</u> - Members of the Public will be given the opportunity to speak on specific agenda items if notice has been received.

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the chair. The chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

- 5. <u>SKILLED MIGRANT WORKERS POLICY AND PROCEDURE</u> The decision of Cabinet on the 16th July 2025 regarding the above has been 'called in'. The following documents are attached:
 - a) Request for call in received 28th July 2025 (Page 6) The call in has been assessed against Article 12: Principles of Decision Making as detailed within the Council's Constitution. Following this assessment one of the three call in areas have been rejected as they fully comply with the Article 12 Principles.

The two areas related to 'Presumption in favour of openness' and 'Options offered for consideration will be explained' have been accepted for the OSP to review and consider.

- b) Extract of Cabinet Minute CB29 (Page 10)
- c) Report to Cabinet dated 16th July 2025 (Page 11)

THIS PAGE IS FOR INFORMATION ONLY

Nuneaton and Bedworth Borough Council Corporate Plan Building Communities 2025 – 2029

United in Achievement.

Theme 1: Place and Prosperity

Strategic Aims:

- 1. Regenerate Nuneaton Town Centre; completing the Transforming Nuneaton Programme.
- 2. Establish an increased number of residential properties within the Town Centres
- 3. Help local businesses thrive, support new business incubation and reduce the number of vacant units.
- 4. Continue to promote and enable events across the Borough.
- 5. Continue to develop and help our markets to thrive.
- 6. Work with the business community to strengthen business in the whole Borough
- 7. Deliver a regeneration plan for Bedworth Town Centre.
- 8. Promote, and support our Town Centre economies.

Theme 2: Housing, Health and Communities

Strategic Aims:

- 1. Deliver the construction and opening of the Bedworth Physical Activity Hub (BPAH).
- 2. Focus on awareness and promotion of support services for mental health and wellbeing
- 3. Facilitate warm, safe, sustainable and affordable housing.
- 4. Work with public health colleagues and partners to address community inequalities.
- 5. Promote active travel across the Borough.
- 6. Extend the housing home building programme to provide more Council homes.
- 7. Work with partners to prioritise community safety and empowerment.

Theme 3: Green Spaces and Environment

Strategic Aims:

- 1. Review the grounds maintenance contract for the Borough.
- 2. Celebrate the heritage within our green spaces, including museums, George Eliot and local industry.
- 3. Decarbonise our housing stock and promote the decarbonisation of homes in the private sector.
- 4. Support our residents to recycle more of their household waste.
- 5. Promote and develop play area facilities in line with the Parks and Green Space Strategy.
- 6. Reduce the carbon footprint of the Pingles Leisure Centre by 2026.
- 7. Establish a Climate Change Strategy and Delivery Plan by 2026.
- 8. Work with partners to improve air quality across the Borough.
- 9. Explore opportunities to promote, protect and enhance biodiversity in the borough.

Theme 4: Your Council

Strategic Aims:

- 1. Conduct a Local Government Association Peer Review by 2026.
- 2. Increase the level of resident engagement and consultation.
- 3. Deliver a refreshed Council change plan to modernise services.
- 4. Focus on civic pride, celebrating rich heritage and diverse communities.
- 5. Deliver continued forward financial planning to safeguard the finances of the Council.
- 6. Set ambitious and challenging budgets, to ensure taxpayers money is respected, and high-quality services are delivered.
- 7. Deliver a modern organisation with agile and effective structure that meet the needs of residents.
- 8. Strive for transparency and accountability in all that we do. Increase public scrutiny

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Request for Call In

This form is to be used when calling in a decision taken by the Executive, an individual Member of the Executive, or a key decision made by an officer with delegated authority from the Executive, or under joint arrangements. An extract from the call in procedure is set out overleaf. The full procedure is set out in the Constitution.

DECISION TAKEN BY: CABINAT

DATE: 16th July 2025

(State which decision making principle has not been complied with. Decision making principles are attached)

ITEMS TO BE CALLED IN: Agenda item 17. Skuled myrant workers peticy and protedure.

REASONS FOR CALL IN

(The request must state whether or not you believe that the decision is not in accordance with Article 12 or outside the budget or Policy framework)

Sop attached

PROPOSED ALTERNATIVE COURSE OF ACTION:

11

See attached.

DOCUMENTATION REQUIRED BY OVERVIEW AND SCRUTINY PANEL:

SIGNED: Councillor:	OSP	Councillor:	SUILLIK OSP

Councillor: Councillor: LUBS CVETKOVIC

Councillor: Luss Councillor:....

Extraordinary Health and Corporate Resources OSP - Tuesday 19th August 2025 c

(Note: A valid request for call in must be signed by 1 Member of the relevant OSP and any other two Members of the Council)

DATE: 24/7/25

THIS REQUEST FOR CALL IN MUST BE SUBMITTED TO THE CHIEF EXECUTIVE OR MONITORING OFFICER (BY POST OR EMAIL), WITHIN 5 WORKING DAYS OF THE DATE OF PUBLICATION OF THE DECISION.

- KESECTED

Conservative Request for Call In Cabinet 16 July 2025 Item 13 – Migrant Worker Policy

Principles of Decision Making – Article 12

- a) *Proportionality (i.e. the action taken must be proportionate to the desired outcome).
 - The appendices make clear that there will be financial implications to the council to fund the visa process for both the council and the applicant. The report is silent on the budgetary pressures that this could create and therefore uncertain whether the decision is proportionate.
 - The report does not set out any other considerations made prior to this recommendation coming forward. It does not state what the issues are with the recruitment process, remuneration and any changes that have been made that have still been unsuccessful. Therefore, it is difficult to see whether is a proportionate decision in light of the recruitment challenges.
 - Even if the policy it is accepted, the report does not make clear what safeguards are in place to the council – and ultimately the taxpayer – for the expenditure that could be incurred. No claw back policies are set out for expenditure that we incur or minimum employment terms for any successful applicant.
 - Given that any potential migrant worker may not have the domestic knowledge required for a local government role, the report does not state what the implications would be for getting the candidate up to speed with domestic legislation, policies and procedure and the financial impacts that this may have on the council. Therefore, is this a proportionate decision?
 - Given all the financial issues identified above it is not a proportionate decision to take when the financial outlay by the council (including the potential application of the relocation policy) that increasing the salary already offered would be a better long-term consideration.
- b) Due consultation and the taking of professional advice from officers.
 - Not applicable

- c) Respect for human rights.
 - Not applicable
- d) Presumption in favour of openness.

ACCEPTED <

- The budgetary pressures are not highlighted in the report and what in-year spend pressures this will create on the approved council budget. There is a presumption that financial implications will be open to councillors and members of the public for transparency.
- e) Clarity of aims and desired outcomes.
 - N/A it is accepted that Cabinet are trying to address the recruitment and retention issue for Nuneaton and Bedworth. The issue is whether this is the right way of solving the problem.
- f) Options offered for consideration will be explained.
 - Other options were not considered in the report in order to consider whether the policy proposed is a proportionate response to our recruitment and retention policy:
 - o Increasing the salary of the job(s) advertised would the expenditure incurred with the migrant worker policy (in conjunction with the potential for implementing the relocation policy) outweigh the cost of increasing the salary?
 - o If salary bandings are an issue has consideration been given to whether the national joint negotiating committee remains the appropriate mechanism for Nuneaton and Bedworth to set pay?
 - Has consideration been given to greater shared services with neighbouring authorities of the role advertised? If we join together with a neighbouring authority we might be able to offer a higher salary jointly in order to recruit the right calibre candidate.
 - Options to safeguard the financial position of the council were not considered – claw back and minimum service length provisions have not been built in to the policy and the reasons why have not been explained.
- g) The reasons for the decision will be recorded

ACCEPTED

CB29 Skilled Migrant Workers Policy and Procedure

A report was submitted to Cabinet by the People Services Manager on the Skilled Worker Migrant Sponsorship Scheme set out the Council's approach in relation to policy and procedure.

RESOLVED that the Skilled Migrant Workers Policy and Procedure attached at Appendix A of the report be approved.

Speakers:

Councillor Sue Markham Councillor Martin Walsh

Options:

- 1. Agree the recommendation
- 2. Not agree the recommendation but this may reduce the candidate pool for skilled/professional roles that are historically more difficult to fill

Reasons:

A policy and procedure are needed to ensure the Council complies with requirements under its Skilled Worker Migrant Sponsorship License.



AGENDA ITEM NO.

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet

Date of Meeting: 16 July 2025

Subject: Skilled Migrant Workers Policy and Procedure

Portfolio: All

Responsible Officer: People Services Manager

Corporate Plan – Theme: Your Council

Corporate Plan – Aim: Delivering Services Effectively

Ward Relevance: n/a

Public or Private: Public

Forward Plan: n/a

Subject to Call-in: Yes

1. Purpose of report

1.1. To brief Cabinet on the Skilled Worker Migrant Sponsorship Scheme and set out the Council's approach in relation to policy and procedure for such.

2. Recommendations

2.1. That Cabinet approve the Skilled Migrant Workers Policy and Procedure attached at Appendix A.

3. Background

- 3.1. In order to to support recruitment for difficult to recruit to skilled positions, on the 19th November 2024 Management Team gave approval for the Council to apply to become a Licensed Sponsor of Migrant Workers. This license has been granted and became effective on 8th April 2025.
- 3.2 In order to comply with the requirements of the sponsorship license, the Council is required to develop policy and procedure to demonstrate how and who will manage the process and also provide guidance to managers.

4. Body of report and reason for recommendations

- 4.1. The policy attached at Appendix A has been developed to complement the Council's license for Skilled Worker Migrant sponsorship license.
- 4.2 There are a number of professional roles across NBBC where recruitment can be difficult such as Planning, Legal, Environmental Health and various recruitment initiatives such as redesigning roles and person criteria, use of market supplements have been used historically. Whilst, in the main, we have found solutions to recruitment difficulties, this has left service units under pressure due to lack of human resource for significant periods of time whilst we are trying to recruit.
- 4.3 Becoming a Sponsor of Skilled Migrant Workers could provide another solution to recruitment difficulties. The cost of applying for a Visa can be significant and therefore a barrier to potential candidates in applying for certain roles. The Council's application for a license was approved and became effective in April 2025. Although the cost is associated with this, it is at a lower cost than traditional routes.
- 4.4 Since becoming a sponsorship license holder, the Council has already been successful in recruitment to two posts making use of the scheme. The Policy details the approach to costs associated with these applications and sets out a repayment plan should such employees leave employment.
- 4.2. In summary, the policy provides a framework for dealing with applications for sponsorship and where responsibilities lie. This includes details of any applicable payments and any clauses for repayment of any fees should a sponsored worker leave employment.
- 5. <u>Consultation with the public, members, officers and associated stakeholders</u>
 - 5.1. Consultation on the policy has been undertaken with Senior Leadership Team and Trade Unions.

6. Financial Implications

- 6.1. Any appropriate sponsorship fees would be payable by each relevant service unit as part of recruitment costs. Such costs will need to be funded by salary savings this includes ongoing costs of renewal as appropriate.
- 6.2. The policy also includes reference to a payback clause should a sponsored employee leave within 12 months of starting employment.

7. Legal Implications

7.1. The policy and procedure are required to ensure the Council's compliance with UK Visas and Immigration Services regulations.

8. Equalities implications

8.1. No specific equality implications have been identified following the completion of an equality impact assessment.

9. <u>Health implications</u>

9.1. No specific health implications have been identified following the completion of an impact assessment.

10. Climate and environmental implications

10.1. No direct climate and/or environmental implications have been identified.

11. <u>Section 17 Crime and Disorder Implications</u>

11.1. No direct Section 17 crime and disorder implications have been identified.

12. Risk management implications

12.1. No direct risk management implications have been identified.

13. <u>Human resources implications</u>

13.1. This policy is required to support the Council's status as a license holder for Skilled Migrant Workers sponsorship. All appropriate and required consultation has been undertaken

14. Options considered and reason for their rejection

14.1. In formulating this report and recommendations, the following other options were identified. Reasons for their rejection or why the option and recommendation proposed in section 2 of the report has been selected are outlined below.

Option Ref	Option Title	Reason for rejection or why the option and recommendation proposed in section 2 of the report has been selected	
А	Do nothing	This may reduce the candidate pool for skilled/professional roles that are historically modifficult to fill	

15. Conclusion

15.1 A policy and procedure are needed to ensure the Council complies with requirements under its Skilled Worker Migrant Sponsorship License. Cabinet is asked to approve this policy for implementation.

16. Appendices

- 16.1. Please note the following appendices:
- i. Appendix A Skilled Migrant Workers Policy and Procedure

17. <u>Background papers</u>

17.1. Please note there are no appendices attached to this report.

18. Report Writer Details:

Officer Job Title: People Services Manager

Officer Name: Ruth Bartlett

Officer Email Address: ruth.bartlett@nuneatonandbedworth.gov.uk

2025

Skilled Migrant Worker Recruitment and

Preventing Illegal Working (Visa Requirements)

Policy and Procedure



HR Services
Nuneaton and Bedworth
Borough Council
03/07/2025

Skilled Migrant Worker Recruitment (Preventing Illegal Working) Policy Quality Record

Author and Version information

Name HR Services Approved by

Version no 1

Date July 2025

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Appendices

- A. Letter setting out responsibilities of the line manager
- B. Right to work manual check list
- C. Letter setting out responsibilities of Migrant worker
- D. Costs associated with sponsoring and visa applications
- E. Visa Applications various options for financial support

Home Office/Immigration Office document references and links located within this policy:

- Sponsor-a-Skilled-Worker-10-24-v1.0.pdf
- Employer's guide to right to work checks
- Work in the UK GOV.UK
- Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance (accessible) GOV.UK

1. Introduction

- 1.1 The Council is committed to ensuring that Nuneaton and Bedworth is the place to live, visit and work. As such the Migrant Worker Recruitment Policy supports this aim by encouraging non-UK nationals to apply for suitable roles, where it is difficult to recruit, whilst retaining the aim of recruiting the most suitable candidate with the appropriate qualifications, skills and experience for identified vacancies.
- 1.2 The Immigration, Asylum and Nationality Act 2006, updated with the Immigration Act 2016 sets out measures to tackle illegal working and provides the legal framework setting out the duty on employers to check the right to work in the UK. The latter act came into force to introduce further protections against labour market exploitation.
- 1.3 Following the UK departure from the European Union on the 31st January 2020, the transitional period, during which free movement of labour continued, ended on the 31st December 2020. Early in 2021, the government introduced a new UK points-based immigration system. Under this system, all non-UK nationals, both EU and non-EU, need a job offer from an approved sponsor at the required skill level and to demonstrate that they can speak English, to be in a position to apply for a Skilled Worker Visa. Citizens from the Republic of Ireland were, and continue to be, exempt from the new immigration rules.
- 1.4 Nuneaton and Bedworth Borough Council became a Licensed Sponsor on the 8th April 2025. There is no requirement to renew your sponsor licence and a licence will remain valid subject to compliance with sponsorship duties unless it is revoked by the Home Office or surrendered by the Council
- 1.5 This policy describes the Council's legal responsibilities to ensure it is operating in line with Home Office requirements in the recruitment of non-UK nationals and sets out the legal requirements of employing migrant workers and ensuring that all potential employees are legally entitled to work in the UK.

2. Policy Statement

- 2.1 There is considerable value to the council in employing workers from overseas. It adds to the diversity of the workforce and supports recruiting to jobs requiring specialist skills that are in short supply in the UK.
- 2.2 In line with the Recruitment Policy, when considering migrant workers, the Council aims, at all times, to recruit the person who is most suited to a particular job. Offers of employment whether to UK nationals or to non-UK nationals will be solely on the basis of the applicant's abilities and individual merit, as measured against the criteria for the job. Qualifications, experience and skills will be

- assessed at the level that is relevant to the job in line with the Council's Competency Framework.
- 2.3 A 'right to work' check determines whether an applicant has the legal right and permission to work in the UK. The Immigration, Asylum and Nationality Act 2006 (amended by the Immigration Act 2016) sets out the legal framework for employing migrants and provides employers with a statutory excuse against a civil penalty where they can clearly demonstrate that they have carried out all the necessary checks to mitigate any risks of employing illegal workers.
- 2.4 Employers are at risk of facing a civil penalty if they are found to be employing an illegal worker and they haven't carried out a correct 'right to work' check. A civil penalty can be anything up to £20,000 per illegal worker. Criminal sanctions may also apply where the employer is found to have knowingly appointed or continue to employ an individual who does not have the right to work in the UK. Employers who deliberately flout the law to exploit vulnerable employees could find themselves in a situation of criminal prosecution with significantly higher financial penalties and possible imprisonment.

3. Scope

3.1 This policy applies to all employees and workers subject to immigration control, including those on fixed term contracts and agency worker agreements. It sets out the Council's legal responsibilities to ensure it is operating in line with Home Office requirements in the recruitment of non-UK nationals. The Home Office guidance for sponsoring a Skilled Worker can be found on the Government Website by following the link below.

Sponsor-a-Skilled-Worker-10-24-v1.0.pdf

- 3.2 The Council recognises that a good recruitment process is key part of ensuring that relevant legislation is adhered to and so that we can recruit and retain the best candidates for our vacancies. A good recruitment process will also promote a positive image of the Council as an employer and service provider. In addition to ensuring the 'right to work' in the UK, the recruitment of migrant workers must be undertaken in line with the Council Recruitment and Selection Policy and Procedure.
- 3.3 There may be circumstances which arise that are not covered by this policy. Individual circumstances cannot always be accounted for within a written procedure and, where these arise, they should be discussed with Human Resources.

- 4. Definitions and Abbreviations associated with 'Right to Work in the UK checks' and referred to in this Policy
 - **Biometric Residence Permit (Card):** All new or renewed visas are now granted in the form of a biometric card, rather than a vignette.
 - **Defined Certificate of Sponsorship (CoS)**: A defined COS is for overseas applicants. This may also be required for and applicants already in the UK on a visitor's visa or a Temporary Work visa switching to a Skilled Worker Visa.
 - Employer (Visa) Sponsorship: The Council holds an Employer (Visa)
 Sponsorship Licence which enables the Council to employ workers from outside the UK and extend the Visa/work permits of current employees.
 - **List A**: A continuous right to work in the UK. There is no time limit or expiry date and the documentation does not need to be rechecked.
 - **List B**: A time limited right to work in the UK. There is an expiry date and must be rechecked when the permission to work in the UK expires (visa expires).
 - Migrant Worker: The worker is working outside of their home country and is subject to immigration control as their right to work in the UK will have restrictions and an end date.
 - **Settled Worker**: The worker is not subject to immigration control and has no restrictions on their stay in the UK.
 - **Shortage Occupation**: The UK Government maintains a list of occupations which are deemed to be of short supply in the UK.
 - Skilled worker Visa Going rates: A list of Standard Occupation Classifications (SOC) is published by the Office of National Statistics with assigned going rates for occupations. (NB: The higher of either the minimum salary threshold or the standard going rate must be paid, unless there are specific grounds for paying less as defined by UK Government Policy)
 - **Immigration Salary List**: Jobs on this list attract a reduction in the salary threshold set by the Home Office. (NB: there are only a few occupations engaged by the Council on this list and are mainly related to trades)
 - **Sponsor Management System**: As the Council holds a sponsor licence, selected staff are granted a log-in to the system to be able to apply for, and manage, sponsor applications made to the Home Office.

- Statutory Excuse: As an employer, the Council must, for each migrant worker, determine if all of the applicable criteria, relevant to employing a migrant worker, has been met through their checking processes for a statutory excuse to be established. A statutory excuse protects the Council from prosecution for employing a migrant worker.
- Undefined Certificate of Sponsorship (COS): An undefined COS is for
 migrants already in the UK working on a Skilled Worker Visa with another
 employer and will be coming to work for the Council (change of employment).
 Migrants can be in the UK under another visa type which is eligible to switch to a
 Skilled Worker Visa such as a student visa/graduate visa. Current employees
 with the council can request extensions to their current Skilled Worker Visa, and
 any significant changes to an employee's current job role (change of SOC code)
 with the Council will require a new COS.
- Immigration Skills Charge (ISC): A levy imposed on UK employers who sponsor non UK skilled workers and payable where workers have been assigned a Certificate of Sponsorship.
- Vignette: An entry clearance/ right to work evidence which is placed in the holders' passport. This will only be issued for a period of 1 month to allow the individual to arrive in the UK and give them time to collect their Biometric Residence Permit (Card).

5. Roles and Responsibilities

5.1 **Managers**

- 5.1.1 Recruitment and Selection is a key responsibility for managers and where a position meets the threshold to be considered suitable for skilled migrant workers managers must liaise with HR to determine whether they should be advertised as open to Migrant Workers. When considering making offers of employment to Migrant Workers managers must liaise with HR to ensure the process for sponsoring a migrant worker is followed and the necessary right to work checks have been carried out prior to a formal offer of employment being made.
- 5.1.2 In addition, having offered employment, they must inform HR of the following:
 - If the worker does not turn up for his/her first day of work or if the start date is delayed.
 - If they are absent from work for more than 10 consecutive working days without permission

- If their contract of employment, or any relevant professional registration ends earlier than shown on their Certificate of Sponsorship (COS for example dismissal or resignation.
- If their leave to remain expires or if they are granted indefinite leave to remain in the UK.
- If there are any significant changes in their circumstances including promotion or change of job title/duties
- A reduction in salary as listed on the COS (increases do not need to be reported).
- Changes to the location of work.
- Any information which suggests they are breaching their conditions of leave to remain in the UK.
- There are regulations which apply to migrant workers taking on additional work and Line managers must not sign off or approve any additional hours or second jobs without consulting with HR.
- 5.1.3 If there is any suspicion that the worker may be engaging in terrorism or other criminal activity the Council has a duty to inform the police.
- 5.1.4 A letter setting out the line managers full responsibilities will be provided and is attached as **Appendix A** and can be found in Section 17 of this policy.
- 5.1.5 There are additional costs set by the Immigration Office which recruiting managers are responsible for. Information relating to costs can be found at Section 8 and details of costs can be found at **Appendix D** section 17.

5.2 Human Resources

- 5.2.1 Human Resources are responsible for providing timely and up-to-date professional advice, guidance and support to recruiting managers who wish to make an offer of employment to a migrant worker. This will include the management of the process of Sponsorship of the Migrant worker, ensuring:
 - The processing pre-employment checks
 - The correct processes are being applied depending if the employee/worker is a settled or migrant worker
 - Carrying out document checks
 - Applying for sponsorship under the Points Based System where appropriate
 - Ensuring all documentation is collected and stored as necessary
 - Conducting repeat checks as appropriate
- 5.2.2 The UK Visa and Immigration Office Guidance on Employers' right to work checklist includes documentation required in respect of List A and List B and

home office guidance on how to conduct online and manual right to work checks can be located by following the link below:

Employer's guide to right to work checks

- 5.2.3 For checks using the Government online system the applicant will need to provide a code for accessing their information. For manual checks **Appendix B**, which can be found in Section 17 of this policy, provides a list of documents which can used to check for right to work.
- 5.2.4 Human Resources should monitor for any variance in work, other than the role the CoS has been provided for. Whilst skilled migrant workers are allowed to work additional hours in their substantive role they **must not** work more than 20 extra hours per week in another role and in addition they must comply with the Working Time Regulations. Any hours worked on a casual basis with the Council or in another role to that of the substantive position must be monitored and may require an update of the visa. Line managers must not sign off or approve any additional hours that breach this rule and should contact HR Services for guidance. Home Office Guidance related to this can be found by following the link below:

https://www.gov.uk/skilled-worker-visa/second-job

5.2.5 Human Resources will be responsible for briefing Managers to ensure they understand the Councils responsibilities as a Licensed Sponsor and any service unit costs associated with employing a migrant worker.

6. Migrant Workers and prospective Migrant Workers

6.1 Have responsibility for providing all relevant documentation with regards to evidence of their right to work in the UK. If the worker is under visa sponsorship, they must report all relevant activity to their managers or HR Services, so it can be reported to the Home office. A full list of responsibilities of the worker is set out in a letter which is sent to the worker and can be found as **Appendix C** in Section 17 of this policy.

7. The Core Principles of employing Skilled Migrant Workers

7.1 Not all jobs are eligible for a skilled worker visa and immigration rules introduced in April 2024 use a points based system with eligible jobs identified by an occupation code. Before advertising a position as open to applications from non-UK nationals HR Services will check whether the position meets the threshold and criteria for it to be eligible. Reference should be made to the Home Office Guidance on Sponsoring a Skilled Worker Sections SK3 to SK7 (pages 14 to 40).

Sponsor-a-Skilled-Worker-10-24-v1.0.pdf

- 7.2 In summary to be eligible for sponsorship the Job/Skilled Migrant Worker must meet all the following requirements:
 - Is aged at least 18 on the date of application.
 - The job they are applying for is eligible for this type of visa
 - The worker must be employed by a UK employer that's been approved by the Home Office
 - The worker must be paid at least the minimum salary rate of £38,700 per year (37.5 hours per week), the 'going rate' for the type of work they will be doing or the salary rate paid by the Council, whichever is the highest. Please note that the 'going rate' for the job is the 'Standard Rate' as set by the Office of National Statistics and not the rate which is paid by the Council. Where the working week is less or more than 37.5 hours per week a pro rata calculation applies. For NBBC where the standard working week is 37 hours the minimum salary rate is £38,184.
 - The minimum skill threshold is RQF Level 6 (graduate-level roles).
- 7.3 There may be times when a skilled migrant worker can be paid less and advice should be taken from Human Resources.
- 7.4 The government publishes an immigration salary list which provides salary information for jobs which are considered in short supply in the UK and in some circumstances for 'new entrants' as a skilled worker it may provide a route for a discount to the minimum salary rate.
- 7.5 In addition the minimum salary may be lower if the migrant worker is extending their Skilled Worker visa or updating it because they have a new job or employer and as such they were granted permission as a Skilled Worker under the Immigration Rules in force before 4 April 2024 and have had continuous permission as a Skilled Worker.
- 8. Documentation, Process and costs associated with employing Skilled Migrant Workers
- 8.1 It is a requirement for an employer to hold a sponsor licence for the purpose of employing skilled migrant workers.
- 8.2 As a Licensed Sponsor the Council is required to obtain a Certificate of Sponsorship (CoS) for each Skilled Migrant Worker and a Migrant Worker is unable to obtain a Skilled Migrant Worker Visa without a CoS. There is also a requirement to pay an Immigration Skills Charge (ISC) for the first12 months of employment and for each subsequent 6 months as detailed on the CoS.

- 8.3 Directorates/Service Units are responsible for meeting the cost of the CoS and the ISC. Details of payments to be made are set out in **Appendix D** and found in Section 17 of this policy. Payment for the CoS and ISC is required by debit/credit card and taken at the time of submitting a request for a CoS.
- 8.4 Where NBBC wishes to sponsor someone who will be making their application for permission (entry clearance) from outside the UK a 'Defined' CoS) is required.

A 'Defined' CoS should be applied for in the following circumstances.

- A particular worker has been identified for a role to be filled and the applicant is a non UK worker and not applying from within the UK
- A particular worker has not, as yet, been identified for a role but the Council
 has a vacancy (or vacancies) they wish to fill and it is reasonably anticipated
 there may be the need to sponsor a worker (or workers) not currently in the
 UK

NBBC must not assign an Undefined CoS to a worker who will be applying for entry clearance. Should this happen it is likely to result in the licence being revoked.

- 8.5 Once the CoS is received the individual seeking sponsorship should be provided with a copy and will need to apply for a Visa. Migrant Workers are responsible for meeting the cost of their visa. Depending on circumstances, the Council may be in a position to provide financial support. Details of support available is set out in **Appendix E** found in Section 17 of this policy.
- 8.6 HR must be provided with a copy of the Visa which should be saved on the individuals personal file, as well as making a record of the expiry date and I-trent and follow the monitoring process set out in section 14 of this Policy and Procedure.
- 9. Types of Visas (documents allowing legal migrant working)
- 9.1 A summary is listed below

List A (Appendix B)

Documents on this list must be provided to prove the candidate has the right to work in the UK and is not subject to any follow up checks. Those who fall into this category are UK nationals and migrants with Indefinite Leave to Remain.

List B (Appendix B) Documents on this list should be provided by migrants

> who are a non-UK national to prove they have the right to work in the UK which is time-limited. They are able to

work until the expiry date.

EU Settlement Status Since 1 July 2021, EEA citizens and their family

> members are required to hold a valid immigration status in the UK, in the same way as other foreign nationals. They can no longer rely on an EEA passport or national identity card to prove their right to work. If the migrant is from, or is a family member of someone from the EU. Switzerland, Norway, Iceland or Liechtenstein and lived in the UK prior to 31st December 2020 they were eligible

to apply for the EU Settlement Scheme.

If the worker holds pre-settled status they are eligible to work until the expiry date. They must apply for Settled Status prior to the expiry and once granted they are able to stay in the UK as long as they like. An exception to this is where the holder leaves the UK for more than 5 years as they will automatically lose their settled status.

Biometric All non-UK migrants with permission to stay in the UK for

longer than 6 months must apply for a Biometric

Residence Permit (BRP).

Skilled Worker Visa The Council is able to sponsor skilled migrants under the

> Skilled Worker Visa. The applicants must meet the minimum criteria which includes salary, an eligible job type and knowledge of English. Additional points are granted if the post falls under the Shortage Occupation

list.

Student Visa Individuals may be able to work on this visa for a limited

number of hour per week depending on the course type

and restrictions printed on the BRP.

Gradate Visa Gives permission to remain and work in the UK and last

> for 2 or 3 years dependant on qualification achieved. Cannot be extended but may be able to switch to a different visa, for example Skilled Worker Visa

More detail on various types of visas can be found by following the link below: 9.2

Skilled Migrant Worker Recruitment (Preventing Illegal Working) Policy www.nuneatonandbedworth.gov.uk

Cards

Work in the UK - GOV.UK

10. Compliance with Home Office Requirements

10.1 There are a number of reporting activities and record keeping requirements necessary to retain the Visa Sponsorship Licence. This is only applicable to those on a Skilled Worker Visa sponsored by the Council

11. Reporting Activities

11.1 To satisfy the Council's sponsor requirements, it is mandatory to report activities within 10 days via the Home Office Sponsor Management System (SMS). The full list of reportable activities can be found by following the link below at section C1 Sponsor Duties.

Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance (accessible) - GOV.UK

12. Record Keeping

12.1 The Council is required to retain all documentation relating to the employment of a sponsored Skilled Worker for the duration of the sponsorship. This includes contracts of employment, qualifications and/or professional registration and other documents as specified by the Home Office. The UK legal requirement for retention of employment records is in addition to the requirement to those specified by the Home Office for migrant workers.

13. Risks and Penalties

- 13.1 The Chief Executive, an individual Director or Senior Manager can be personally criminally liable if they know that a person is not entitled to work in the UK and consents to their employment. The penalty is up to two years imprisonment and/ or an unlimited fine.
- 13.2 If the Council was found to have failed to comply with the Home Office requirements and Immigration rules, it creates a risk of having the licence downgraded or revoked. This could cause adverse implications for the Council's ability to recruit non-UK nationals, along with the implications for current migrant workers. The ability to recruit internationally supports the Council's ability to fill all necessary posts and keep services running effectively.

14. Policy Monitoring and Compliance

14.1 Key monitoring activities and responsible officers are set out in the table below:

What key element(s) need(s) monitoring as per local approved policy or guidance?	Who will lead on this aspect of monitoring? Name the lead and what is the role of other professional groups	What tool will be used to monitor/check/ observe/asses/ inspect Authenticate that everything is working according to this key element from the approved policy?	How often is the need to monitor each element? How often is the need complete a report? How often is the need to share the report?	How will each report be interrogated to identify the required actions and how thoroughly should this be documented in e.g. meeting minutes.
Record all employees that are working for the Council on a Visa	HR Services	Data entered onto I-trent with a review date 6 months prior to expiry date	Monthly	HR to run report on expiring visa's and determine appropriate action
Report any changes to Home Office in regards to employees with Visa's	HR Services	Home Office Sponsor Management System	As applicable	HR to identify, document and save changes. Update content manager and I-trent
Processes are in line with current Home Office requirements	HR Services	Audit	Yearly	HR Services to manage actions from audit
To ensure the Council is confident that they are	HR Services	Responsibility letters are sent to both the	As applicable	HR Services

compliant in reporting duties, and to communicate the legal obligations to employees and managers		managers and the migrant workers		
Visa's that are due to expire	HR Services	Expiry information saved on I-Trent	Monthly	HR Services

15. Equality Impact Assessment

15.1 The Council recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity and appropriately according to their needs. An equality Impact Assessment has been undertaken by the Council's Equality and Safeguarding Officer and no equality implications have been identified.

16. Policy Review

16.1 HR Services will review every three years or in line with Home Office changes whichever is the sooner.

17 Appendices

17.1 Appendix A

Responsibility letter for the Line	Appendix A
Manager of employee Migrant Worker	

To:

Enquiries to: HR Services

Direct Dial: 024 7637 6550

Dear

IMPORTANT INFORMATION REGARDING OUR CONTRACTUAL OBLIGATION WHEN EMPLOYING SKILLED WORKER (SPONSORED) VISA HOLDERS

As (NAME) will have a Skilled Worker Visa sponsored by the Council, we have a contractual duty to inform the Home Office of any of the following changes within 10 working days of the event in question:

- If they do not turn up for his/her first day of work, or if the start date is delayed
- If they are absent from work for more than 10 consecutive working days without permission.
- If their contract of employment, or any relevant professional registration ends earlier than shown on their Certificate of Sponsorship (COS) (dismissal or resignation)
- If their leave to remain expires or if they are granted indefinite leave to remain in the UK.
- If there are any significant changes in their circumstances including:
 - Promotion or change of job title/ duties
 - A reduction in salary as listed on the COS (increases do not need to be reported)
- The location of work
- Any reduction in hours must have prior approval to ensure the sponsorship criteria continues to be met.
- Any information which suggests that they are breaching their conditions of leave.
- We must also give the police any information we may have that suggests that they may be engaging in terrorism or other criminal activity.

Additional Hours/Second Jobs

Whilst they are allowed to work additional hours in their substantive role they **must not** work more than 20 extra hours per week in another role and in addition they must comply with the Working Time Regulations. Any hours worked on a casual basis with the Council or in an additional another role to their substantive position must be monitored and may require an update of the visa. Line managers must not sign off or approve any additional hours that breach this rule and should contact HR for guidance.

As the manager you must inform HR Services via hr@nuneatonandbedworth.gov.uk of any of these changes immediately as they are made known to you. If, during their period of employment there are any changes to their circumstances such as address, phone number etc they have a responsibility to notify the Council and also the Home Office.

The sponsored worker has been informed of their contractual requirements to notify us of any changes to their circumstances. However if you become aware of any changes please inform HR Services who will notify the Home Office through the Sponsorship management system.

The absence records of this individual must be retained as they may be inspected through a Sponsor Licensing visit.

The organisation could be put at risk of a significant fine and face the revoking of the Council's Sponsorship Licence if we fail to comply with these standards. I would therefore strongly advise that you retain a copy of this letter securely in order that you can readily refer to your responsibilities.

You should have a conversation with the employee at least 3 months before their visa expires to confirm whether it is to be extended and for them to contact HR Services to apply for this. Please put this date into your (and their) diary when they start, as a reminder.

If you need any support and advice regarding the Council's obligations as sponsors of migrant workers, please do not hesitate to contact HR Services who will be happy to assist.

Yours sincerely

On behalf of HR Services

17.2 Appendix B - Right to Work Manual checking

Where a right to work check has been conducted using the online right to work checking service, the information is provided in real-time directly from Home Office systems and there is no requirement to check any of the documents listed below.

List A – acceptable documents to establish a continuous statutory excuse

- 1. A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- 2. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
- 3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
- 4. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK
- 5. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- 6. A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer
- 7. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- 8. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 1 – documents where a time-limited statutory excuse lasts until the expiry date of permission to enter or permission to stay

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.

- 2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
- 3. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 2 – documents where a time-limited statutory excuse lasts for six months

- 1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
- 2. A Certificate of Application (non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
- 3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
- 4. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
- 5. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

17.3 Appendix C

Responsibility letter for the Employee/ Migrant Worker	Appendix C
To:	Enquiries to: HR Services
Dear (Candidate/Employee Name),	Direct Dial: 024 7637 6550
Once your Skilled Worker Visa has been gra Council (NBBC) has a legal duty to keep yo	•
You must also keep the Council and the Hor circumstances, including:	me Office informed of any changes to your
□ Place of residence address	
☐ Home Phone Number	
☐ Mobile Phone Number	
☐ Marital Status	
☐ Professional Registration details	
□ Next Of Kin/Emergency Contact details – Councils information only)	both in the UK and overseas (for the
If during your employment with the Council the contractually obliged to advise the Council be your Personal Details and Contact information	y either logging onto I-Trent and updating

You must not work more than 20 hours in an additional paid role or voluntary work and must comply with the Working Time Regulations 1998. For full information and conditions please refer to the Home Office website

Skilled Migrant Worker Recruitment (Preventing Illegal Working) Policy www.nuneatonandbedworth.gov.uk

You should also notify the Home Office directly.

https://www.gov.uk/skilled-worker-visa/second-job

Please note that it is your responsibility to ensure that you work within the parameters of your visa.

Any reduction of hours/ pay must have prior approval to ensure you still meet the sponsorship criteria.

Please ensure that you have a discussion with your manager at least 3 months before your visa expires to confirm whether or not your role is continuing. If you require an extension you will need to make a request to HR Services to apply for a further Certificate Of Sponsorship and submit your visa application prior to your current visa expiry date unless you are told otherwise as different arrangements are in place. We will send a reminder; however, it is your responsibility to ensure you retain the right to work whilst employed by the Council. Please note that Council will not fund any legal expenses incurred by you in pursuance of maintaining your right to work in the UK.

If you need any support or advice regarding your obligations as an employee, please do not hesitate to contact HR Services who will be happy to assist or visit the Government website at:

https://www.gov.uk/skilled-worker-visa.

The Home Office can also be contacted on 0300 790 6268 should you have any queries specific to your application or visa.

Yours sincerely	
On behalf of HR Services	

17.4 Appendix D

CC: Manager

Costs associated with becoming a Licensed Sponsor of Skilled Migrant Workers and Visa Costs for Migrant Workers

Skilled Migrant Worker Recruitment (Preventing Illegal Working) Policy www.nuneatonandbedworth.gov.uk

Costs other than those identified as payable by the worker are met by the employer and the table below sets out who is responsible for payments.

	Cost
Register to become a sponsor (employing 50 or more workers (long term/permanent worker)	£1579 (Corporate responsibility)
Certificate of Sponsorship (CoS) for a skilled worker (employer has to provide worker with this to enable them to apply for visa)	£525 (Directorate/Service Unit responsibility)
Visa Cost applying from outside the UK	
Skilled Worker Visa 3 years or less	£769 (Worker Responsibility)
Skilled Worker Visa – over 3 years	£1519 (Worker Responsibility
Visa Costs applying from inside the UK to extend, switch, update	
Skilled Worker Visa 3 years or less	£885 (Worker Responsibility)
Skilled Worker Visa – over 3 years	£1,751 (Worker Responsibility)
Immigration Health Surcharge	
The cost depends on individual on circumstances – for individuals on a skilled worker visa.	£1,035 per year

Below is information relating to the Immigration Skills Charge. This will apply to all workers with some exempted roles (exempted roles are not generally employed within local government). Other exemptions are those potential Migrant Workers currently on a student visa or someone who an employer has previously provided with a CoS may have an exemption.

£1000 (Directorate/ Service Unit
Responsibility)
£500 (Directorate/Services Unit
Responsibility)

17.5 Appendix E

Financial Support towards Visa Costs

The cost of a Visa is fairly significant for individuals potentially choosing to migrate on a work visa or to remain in the UK on a work visa.

Depending on individual circumstances managers may wish to consider the following options in respect of financial support towards the cost of a Visa.

- NBBC re-imburses the cost of the Visa and/or Healthcare Surcharge on the basis
 of repayment scheme, similar to that of our training repayment policy, should the
 migrant worker leave the employment of NBBC within 2 years.
- NBBC makes a loan of the cost of the Visa and/or Healthcare Surcharge to the migrant worker on the basis that they repay the cost over a period of time and should they leave our employment before the full cost is met they repay any outstanding sum when they leave.
- NBBC does not provide any financial support towards the cost of the Visa.