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Overseas Recruitment and Sponsorship License Resource Pack

Quality Assurance and Market Support
Team



Contents

Overseas Recruitment	4
South East Social Care Alliance (SESCA) International Recruitment Hub.....	4
Certificates of Sponsorship (CoS)	4
Health and Care Worker visa	4
Safer recruitment	4
Safe and fair recruitment	4
Great Care Employer	5
Understanding ethical recruitment responsibilities.....	5
Your UKVI compliance responsibilities and obligations	5
Sponsorship guidance for employers and educators	5
Workers and Temporary Workers: guidance for sponsors	5
Code of practice for the international recruitment of health and social care personnel in England	6
Managing your CoS with a Management System (SMS) – gov.uk.....	6
Pastoral support	8
Pastoral Care Guide for International Recruitment in Social Care	8
Migrant care workers: how to stand up to exploitation.	8
What will happen if your sponsorship license is suspended or revoked?	8
Common reasons a license could be revoked.	8
Circumstances in which your license would be revoked.....	9
Supporting your international recruits if your license is suspended or revoked.	10
Modern slavery awareness	10
Skills for Care ..	11
The Care Workers Charity	11

Introduction

This pack has been developed by West Sussex County Council as part of a project designed to support West Sussex colleagues and adult social care providers with overseas recruitment.

This document is a compilation of useful resources, from a variety of sources, for you to view in one accessible document.

The aim of this pack is to provide you with the knowledge and tools you need on your overseas recruitment journey, specifically supporting you to maintain your sponsorship license and support sponsored workers. [This pack has been curated by West Sussex County Council \(WSCC\) of external resources, it does not represent advice from WSCC.](#)



Overseas Recruitment

South East Social Care Alliance (SESCA) International Recruitment Hub

Here you will find guidance, resources and support on international recruitment in adult social care, together with details of the Displaced Worker Recruitment Support Scheme.

[International recruitment – SESCO](#)

[Funded Support for Providers – SESCO](#)

SESCA offer a free helpline offering 30 minutes with immigration law experts on topics including CoS applications, UKVI compliance and the Sponsorship Management System (SMS.) [Compliance & legal – SESCO](#)

Certificates of Sponsorship (CoS)

You must assign a certificate of sponsorship 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.

[Certificate of Sponsorship: A Guide For Employers \(iasservices.org.uk\)](#)

[UK visa sponsorship for employers: Certificates of sponsorship - GOV.UK \(www.gov.uk\)](#)

Health and Care Worker visa

A Health and Care Worker visa allows medical professionals to come to or stay in the UK to do an eligible job with the NHS, an NHS supplier or in adult social care.

A visa can last for up to 5 years before the applicant needs to extend it. They'll need to apply to extend or update their visa when it expires or if they change jobs or employer.

[Health and Care Worker visa: Overview - GOV.UK \(www.gov.uk\)](#)

Safer recruitment

You take all reasonable steps to make sure that those you recruit into your organisation are suitable and appropriate. The term **safer recruitment** refers to a set of practices set out in government guidance that you need to use for all roles if you are delivering activity for children or adults at risk.

Safe and fair recruitment

This practical guide is aimed at social care employers in England and Wales, including individuals who employ their own care and support.

[Safe and fair recruitment \(skillsforcare.org.uk\)](#)

Great Care Employer

The Great Care Employer aims to promote employer good practice and attract new care workers to the profession and retain current workers. Developed by West Sussex County Council in partnership with West Sussex Partners in Care, the GCE provides care providers with an opportunity to showcase what they offer to job seekers and to promote themselves and their best practice to help attract potential employees.

[Introduction | Great Care Employer | Provider Zone \(wscareproviderzone.co.uk\)](https://wscareproviderzone.co.uk)

Understanding ethical recruitment responsibilities

Ethical recruitment and retention of care workers is the responsibility of a number of national and local partner organisations, including councils.

[International recruitment to adult social care: A guide for councils | Local Government Association](#)

Your UKVI compliance responsibilities and obligations

You will need to show that you have systems in place to monitor sponsored employees and people to manage sponsorship in your business. Sponsorship of a skilled worker can only be undertaken by a business. Individuals cannot be Home Office sponsors for the purposes of a skilled worker visa.

It is also important to consider that where contracts with local authorities have provision requiring compliance with legislation or regulators, the authority may need assurance of compliance and may choose to monitor compliance as part of contract monitoring.

Sponsorship guidance for employers and educators

Information for student and worker sponsors, including full policy guidance, using the sponsorship management system and how to get help.

[Sponsorship: guidance for employers and educators - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Workers and Temporary Workers: guidance for sponsors

UKVI will continue to monitor your sponsorship licence and use of certificates of Sponsorship for the duration of the licence period. UKVI have an ongoing responsibility to ensure licences are being adhered to.

This document provides guidance for employers and organisations who hold a sponsorship licence under the Worker and Temporary Worker routes of the immigration

system. It tells you how to meet your sponsor duties and the action that will be taken if you breach, or are suspected of breaching, these duties.

[Workers and Temporary Workers: guidance for sponsors part 3: Sponsor duties and compliance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101111/Workers_and_Temporary_Workers_guidance_for_sponsors_part_3_Sponsor_duties_and_compliance.pdf)

Code of practice for the international recruitment of health and social care personnel in England

The policy for the code of practice for international recruitment of health and social care personnel in the UK is set out in the following document. The code of practice applies to the appointment of all international health and social care personnel in the UK, including all permanent, temporary and locum staff in clinical and non-clinical settings. The code is based on World Health Organisation global principles for ethical international recruitment. Following the code will help you to ensure your approach is transparent and fair and that both you and your overseas recruits are protected and safe.

[Code of practice for the international recruitment of health and social care personnel - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101111/Code_of_practice_for_the_international_recruitment_of_health_and_social_care_personnel_-_GOV.UK.pdf)

Here you can view a list of organisations licensed to sponsor workers on the Worker and Temporary Worker immigration routes.

[Register of licensed sponsors: workers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101111/Worker_and_Temporary_Worker_immigration_routes.pdf)

Managing your CoS with a Management System (SMS) – gov.uk

All sponsors will be granted access to the sponsorship management system (SMS). SMS is an online tool that allows you to administer your day-to-day sponsorship duties and activities, such as assigning certificates of sponsorship (CoS) and confirmation of acceptance for studies (CAS) and reporting changes to a migrant's circumstances.

GOV.uk have published a series of user guides to help you navigate the SMS:

1. Introduction to using SMS for licensed sponsors. - [Introduction to the sponsorship management system: SMS guide 1 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101111/Introduction_to_using_SMS_for_licensed_sponsors.pdf)
2. Step-by-step guide to managing your sponsorship licence using the sponsorship management system - [Manage your sponsorship licence: SMS guide 2 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101111/Managing_your_sponsorship_license_using_the_sponsorship_management_system.pdf)

3. Step-by-step guide to applying for additional services and making renewal applications - [Applications, renewals and services: SMS guide 3 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/applications-renewals-and-services-sms-guide-3)
4. To help sponsors create and assign individual and batches of confirmation of acceptance for studies (CAS). - [Creating and assigning CAS: SMS guide 4 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/creating-and-assigning-cas-sms-guide-4)
5. A step-by-step guide to reporting student activity - [Reporting student activity: SMS guide 5 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/reporting-student-activity-sms-guide-5)
6. A step-by-step guide to using miscellaneous confirmation of acceptance for studies (CAS) functions - [Miscellaneous CAS functions: SMS guide 6 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/miscellaneous-cas-functions-sms-guide-6)
7. A step-by-step guide for bulk data transfer of confirmations of acceptance for studies - [Bulk data transfer of CAS: SMS guide 7 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/bulk-data-transfer-of-cas-sms-guide-7)
8. A step-by-step guide to creating and assigning a certificate of sponsorship (CoS). This document should be viewed with the SMS guide 8a - [Creating and assigning a CoS: SMS guide 8 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/creating-and-assigning-a-cos-sms-guide-8)
9. Use this step-by-step guide if you are a sponsor to report worker activity, for example a change in their circumstances - [Reporting worker activity: SMS guide 9 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/reporting-worker-activity-sms-guide-9)
10. Use this step-by-step guide if you are a sponsor using miscellaneous certificate of sponsorship (CoS) functions - [Miscellaneous certificate of sponsorship functions: SMS guide 10 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/miscellaneous-certificate-of-sponsorship-functions-sms-guide-10)
11. Use this step-by-step guide if you are a Creative Worker sponsor managing groups of certificate of sponsorship (CoS) - [Temporary Work - Creative Worker certificate of sponsorship: SMS guide 11 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/temporary-work-creative-worker-certificate-of-sponsorship-sms-guide-11)
12. Use this step-by-step guide if you are a sponsor who is applying for a defined certificate of sponsorship (CoS) - [Defined certificate of sponsorship: SMS guide 12 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/defined-certificate-of-sponsorship-sms-guide-12)

Pastoral support

Consideration should be given to the longer-term resource needed to provide professional and pastoral support, to make sure your overseas recruits are supported to settle in and develop. Failure to do so will impact on your ability to retain your international staff.

Pastoral Care Guide for International Recruitment in Social Care

This guide contains useful resources that will help social care employers with resettlement support and pastoral care for overseas recruits.

[Pastoral Care Guide for International Recruitment in Social Care - National Care Forum](#)

Migrant care workers: how to stand up to exploitation.

Health and Care Worker visas are a form of work-sponsored visas that tie workers to their employers. There are a minority of incidents in the UK where overseas care workers have been victim to bogus recruiters or threatened and mistreated by employers, their sponsors, and left worrying about their work, accommodation, finances and right to remain in the UK.

This resource is for care workers living in the UK on a Health and Care Worker visa.

[Care workers | Work Rights Centre](#)

West Sussex Partners in Care have compiled a range of [information support and advice for international employees](#) in West Sussex: [Local Support | WSPiC](#) (westsussexpartnersincare.org)

What will happen if your sponsorship license is suspended or revoked?

Common reasons a license could be revoked.

The following reasons have been highlighted as some of the common reasons a CoS could be revoked.

1. Failure to report changes to sponsored workers (within 10 working days) – examples include where the employee does not start the role within 28 days.
2. Failure to report changes to your organisation (within 20 working days), such as a change in status of any registration or accreditation providers are legally required to hold, for example with the CQC;
3. Failure to keep compliant records, for example a copy of the right-to-work check or DBS check; salary and skill-level documents such as copies of

- any required qualifications, for example for senior care workers and proof of registration (such as with the NMC);
4. Failure to conduct right-to-work checks properly and omitting to diarise follow-up checks when visas expire;
 5. Failure to understand minimum salary requirements in the context of overall salary and hourly rates, and that shift premiums are prohibited;
 6. Failure to comply with immigration law and extensive compliance duties generally. This includes recruiting the right candidates and assigning the correct occupation code to the role, specifically failing to issue a new certificate of sponsorship (COS) when a care worker is promoted to senior care worker, and applying for change of employment; only allowing the worker to undertake the role permitted by their visa and failure to disclose if you assign a COS to a family member of anyone within the organisation.

Circumstances in which your license would be revoked.

This section of the following document (Annex C1) sets out the circumstances in which the home office will revoke your sponsor licence. Your license may be suspended first while your situation is considered, but the home office may choose to revoke your license immediately without considering it.

[Workers and Temporary Workers: guidance for sponsors part 3: Sponsor duties and compliance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101444/Workers_and_Temporary_Workers_guidance_for_sponsors_part_3_Sponsor_duties_and_compliance.pdf)

It is imperative to understand the consequences of non-compliance e.g., if a license is suspended sponsors have 20 working days to provide representation and evidence to address UKVI concerns. On receipt of these responses, UKVI will review and consider the case and will write to the sponsor with a decision on revocation within 20 working days.

If a license is revoked, you will have 28 days' notice with no opportunity to resolve the issue. Organisations that have their Sponsor Licence revoked may also face a 'cooling-off' period that means they cannot reapply for a licence within 12 months.

[Learn why we would revoke or suspend your licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/learn-why-we-would-revoke-or-suspend-your-licence)

In a situation where acts of non-compliance are found, there are some penalties that may be put in place for the sponsor. This is not an exhaustive list:

- Reducing your CoS allocation
- Downgrading your licence to a B-rating
- Suspending your licence
- Revoking your licence
- Cancelling the permission of your sponsored workers to remain in the UK
- In an instance where criminal offence has taken place, reporting this to the police or other relevant authorities.

The [Workers and Temporary Workers: guidance for sponsors](#) provides more information about the above circumstances.

Supporting your international recruits if your license is suspended or revoked.

If your license is revoked it is important that you can offer guidance and support to your international recruits. There are several ways you can offer support:

- advise them to check the gov.uk guidance on what to do if your visa sponsor loses their licence: [Employees: if your visa sponsor loses their licence - GOV.UK \(www.gov.uk\)](#)
- signpost them to the candidate guidance [Applying for health and social care jobs in the UK from abroad - GOV.UK \(www.gov.uk\)](#) which advises on their rights and where they can access further support
- **contact your local authority (West Sussex County Council) to advise of any changes to your license or if UKVI have taken any action.**

[What happens if you lose your visa sponsor licence? - UK Immigration](#)

Modern slavery awareness

Modern slavery is a serious crime that violates human rights and encompasses human trafficking and slavery, servitude and forced or compulsory labour. It is illegal exploitation of people for personal or commercial gain.

Here are some resources for health and social care providers who hold CoS licences for overseas recruits. We know that overseas recruits are at a greater risk of modern slavery, so it is important to be aware of modern slavery and know how to spot the signs.

- Guidance and resources for councils on tackling any cases of modern slavery locally linked to the care sector - [Modern slavery in the care sector: useful resources | Local Government Association](#)
- Modern Slavery and Exploitation Helpline. Providing information, advice and guidance for anyone concerned they, or someone else, is being exploited. [Modern Slavery Helpline](#)
- Crimestoppers. Share concerns anonymously. [Giving information anonymously | Crimestoppers](#)
- Sandwell anti-slavery partnership. Responding to modern slavery in the care sector - [Responding to modern slavery in the care sector](#)
- A practical guide for SMEs on how to mitigate the risk of modern slavery in their operations - [SF STT SMEToolkit 2102 2.pdf \(shivafoundation.org.uk\)](#)
- Who Cares? A review of reports of exploitation in the care sector - [unseen-Care-Sector-report-2023.pdf \(unseenuk.org\)](#)

- Establishing modern slavery risk assessment and due diligence in Adult Social Care - [Establishing modern slavery risk assessment and due diligence in Adult Social Care \(local.gov.uk\)](#)
- An inspection of immigration system as it relates to the social care sector - [An inspection of the immigration system as it relates to the social care sector \(publishing.service.gov.uk\)](#)
- Gangmaster & Labour Abuse Authority Industry Profile.- [Industry Profile - Care - 2020 - GLAA](#)
- The Care Quality Commission published report on regulatory policy position on modern slavery and unethical international recruitment: [Our regulatory policy position on modern slavery and unethical international recruitment - Care Quality Commission \(cqc.org.uk\)](#)
- Citizens advice - [Problems with work if you have a Health and Care Worker visa - Citizens Advice](#)
- A spotlight report published by citizens advice outlining what actions need to be taken to address the risk of exploitation created by the Health and Care Worker visa - [How work visa design is driving exploitation of migrant care workers - Citizens Advice](#)
- ACAS giving impartial advice on workplace rights, rules and best practice. [Acas | Making working life better for everyone in Britain](#)

Support for migrant care workers

There may be occasions where you have concerns about how a sponsored worker has been treated whilst working for another provider. If Modern Slavery or Exploitation is suspected you should report this using the links in the above section.

Skills for Care

have produced a series of videos providing an overview of what you need to know about modern slavery, from the scale of the problem, what to look out for, and what action you can take to protect your employees.

[Modern slavery \(skillsforcare.org.uk\)](#)

There is information that you can sign post employees to that could support them.

The Care Workers Charity

The Care Workers' Charity is here to champion care workers and ensure they never face financial hardship alone and therefore measuring our impact is extremely important to us so that we remain transparent about the support we give.

[Home - The Care Workers Charity](#)

Work Rights Centre

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The Work Rights Centre is a charity set up to help migrant workers access employment justice and improve their social mobility. They offer free legal advice and information to workers.

[Migrant care workers: how to stand up to exploitation | Work Rights Centre](#)

Gangmasters and Labour Abuse Authority

Gangmasters and Labour Abuse Authority (GLAA) and Justice & Care have produced an educational video in several languages designed to support international care workers in the UK and raise awareness of their rights following the closure of the Social Care Visa Route.

- English: <https://youtu.be/vbCnZuzo-2w>
- Hindi: https://youtu.be/Tz5g8UE_4NA
- Malayalam: <https://youtu.be/RnO9I0k0m8o>
- Tamil: <https://youtu.be/KyYOb6PO3Ic>