

## Home Office Monitoring Requirements - Guidance for Tier 2 and Tier 5 Key Contacts

### General Overview

- The University is required to ensure all those undertaking paid work with us have eligibility to work within the UK. This requirement applies regardless of whether the individual is an employee, worker or is paid via the undertaken duties or student payments system.
- The University holds a licence to sponsor employees under the Tier 2 and Tier 5 categories of the Points Based System of Immigration (PBS). We also engage student workers under Tier 4.
- Under Tier 2, individual migrant workers are sponsored by the University to work in a specific post of a medium to high skill nature. In most cases it will be necessary to satisfy the 'Resident Labour Market Test' before appointing a migrant worker to the position. This will ordinarily include public advertising for a period of no less than 28 calendar days.
- Under Tier 5 (Government Authorised Exchange), individual migrants are sponsored by the University as a 'Sponsored Researcher' for a period of up to 24 months to share knowledge, experiences and best practice and to experience the social and cultural life in the UK. The role the migrant undertakes must be supernumary, i.e. it cannot be a role that the University would otherwise fill.

### Monitoring Requirements for Tier 2 and Tier 5

The University is required to monitor staff attendance on an ongoing basis and report to the Home Office any sponsored members of staff who fail to commence employment, fail to attend work, resign or have their contract terminated early. It is important that HR are contacted immediately in these circumstances as this will allow the University to comply with its duty to report to the Home Office.

Departments / Schools are required to ensure that they have appropriate arrangements in place to fulfill these monitoring requirements for individuals sponsored through tier 2 and tier 5 and for ensuring that each sponsored individual has a designated key contact.

### What are the Key Contact's Monitoring Responsibilities?

- To monitor the attendance of your sponsored member of staff, on an ongoing basis and ensure that accurate records are kept to evidence that the attendance of your sponsored member of staff is monitored. Examples are provided at the end of this document.
- To immediately advise HR if a new member of staff sponsored under Tier 2 or Tier 5 does not commence work as expected. HR then must report this to the Home Office within 10 days of the previously agreed start date.
- To immediately advise HR if an existing sponsored member of staff is absent without permission. This will allow the University to advise the Home Office accordingly, within the 10 days following the 10<sup>th</sup> day of absence.
- To ensure that your sponsored member of staff is advised of the local reporting arrangements for absence, and made aware that adherence to these procedures is part of the requirements for their visa.
- To encourage the sponsored member of staff to maintain an accurate and up-to-date electronic diary, showing their whereabouts during the working day/week.

- To advise HR, in a timely manner, of any changes or proposed changes to a sponsored member of staff's circumstances e.g:
  - a change in job duties/responsibilities;
  - a proposed change in salary level;
  - a period of family leave (maternity, paternity, shared parental or adoption leave);
  - a change in work location;
  - a proposed early termination of contract;
  - resignation.
- To ensure that your sponsored member of staff is encouraged to and is given adequate time to comply with the University's annual checks of their immigration documents (Note: the international staff drop-in clinic is currently held in HR on Thursdays, 10-11am).
- To ensure that your sponsored member of staff understands and complies with the requirement to keep their contact details up-to-date on Pegasus.
- Where required to make and record efforts made to contact the sponsored member of staff and establish their whereabouts, if they do not attend work as expected.

As a key contact you should be familiar with the monitoring responsibilities outlined in this briefing note. Please ask your Head of Department / School and/or HR contact if you have any questions regarding this.

If you are not able to carry out your monitoring role, as you are absent from the campus, alternative arrangements should be made for the period of this absence. Where this is for a significant period of time then an alternative key contact should be identified. If you are no longer the key contact for an individual you should notify HR of the new key contacts details by contacting HR team or by emailing [humanresources@strath.ac.uk](mailto:humanresources@strath.ac.uk).

## **Human Resources, February 2017**

### **Local monitoring arrangements**

Local arrangements for monitoring absence should be appropriate to the individual circumstances. Some examples of good practice are provided below.

Current local practices for maintaining monitoring records include:

- Recording daily visual sightings of the sponsored member of staff;
- Maintaining a spreadsheet to record the sponsored member of staff's daily whereabouts (e.g. conference, fieldwork, sickness, annual leave, teaching, etc.);
- Electronic monitoring of each half day activity, which allows unauthorised absence to be more easily monitored and actioned;
- Using local systems to record authorised absence (e.g. holidays), which allows unauthorised absence to be more easily monitored and actioned;
- Recording authorised sickness absence, which allows unauthorised absence to be more easily monitored and actioned;
- Maintaining evidence to demonstrate that the sponsored member of staff is attending the University and working towards the objectives set when accepting the role, including:
  - ADR objectives and evidence of working towards these;
  - Minutes from supervisor meetings;
  - Minutes of attendance at committee meetings;
  - Evidence of fulfilled teaching and tutorial commitments; and
  - Email string of work-related conversations.