



International Recruitment Support Pack

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Introduction

International recruitment is an option that may be used by adult social care services to address workforce challenges, such as skills shortages, high turnover and increasing demand. However, it is not a quick or easy solution, and requires careful planning, preparation, and follow-up to ensure that it is successful and sustainable.

This support pack is for registered managers and owners of adult social care services who are considering or already engaged in international recruitment. It aims to provide information, guidance, and resources on how to conduct international recruitment in a compliant, ethical, and effective way, and how to support and retain the overseas recruits who join their teams.

Legislation is subject to change. It is recommended to refer to the latest government guidelines or seek legal advice as appropriate.

Quick Reference - What to do if you have concerns



Where should I report concerns?

Home Office / UK Visas & Immigration – to raise concerns that an employer / overseas worker is non-compliant with UK immigration rules, call **0300 123 7000** or [report concern online](#)

Modern Slavery & Exploitation helpline – for concerns are about modern slavery or exploitation, call **0800 121 700** or [report concern online](#)

You can also contact your local police or local authority:

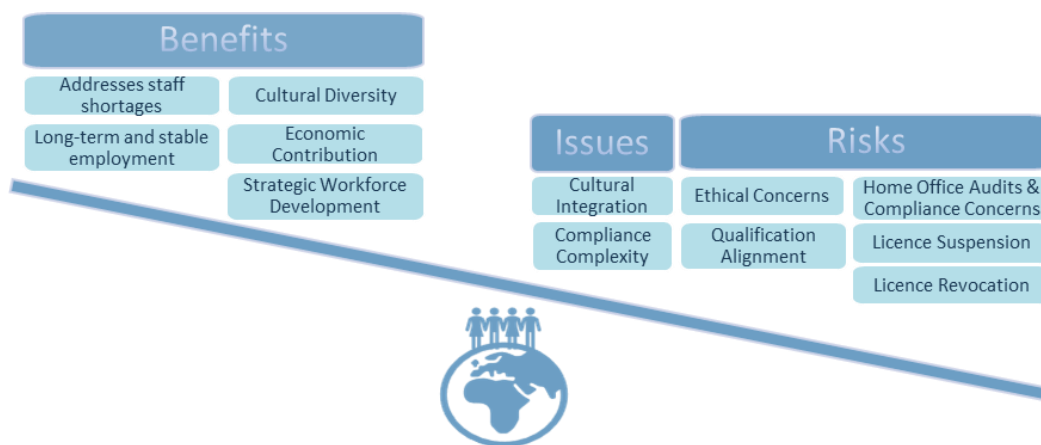
- [West Midlands Police](#) call **101** or [report concern online](#)
- **Staffordshire Adult Safeguarding Team** call:
 - **0345 604 2719** (Mon-Thurs* 9am-5pm, Fri 9am-4.30pm) *Excludes Bank Holidays
 - or outside these hours **0345 604 2886**

Emergency Situations – if there is an immediate threat to life / danger, call **999**

Overview of the risks, issues, and benefits

Before making your decision to use International Recruitment it is important to complete a robust review of the complex requirements and potential risks, issues, and benefits.

"Give me six hours to chop down a tree, and I will spend the first four sharpening the axe."
Abraham Lincoln, 16th President of the United States



Risks

1. **Qualification Alignment:**
 - Candidates' qualifications may not align with UK standards, assessments and additional training will be required
2. **Ethical Concerns:**
 - Employers not adhering to ethical recruitment practices, whether by intention or not, may result in worker exploitation, unfair treatment, and inadequate support
3. **Home Office Audits and Compliance Concerns:**
 - Non-compliance can result in penalties, reputational damage, and potential license suspension or revocation
4. **Impact of License Suspension or Revocation:**
 - Loss of sponsored overseas workers, may be unable to deliver contracted packages of care or to recruit replacement staff, potential business failure
 - Overseas workers (and any associated dependents) if unable to source a new sponsors will be required to leave the UK

Issues

1. Cultural Integration:

- Adapting to new country: work/social cultures, language and communication skills, food/cooking styles, cost of living, transportation and accessing services
- Lack of a support network and missing family / friends / home
- Accommodation can be challenging, both in terms of finding suitable housing and in the financial cost

2. Compliance Complexity:

- Complex employment and immigration regulations, navigation of sponsorship licenses, Certificates of Sponsorship, the Sponsorship Management System (SMS), visa processes, and legal requirements

Benefits

1. Addresses staff shortages:

- Particularly in areas with high demand

2. Cultural Diversity:

- Use of workers from diverse backgrounds and cultural perspectives can enrich the care environment and practices

3. Potential for long-term and stable employment

- Good retention rates and loyal/committed recruits
- Retention of experienced staff will benefit care services and service users

4. Economic Contribution:

- Through taxes and spending, extends beyond the care sector

5. Strategic Workforce Development:

- Supports strategies to improve quality and continuity of care, long-term sustainability, and resilience
- Succession planning, over time the overseas recruits may progress into more senior roles

Skills for Care links

- [Ethical international recruitment: what you need to know](#)
- [Settling international employees into your organisation](#)
- [International recruitment workforce intelligence monthly tracker](#)

International recruitment toolkit for social care

Skills for Care and the Department of Health and Social Care have produced a comprehensive [International Recruitment Toolkit](#) which will support you in planning your approach to overseas recruitment or to review your current practices, processes and compliance. It focuses on care workers and senior care workers and includes some case studies. Requirements for other professions may differ and some guidance is signposted.

The [toolkit](#) is designed to be viewed online with links embedded for easy access to referenced information, guidance, and resources. The toolkit is structured as follows:

Introduction

Getting started

- Process and estimated timescales with embedded guidance regarding:
 - Preparation
 - Sponsorship
 - Recruitment
 - Assigning Certificates of Sponsorship
 - Onboarding
 - Ongoing pastoral support
- Estimating costs
 - Government fees
 - Optional costs
 - Candidate costs
- Building a business case
- Planning

Sponsorship and visa applications

- Sponsorship responsibilities
- Steps to getting a sponsorship licence
 - Checking business eligibility and job suitability
 - Assigning sponsorship management roles
 - Applying for the licence
 - Certificates of Sponsorship (CoS)
 - Compliance

Employing refugee care and health professionals

Recruitment

- Marketing your organisation
- Advertisements
- Using a recruitment agency
- Person specification

- Language assessment
- Interview and selection
- Technology vs face-to-face
- Post selection and pre-employment
- Retention

Ethical Practices

- Researching target countries
- Active recruitment
- Direct applications
- Ethical recruiters list
- Contractual repayment clauses
 - Transparency
 - Proportionate costs
 - Timing
 - Flexibility
- Modern slavery
- Candidate guidance

Induction and beyond

- Designing an induction programme
- Pastoral support
- Professional support
- Engaging existing staff
- Accommodation

Evaluation

Glossary

Helplines

- UK Visas and Immigration sponsorship, employer, and education helpline
 - For any difficulties with applying for a sponsorship licence
- UK Visas and Immigration, Immigration Enforcement Hotline
 - For concerns about the conduct of an employer holding a sponsorship licence
- Department for Business and Trade, Employment Agency Standards
 - For any concerns about the conduct of a recruitment agency, organisation or collaboration based in Great Britain
- Care Quality Commission
 - For concerns about the quality of care provided by an employer
- Gangmasters and Labour Abuse Authority
 - Concerns regarding an employer who may be exploiting the welfare and rights of their staff

Compliance and Home Office audits

"Compliance is the backbone of a successful business."

Richard Branson, British billionaire, entrepreneur, and adventurer

One of the most important and challenging aspects of international recruitment is complying with the immigration rules and policies set by the UK Government, and undergoing the Home Office audits that monitor and enforce compliance.

Sponsorship duties are managed through the Sponsorship Management System (SMS) and there are [12 SMS user manuals available](#). There have been instances of attempted fraud, so you should be vigilant in responding to requests to share details of your SMS account details with third parties.

Compliance requirements

Immigration rules and policies for overseas workers who want to come to the UK, and for employers who want to recruit them, are set by the Government. The main compliance requirements are:

- **Sponsor licence**
 - A sponsor licence is a permission granted by the Home Office to an employer who wants to recruit workers from outside the UK. It allows the employer to issue Certificates of Sponsorship (CoS) to the workers, which are needed for them to apply for visas
 - To obtain a sponsor licence, the employer needs to demonstrate that they have a genuine need to recruit overseas workers, that they have a suitable system to manage the sponsorship, and that they meet the eligibility and suitability criteria set by the Home Office
- **Certificates of Sponsorship (CoS)**
 - A certificate of sponsorship is a unique reference number that links a worker to a specific job offer from a licensed sponsor. It confirms that the worker meets the requirements for the job and the visa, and that the sponsor will take responsibility for them
 - To issue a certificate of sponsorship, the sponsor needs to check that the worker meets the eligibility criteria for the visa, that the job meets the skill and salary thresholds, and that the worker has passed the relevant checks and tests
- **Visas**
 - A visa is a permission granted by the Home Office to a worker who wants to come to the UK for a specific purpose and period of time. It allows the worker to enter and stay in the UK, and to work for the sponsor who issued the certificate of sponsorship

- Care workers and senior care workers are eligible for the Health and Care Worker Visa and are included on the Shortage Occupation List, due to capacity issues in the care sector
 - To apply for a visa, the worker needs to submit an online application form, pay the application fee and the immigration health surcharge, provide biometric information and documents, and attend a visa appointment
 - UKVI are developing a digital system and implementing eVisas during 2024. Workers will share their immigration status with employers through a “share code.” See [their website](#) for more information
 - If a workers’ time limited visa expires you cannot continue to legally employ them unless they can provide their application reference number for their new visa application
 - The worker will need to [update their visa](#) if they change job (occupation code changes) or employer
- Reporting and recording duties
 - The sponsor is required to fulfil reporting and recording duties as part of the sponsorship management system
 - These include reporting any changes or events that affect the sponsor or the worker, such as changes in contact details, job roles, location, salaries, working hours, or employment status, and recording any information or documents that relate to the sponsorship, such as criminal record / DBS checks, Right to Work checks, copies of passports, visas, contracts, payslips, and attendance records
 - As with domestic recruitment pre-employment checks must be completed, including references, criminal record/DBS and Right to Work checks:
 - Gov.uk - [Criminal records checks for overseas applicants](#)
 - Gov.uk - [Right to Work checks](#) are required prior to employment and do not forget follow up checks for those workers with a time limited visa
 - Skills for Care - [Safe and fair recruitment - A guide to carrying out effective pre-employment checks in social care](#)
 - [Sharing Effective References and Conduct Information - A Better Hiring Toolkit](#) (linked within the Skills for Care guide)
- Supplementary Hours
 - A sponsored worker may work up to 20 hours/week elsewhere, provided they continue to meet the CoS requirements of their sponsored job
 - Completion of pre-employment checks is required by the supplementary employer, but they are not required to hold a sponsorship licence
 - There are no circumstances whereby the supplementary hours may exceed 20 hours/week

- If they wish to work more than 20 hours/week for a second employer, the worker must apply to update their visa with a second CoS assigned by that employer, who in this instance must be a licenced sponsor. This is classed as 'secondary employment,' and further information can be found in:
 - [Workers and Temporary Workers: guidance for sponsors Part 2: Sponsor a worker - general information](#) (section 8)
 - [Health & Care Worker visa / Taking on additional work](#)

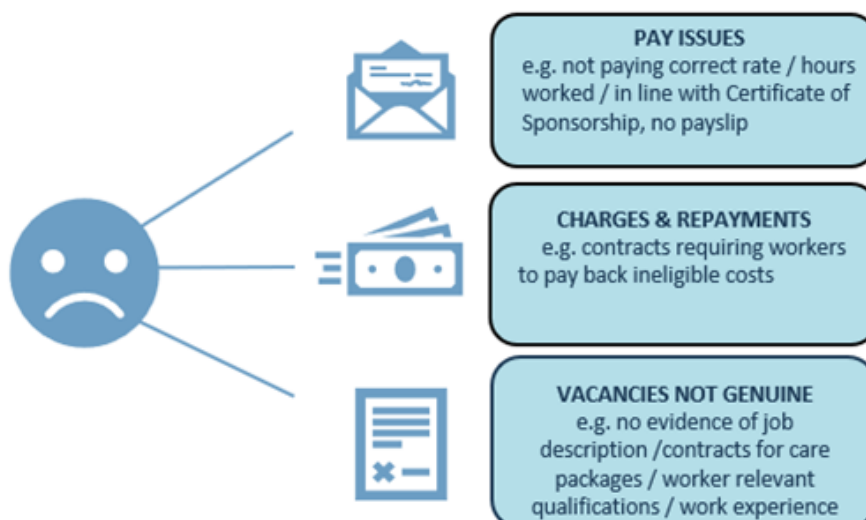
Home Office audits

The Home Office conduct inspections and visits to monitor and enforce compliance of the sponsoring employers and workers with the immigration rules and policies. They may be announced or unannounced, and can take place before, during or after the sponsorship.

The main purposes and outcomes are:

- To check that the sponsor and the worker are genuine and eligible, and that they have provided accurate and truthful information and documents
- To verify that the sponsor and the worker are fulfilling their duties and responsibilities, and that they are following the rules and policies correctly
- To identify and address any issues or problems that may arise during the sponsorship, such as breaches, errors, fraud, abuse, or exploitation
- To take action against sponsors/workers who fail to comply with the rules and policies, such as issuing warnings, fines, suspensions, revocations, or bans

Common compliance issues include:



How to prepare for compliance and Home Office audits

- Keep up to date with the immigration rules and policies and check the [Home Office website](#) and guidance regularly for any changes or updates
- Seek professional advice and support from immigration experts, especially if you are a new sponsor or inexperienced in international recruitment
- Use the tools and resources provided by Skills for Care
- Be open and transparent, provide honest and accurate information and documents, and report and record any changes or events promptly
- Be organised, diligent, and keep a clear and comprehensive record of the sponsorship
- Store and maintain information and documents securely and accessibly and to your organisation's retention schedule. Seek guidance from your Data Protection Officer on the retention periods for documentation and data protection requirements (Note: Under the [Limitation Act 1980 Section 5](#) there is a 6 year timescale in which action can be brought in the case of a simple contract)
- Be proactive and cooperative. Engage with the Home Office auditors, respond to their requests and queries, and implement their recommendations and actions

"Compliance is the key to avoiding costly penalties and fines."

Peter Drucker, management consultant, educator, and author

Home Office audit outcomes

- Audit report with an assigned rating:
 - No issues/concerns of note - rating maintained as A
 - Issues/concerns identified - written warning (closer monitoring) / rating downgraded to B (not able to recruit) / licence suspended. You can take the following actions:
 - Pay the required fee and accept the action plan provided by UKVI
 - Improvement will be required within 3 months
 - If given another B rating, you will have to follow a second action plan and pay another fee
 - Do nothing / fail to pay the fee / fail to upgrade to A for the second action plan - licence will be revoked
- Suspension of licence
 - Letter issued by email, make sure to check your junk email folder
 - 20 working days to appeal, in writing and with supporting evidence
 - Final decision within 20 working days
- Licence revoked - Sponsor impact
 - No longer able to sponsor international workers

- Ineligible to reapply within 12 months
- Implement your business contingency plan, to ensure that you can continue to fulfil contracted packages of care
 - Skills for Care
 - [Guide to safe staffing](#)
 - The Care Provider Alliance
 - [Business continuity planning](#)
- Support your displaced workers

- Licence revoked - Worker impact
 - CoS remains valid until receipt of written notification to the individual worker. Make sure the worker(s) checks their junk email folder
 - Then 60 days to find another sponsor (unless at time of revocation they had less than 60 days permission to remain on their visa), or regularise their stay via another eligible route, after which their visa is withdrawn, and they will be required to leave the UK

“Remember that even if you haven't been audited in the past, it doesn't mean you won't be in the future. And it only takes one audit to ruin your day.”

Kathy Burlison, American tax professional

Pastoral Care and Training Support

International recruits need appropriate pastoral care and training to support them to settle into their new life, to induct them into their new role and beyond their initial induction period. There are various resources available providing information and guidance, including:

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

Courses/resources available to help improve English-speaking and comprehension skills:

- [Staffordshire Community Learning Service](#) - is a service for Staffordshire adults aged 19 and above, to improve skills in areas such as English. Note if current courses are full, go into the course details and scroll down for details of how to be placed on a waiting list or to speak direct to the provider of this course to discuss enrolment / related courses
- [Staffordshire Connects](#) deliver English for Speakers of Other Languages (ESOL) courses in Burton-upon-Trent, Lichfield, Tamworth, and Stafford
- The [Open University Open Learn](#) offers some English Language courses.
- Local colleges:
 - With existing ESOL courses
 - [Newcastle & Stafford Colleges Group](#)
 - [South Staffordshire College](#)
 - [Burton & South Derbyshire College](#)
 - Others
 - [Buxton & Leek College](#)
 - [Staffordshire University](#)
 - [Keele University](#)
 - [University of Wolverhampton](#)
- [Duolingo](#) and similar apps might also be useful

Consideration should be given to additional training / support, such as:

- An extended induction programme
- A buddy/mentor programme, extending beyond induction
- Cultural awareness training
 - Recruits - Understanding British culture and traditions
 - Existing staff team - Understanding the recruit's culture and traditions
- Standard (or bespoke) ESOL training
- Written and verbal communication training
- Understanding Social Care

- Food preparation and cookery courses
- Digital literacy
- Numeracy skills
- [Pass Plus](#) (Reference: Driving on British roads)

Many* international recruits are not eligible for public funded training/further education, and this will restrict their access to qualifications commonly available to domestic staff. This should be considered prior to their recruitment.

*the exception being those granted “home status” by [Student Finance England](#).

Sources of guidance and resources

National

- **UK Government (Home Office, UK Visas and Immigration)**
Sets the immigration rules and policies for overseas workers who want to come to the UK, and issues visas and sponsor licences to employers who want to recruit them. Relevant guidance includes:
 - Visas and immigration / [Work in the UK](#)
 - Foreign nationals working in the UK / [Recruiting people from outside the UK](#)
 - Employ someone: step by step / [Checking a job applicant's right to work](#)
 - Crime, justice and law / [Criminal records checks for overseas applicants](#)
 - Crime, justice and law / [Modern slavery: how to identify and support victims](#)
 - Reporting crimes / [Report an immigration or border crime](#)

- **Skills for Care**
Sector skills agency for adult social care in England. Relevant guidance includes:
 - [International recruitment resources](#)
 - [International recruitment toolkit for social care](#)
 - [Modern Slavery](#)
 - [Safe and fair recruitment - A guide to carrying out effective pre-employment checks in social care](#)

- **Gangmasters and Labour Abuse Authority (GLAA)**
Protect vulnerable and exploited workers, investigate all aspects of labour exploitation in England & Wales. Concerns can be reported by phone (0800 432 0804) or [online](#). Relevant guidance includes:
 - [Video: GLAA Spot the signs of modern slavery](#)
 - [Workers' Rights Leaflets](#), available in 21 languages. These set out workers' legal rights regarding: National Minimum Wage ([NMW](#) enforced by HMRC) , itemised payslips, hours of work, annual leave, deductions of wages, sick pay, Health & Safety, and Terms and Conditions of employment

- **Salvation Army**
Specialist support, 24/7 Modern Slavery referral helpline (0300 3038151) and [website](#) for anyone who suspects that they, or someone they have come across, might be a victim of modern slavery in need of help

- **Unseen**
The [Modern Slavery & Exploitation website and helpline](#) (0800 121 700), and their "Unseen UK" App provides information, advice and guidance about modern slavery issues to potential victims & survivors, the public; statutory agencies such as the NHS and police, and businesses. Call the helpline or [report concerns online](#).

- **Care Quality Commission**
CQC does not have authority to investigate concerns relating to modern slavery and unethical international recruitment practices directly
 - [CQC regulatory policy position on modern slavery and unethical international recruitment](#) and their [associated blog](#)
 - The new [assessment framework](#) enables CQC to routinely assess how a provider is managing the risks of modern slavery and ensuring the wellbeing of internationally recruited staff
- **[My UK Life](#)**
A free AI platform application/website, supported by the Directors of Adult Social Services West Midlands, providing access to information, resources, and support for:
 - [international recruits](#)
 - [employers](#) (Note: Staffordshire currently falls under "Region: Other")
- **Local Government Association**
Represents councils and local authorities in England and Wales and supports them in developing and implementing workforce strategies, including international recruitment.
 - [Overseas recruitment bite-size guide](#) for social care providers in England (produced by the Local Government Association and the Association of Directors of Adult Social Care, with the South East Social Care Alliance)

Regional

- **West Midlands Social Care International Recruitment Hub**
Provides information, advice, and guidance on international recruitment to the adult social care sector. Including webinars, HR & Legal advice, information for sponsored workers and resource links.
 - Webinars to date have included:
 - Overview of IR
 - Sponsorship Management Focus (covering the SMS & right to work)
 - Overseas Recruitment: Compliance focus
 - Managing and retaining overseas staff
 - Managing Unconscious Bias in IR
 - Details of upcoming webinars are published on their [website](#) and recordings of webinars are available on request, to West Midlands based providers, by contacting internationalrecruitment@wmemployers.org.uk
 - Useful linked resources include:
 - WM IR Hub brochure - [Modern Day Slavery: Ensuring Compliance with Overseas workers. Employment rights and Safety](#)
 - National Care Forum's [Pastoral Care Guide for International Recruitment in Social Care](#)

- **Proud to Care West Midlands**
 - West Midlands Care Association is working with WM ADASS and other agencies across the region in the delivery of various initiatives that support International Recruitment. Their webpage hosts a [Displaced Individuals Register](#) with details of the number of displaced individuals, who are looking for new employment in the adult social care sector, within an area
 - If you are a care provider with a valid sponsorship license who is looking to recruit, they can pass your details onto the relevant local authority
- **West Midlands Police**
 - [Modern Slavery webpage](#) providing information and advice about modern slavery and human trafficking, and how to report it to them by phone on 101, or through their [online crime reporting service](#)

Local

- **Staffordshire County Council**
 - **Care Market Development Team**
In early 2024, CMDT ran a series of 3 webinars regarding International Recruitment and its challenges:
 - Webinar 1: An Overview of the Process in ASC (including recent changes)
 - Webinar 2: Compliance - How to meet Sponsor Licence Duties & Satisfy Home Office Audit Requirements (Compliance, Sourcing, Training, Pastoral Care etc)
 - Webinar 3: Best Practice in ASC and Key Issues (including delays and issues in obtaining certificates of sponsorship)
 - Resources and recordings from these webinars are now available to Staffordshire Adult Social Care providers and providers commissioned by SCC through [MiDoS For Care](#), our online information hub
 - **Adult Safeguarding Team**
 - To report concerns please call
 - 0345 604 2719
Monday - Thursday* 9:00am - 5pm,
Friday: 9:00am - 4:30pm
*Excludes Bank Holidays
 - 0345 604 2886 (Out of Hours)
 - For further guidance on reporting abuse of an adult please see the [Staffordshire and Stoke on Trent Partnership Adult Safeguarding Board](#) website

- [Staffordshire Care Association \(sarcp\)](#)
A member care association representing and supporting adult social care services in Stoke and Staffordshire.
 - Two resource packs detailing local information and resource links, for International Recruits and Employers of International Recruits, will be published in July 2024.

Legal Frameworks

Code of Practice

The UK [Code of Practice for International Recruitment](#), published by the Department of Health and Social Care, is the set of guidelines and principles that health and social care employers and recruitment agencies in the UK must follow to ensure ethical international recruitment.

Key Legislation in the UK includes:

Immigration Specific

- [Immigration Act 1971](#): This is the primary legislation controlling immigration to the UK, including the rules around the entry and stay of non-EEA nationals.
- [Immigration and Asylum Act 1999](#): This act includes provisions for the management of the asylum process and the enforcement of immigration controls.
- [Immigration, Asylum and Nationality Act 2006](#)
- [Immigration Act 2016](#): Introduces measures to tackle illegal working and incentivize compliance with immigration laws by employers.

Care Sector Specific

- [Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014 \(CQC guidance to regulations for service providers and managers\)](#)
 - Relevant Regulations
 - 7 Requirements relating to workers
 - 17 Good governance
 - 18 Staffing
 - 19 Fit and proper persons employed
 - 20 Duty of candour

General Employment

- [Employment Rights Act 1996](#): Provides a range of employment rights to workers, such as the right to a written statement of employment particulars and protection against unfair dismissal.
- [National Minimum Wage Act 1998](#): Ensures that all workers, including migrant workers, are paid at least the national minimum wage.
- [Equality Act 2010](#): Protects individuals from discrimination in the workplace and wider society, including discrimination based on race, which can apply to migrant workers.

- [Modern Slavery Act 2015](#): Addresses issues of forced labour and human trafficking, ensuring that migrant workers are not subject to exploitation.
- [EU Settlement Scheme](#): Under this scheme, EU, EEA, and Swiss citizens, and their family members, can apply to continue living in the UK after 30 June 2021.
- [Skilled Worker Visa Regulations](#): Govern the process for employers to sponsor non-UK residents to work in specific skilled roles.

Once employed your sponsored workers will be entitled to the same employment rights as non-sponsored / domestically recruited staff.

Legislation is subject to change. It is recommended to refer to the latest government guidelines or seek legal advice as appropriate.

Summary

International recruitment, if done well, can be a valuable source of staff. However, it has significant risks and so should be approached with caution and robust preparation and governance.

“Before anything else, preparation is the key to success”

Alexander Graham Bell - Inventor, scientist, and engineer

This support pack has reviewed the tools and resources available to care providers. Information has been considered and presented in the following areas:

- Quick Reference - What to do if you have concerns
- Overview of the risks, issues, and benefits
- International recruitment toolkit for social care
- Compliance and Home Office audits
- Pastoral care and training support
- Sources of guidance and resources
 - National
 - Regional
 - Local
- Legal frameworks

“Success occurs when opportunity meets preparation”

Zig Ziglar, American author and motivational speaker

Feedback

We would welcome your feedback on this support pack and suggestions for any additional content. To access the feedback form you can either scan the QR code below or access the form [directly](#).



Thank you.

For further information,
please contact
cmdt@staffordshire.gov.uk