

Home > Applying for health and social care jobs in the UK from abroad

Department of Health & Social Care

Guidance Applying for health and social care jobs in the UK from abroad

Published 15 December 2022

Contents

Introduction to the health and social care system International recruitment, agencies and how to avoid scams Employment offers and contracts Finances and the cost of living in the UK Immigration and regulatory processes Pastoral support, induction and beyond What to do if you think you are being exploited Annex A: contract checklist including guidance on repayment clauses Annex B: 4 principles around repayment clauses Annex C: list of professional regulatory bodies Annex D: list of diaspora associations and support organisations



© Crown copyright 2022

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at https://www.gov.uk/government/publications/applying-for-health-and-social-care-jobs-in-the-uk-from-abroad/applying-for-health-abroad-social-care-jobs-in-the-uk-from-abroad-social-care-jobs-in-the-uk-from-abroad-social-care-jobs-in-the-uk-from-abroad

This guidance is for people from overseas who may want to work in health and social care in the UK. We want to make sure you understand the process of recruitment, are well informed about working rights and standards and have the information you need to make decisions. We also know there are some people and organisations who may try to take advantage of you during the recruitment process and this guidance provides advice on how to make sure you avoid any pitfalls.

The <u>code of practice for the international recruitment of health and social care</u> <u>personnel (https://www.gov.uk/government/publications/code-of-practice-for-the-</u> <u>international-recruitment-of-health-and-social-care-personnel</u>) (code of practice) sets out our approach to ensuring that international recruitment of health and social care staff is done ethically.

We welcome all health and social care professionals trained overseas who come to work in the health and social care sector in the UK.

Introduction to the health and social care system

Healthcare in the UK is mainly provided by the National Health Service (NHS), a group of public bodies that provide or arrange healthcare for all permanent residents in the UK (England, Scotland, Wales, and Northern Ireland). Most services provided by the NHS are free. The NHS is the largest provider of healthcare provision in the UK. Private healthcare and a wide variety of alternative and complementary treatments are also available and must be paid for.

The UK's social care system is made up of organisations that provide personal care or support to children and adults in need or at risk. This includes care funded privately by individuals and social care funded by local authorities. Most social care services are delivered by for-profit independent sector home and residential care providers.

There are many varied jobs in the health and social care sector. Many roles require specific training and skills and in order to practice professionals must join the relevant UK professional registers. These include doctors, nurses, dentists, midwives, and allied health professional roles such as physiotherapists, paramedics or radiographers.

Some roles do not require a registration with a professional regulatory body. These include senior care workers, care workers, support officers and residential managers.

International recruitment, agencies and how to avoid scams

Key messages

Check a recruitment agency is on this <u>ethical recruiters list</u> (<u>https://www.nhsemployers.org/articles/ethical-recruiters-list</u>). Agencies on this list have signed up to act in line with the <u>code of practice.</u> (<u>https://www.gov.uk/government/publications/code-of-practice-for-the-international-</u> recruitment-of-health-and-social-care-personnel)

Do not pay any money to agencies to find work in the UK – this is illegal under UK law.

Be aware of different scams and job offers that sound too good to be true. Examples of potential scams, the warning signs, and what to check are provided in the sections 'Scams to look out for' and 'How to check if your job is real', below.

Support and advice are available throughout the recruitment process and after you've started your job. Have a look through the section 'Organisations to support you through the recruitment process and during your employment' to work out which organisation is right for you.

Why the UK is recruiting health and social care professionals internationally

Internationally trained staff have long been part of the UK health and social care workforce and they continue to play a vital role. While we're working hard to increase the number of UK trained health and social care staff, ethical international recruitment remains a key part of our plan to help grow our health and social care workforces.

How the UK recruits international health and social care personnel

There are 2 main ways international health and social care personnel are recruited to the UK:

- directly by an employer the employer will advertise on job boards and manage the recruitment process directly
- via a recruitment agency or recruitment organisation the employing organisation will contract with another organisation to identify, select, and facilitate the recruitment process

Countries which the UK does not actively recruit from

The code of practice grades countries red, amber or green depending on whether active international recruitment is permitted or not. Active international recruitment is when an organisation promotes employment offers to individuals in a country with the aim of recruiting them to a health or social care role in the UK.

The rules for red, amber and green countries are as follows:

- red list countries active recruitment is not permitted from these countries
- amber list countries active recruitment is permitted where a government-togovernment agreement has been put in place to allow international recruitment based on the terms of the agreement
- green countries active recruitment is permitted

The red country list is drawn from the <u>World Health Organization Health</u> <u>Workforce Support and Safeguards List 2020</u> (<u>https://www.who.int/publications/m/item/health-workforce-support-and-safeguards-list</u>), which lists 47 countries that have the most pressing health workforce needs.

<u>Find out which countries are on the red list and amber list</u> (<u>https://www.gov.uk/government/publications/code-of-practice-for-the-international-</u> <u>recruitment-of-health-and-social-care-personnel</u>)</u> (the lists are in Annex A of the code of practice).

UK health or care employers and recruitment agencies must not actively recruit from red list countries, or from amber list countries outside of the government-togovernment agreement. However, the code of practice and WHO guidance is mindful of an individual's right to migrate. Individuals in red and amber list countries can make direct applications for live, advertised vacancies in the UK if they do so of their own accord without the help of a third party such as a recruitment agency.

If an agency or recruiting organisation is offering services to candidates from red list countries for finding employment in the UK, they're not acting in accordance with the code of practice. If you're resident in a red list country and are approached with such offers you should reject them. You can report any such organisation to NHS Employers (by email to

internationalrecruitment@nhsconfed.org), who can investigate.

Choosing a recruitment agency

NHS Employers hold an ethical recruiters list

(https://www.nhsemployers.org/articles/ethical-recruiters-list) of recruiting organisations in the UK and overseas that agree to act in accordance with the code of practice. You can use the list to find agencies you might want to work with, or check if the agency you're already talking to is signed up to the code. If they are not, you should consider changing to an agency that is on the list.

Agency fees

Agency fees of both UK based agencies and those based overseas are usually paid by the UK employer. It's illegal for UK based agencies to charge you as a candidate directly for recruitment fees for their services. This might be referred to as 'job finding fee', 'job services fee' or 'application processing fee'. You should avoid any agency charging such fees.

Overseas agencies may charge you a fee if the law in the country they're recruiting from allows it. If you want to avoid a situation where you may be charged a fee, you should choose an agency on the <u>ethical recruiters list</u> (<u>https://www.nhsemployers.org/articles/ethical-recruiters-list</u>).

UK and overseas agencies are allowed to charge for services that do not involve finding you a job, for example fees to book your flight tickets and accommodation or to help you with your visa application, or to buy uniform or undertake additional training. However, before you agree to any fees, the agency must make it clear to you what the charge is and what it's for, including your right to cancel or withdraw from the services and the notice you must give. It must not be conditional (for example, if you don't pay it, they won't find you a job). If a payment is required for a non work-finding service, always use a method of payment which can be tracked, for example through a bank, and make sure you get a receipt for any money paid.

If a non-UK agency is not based in your home country, they may not operate within your home country laws and regulations.

Scams to look out for

You'll need to undertake immigration and, where relevant, professional regulation processes through the recruitment journey. Make sure you understand the process, timing, costs and what you should and should not be charged for (see Annex B, below) so you can determine if what you're being asked to pay is fair.

Be aware of the following scams:

- fees scam you pay a high fee to get a health and social care job in the UK
- contract scam the contract you sign has an excessive and unreasonable repayment clause in it, which is money you need to pay back if you leave your job within a certain time
- job scam when you turn up to work in the UK, the job is not the same as what was promised, for example, the working conditions are poor with long working hours for not much money
- visa scam you're encouraged to get a full-time health or social care job in the UK on a student visa (where working hours are limited to 20 hours a week) to bypass the rigorous checks needed to work legally in the UK
- visa scam you're contacted by someone pretending to be from the UK Visa and Immigration office, insisting you have not paid your full visa costs and you

need to pay money or your visa will be cancelled (no official organisation will ring or email you asking for money or for your bank details)

- fraudulent document scam a company offers to get you 100% pass rate on your language exam, change your score or provide you with a fake qualification certificate in exchange for a fee. Do not do it - you may lose your money or be found out
- identity scam you submit private information like age, birth date or bank account numbers to an agency or employer and this is used to commit identity thefts

You should be wary about any of these things when seeking work in the UK - they could be signs of a scam:

- · agencies or employers contacting you out of the blue
- being asked to pay recruitment fees (these might be referred to as 'job finding fee', 'job services fee' or 'application processing fee') – you should avoid any agency charging such fees
- the job offer seem too good to be true (for example you've been recognised as a top performer in your field, or you've been offered a position with no experience needed, immediate openings, high-income opportunities)
- the information provided about the job is vague and unclear
- you're asked to pay fees in cash rather than a tracked method such as bank transfer
- you're pressured to sign a contract immediately with no time to read and fully understand it
- an agency or employer withholds your travel documents, such as your passport and demands further money while holding your documents
- you're asked to provide personal details such as your date of birth and bank account numbers before you've formally got the job
- you're encouraged to apply for a full-time role in the UK on a student visa
- you're told it will be easy to bring your dependants to the UK this is not always the case and certain requirements must be met (read 'Bringing family dependants to the UK' below, for more information)
- your employer threatens you with deportation if you raise concerns or questions

How to check if the job is real

Check if recruiters or companies are linked to any scams before you respond to an advert or email. Search for the company name and website online and on social media.

Ask for a job description or role profile and call or email the employer directly to confirm you've received them and check they're accurate and current.

If you're applying for a job with an independent provider (that is, not publicly funded like the NHS), check that the company is real by confirming it's registered on the <u>Companies House website</u>

(<u>https://www.gov.uk/government/organisations/companies-house</u>). If it's not registered do not take the job.

Check what typical salaries are in the UK for the job you're going to be doing. Check the job offer includes a reasonable salary for the skills and experience you're providing.

To get a working visa you need to be sponsored by an employing organisation with a licence to hire overseas employees. Check if your employing organisation has the right licence through the <u>register of licensed sponsors</u> (<u>https://www.gov.uk/government/publications/register-of-licensed-sponsors-workers</u>).

Check and scrutinise the employer's website. Some scammers can go as far as creating their own fake websites. You could check the following things:

- whether the organisation has their Companies House registration number profile included on their website. If not, their registration can be confirmed on the <u>Companies House website</u> (https://www.gov.uk/government/organisations/companies-house)
- whether the company has a physical location by looking for the address on the website ideally you should find a physical postal address listed
- whether the company has a landline telephone number (it will start with 01 or 02 – replace the 0 with +44 to call from overseas) – call it and see who answers
- whether they have a business email address, for example, for councils it will be <u>name@organisation.gov.uk</u>, for the NHS it will be <u>name@organisation.nhs.net</u> or <u>name@organisation.nhs.uk</u>
- whether the website is clear and detailed about the work the company does, or whether it's vague about this and focusses more on visa opportunities

These details may be found on the main website, the 'contact us' section or the 'terms and conditions' page. If a company doesn't have these, it doesn't mean the company is a scam, but can be a sign that you should do some more checks.

Organisations to support you through the recruitment process and during your employment

Consider joining a UK based health or social care professional trade union or professional association early in your employment. Trade unions and professional associations can support you in lots of ways, including employment and immigration advice, providing access to legal services and other professional services. If a problem arises, they can get you the right support and representation. You'll need to pay a membership fee - how much this is will depend on which one you join. Some trade unions offer a discounted membership fee for international members. Click on the links below to find out more about the following trade unions and professional associations:

- British Medical Association International doctors (https://www.bma.org.uk/adviceand-support/international-doctors)
- British Association of Social Workers (https://www.basw.co.uk/swu)
- <u>GMB Union (https://www.gmb.org.uk/)</u>
- <u>Royal College of Nursing (RCN) (https://www.rcn.org.uk/membership/nurse-join?</u> <u>utm_source=bing&utm_medium=cpc&utm_campaign=Membership%3A%20Nurse%20Me</u> <u>mbership&utm_term=union%20for%20nurses&utm_content=Nursing%20Union)</u>
- Royal College of Midwives (https://www.rcm.org.uk/about-us/)
- <u>The Chartered Society of Physiotherapy (https://www.csp.org.uk/)</u>
- <u>Unite the Union (https://www.unitetheunion.org/what-we-do/unite-in-your-sector/health-sector/)</u>
- UNISON (https://www.unison.org.uk/)

To work in professional regulated roles, such as a doctor, nurse, dentist or social worker in the UK, you must join the relevant UK professional register. The professional regulatory bodies provide advice and guidance on what you need to do at each stage of the regulatory process. They will also investigate any concerns about your fitness to practice. Contact details for the UK professional regulatory bodies are provided below in Annex C.

Diaspora groups or associations are communities or networks of international health or care workers of the same nationality or culture. They can link you up with other international recruits from your home country and support you with your continuing professional development (learning activities to develop and enhance your skills). You'll find information on nursing and medical diaspora associations and support organisations and charities in Annex D, below.

Employment offers and contracts

Key messages

Make sure you get a job offer letter from your employer which details the salary, hours, location and any repayment clauses before accepting a job and travelling to the UK.

Use the employment contract checklist in Annex A to check your employment contract has all the information you need.

Check the cost of any repayment clause in your contract. This is the amount of money you'll have to pay back to your employer if you leave the job within a certain time. Read Annex B on what to check for when considering a repayment clause. Do not allow anyone to pressure you into signing a contract until you're comfortable with what is included. If you've signed a contract, do not then sign a different contract which leaves you worse off.

Generally, you cannot work more than 48 hours a week unless you agree to do so. Agreeing to work more than 48 hours a week is called 'opting out'. You cannot be sacked or treated differently if you do not agree to opt out. You can change your mind about opting out even if it's in your employment contract.

Things you should check

Employment contracts will vary by employer. However, all employers should:

- give you an employment offer letter before you accept the role this sets out details of your employment but is not the formal employment contract
- give you a <u>'written statement of employment particulars'</u> <u>(https://www.gov.uk/employment-contracts-and-conditions/written-statement-of-employment-particulars)</u> on your first day of employment
- give you an employment contract within 2 months of starting your employment

You should always read the job offer letter fully and make sure you understand it before accepting the role. You should do this before you travel to the UK. Check it carefully to make sure that you understand what you need to do and what your employer needs to do.

If you're unsure of anything or have concerns, you should write them down in a letter or email and ask for written clarification. You can refer back to this if there are any problems.

You should not sign a contract that has blank spaces where there should be writing, as this could be filled in afterwards with things you did not agree to.

You should pay particular attention to any repayment clauses included in your contract. This is the amount of money you'll have to pay back to your employer if you leave the job within a certain time. Do not agree to a repayment clause that asks you to pay back fees that should be paid by your employer. Read Annex B, below, for more detail on repayment clauses.

Check that your job offer includes:

- the job title (there is no requirement at this stage to provide details of the role, but you can ask the employer for a copy of the job description)
- your salary
- hours of work (see below)
- place of work
- the start date and length of contract
- any repayments clauses (see Annex B)

Your employment contract is usually provided on the first day of your employment, but not always. Your employer must give you an employment contract within 2 months of your start date. A full contract checklist is provided in Annex A, below.

Changes to your contract

Employers cannot change your offer without checking with you. You should not be asked to sign a contract with different terms to your job offer letter. This is called contract substitution and without your permission and agreement it is not legal.

You should never be pressured into signing different terms from those provided in your job offer letter. If you're asked to do so, you can refuse. You can get advice from a trade union if you've joined one. Your local Citizens Advice can give advice by email - you can contact them on the <u>Citizens Advice website</u> (https://www.citizensadvice.org.uk/about-us/contact-us/contact-us/contact-us/). It's a good idea to keep copies of employment documents safe.

Working hours

You cannot work more than 48 hours a week on average. This law is sometimes called the 'working time directive' or 'working time regulations' (https://www.gov.uk/maximum-weekly-working-hours/weekly-maximum-working-hours-and-opting-out). Your employer can ask you to work more than 48 hours a week on average, and if you agree, this is called 'opting out'. You cannot be sacked or treated differently for refusing to do so, and you can change your mind even if it's in your employment contract.

Even if you opt out of the maximum 48 hour working week you have the right to take rest breaks from work. You might not be paid for your rest breaks - check your employment contract to find out. If you work more than 6 hours a day, you have the right to at least 20 minutes of uninterrupted break. Between working days, you have the right to 11 hours of rest. For example, if you finish work at 8pm, you should not start work again until 7am the next day. You also have the right to either an uninterrupted 24 hours without any work each week, or an uninterrupted 48 hours without any work each fortnight.

<u>Read more about the rules on rest breaks at work (https://www.gov.uk/rest-breaks-work)</u>.

Taking on additional work

On a Health and Care Worker visa you can work up to an additional 20 hours a week with a second employer at a different location as long as the second job is in the same occupational code and at the same level as your main job or in a shortage occupation.

Find out more about taking on additional work under a Health and Care Worker visa (https://www.gov.uk/health-care-worker-visa/taking-a-second-job).

Know your worker legal rights

The Gangmasters and Labour Abuse Agency information leaflet sets out your <u>legal rights as a worker (https://www.gla.gov.uk/i-am-a/i-am-a-worker/workers-rights-english/)</u> and what you can expect from your employer. It's available in <u>19</u> <u>different languages (https://www.gla.gov.uk/i-am-a/i-am-a-worker/workers-rights-leaflets/)</u>.

Finances and the cost of living in the UK

Key messages

Check what typical salaries are in the UK for the job you're going to be doing. Check the job offer includes a reasonable salary for the skills and experience you're providing.

Compare your take home salary with the average living costs for the area you will be living in. Look at the list of typical cost of living expenses set out below in 'How salaries compare with the cost of living'.

Be clear on what costs you'll need to pay during the recruitment process and whether your employer will meet any of these on your behalf. Typical expenses are outlined in Annex B, below. Check what you should and should not be charged for to understand if what you're being asked to pay is fair.

Be aware that on most visas, including on a Health and Care Worker visa, you are not entitled to financial help from the UK government (this is also called 'no access to public funds').

If you're pregnant during the process of moving to the UK to work in the health or care sector, you're unlikely to qualify for maternity leave or maternity pay.

Your expected salary

If you work for the NHS, you'll be paid in line with nationally agreed <u>pay bands</u> (<u>https://nursingnotes.co.uk/agenda-for-change-nhs-pay-bands/</u>). Staff without previous NHS employment can usually expect to receive the minimum threshold of pay band for their role. National pay scales for medical and dental NHS staff is different and a helpful summary is provided for <u>doctors</u>

(https://www.healthcareers.nhs.uk/explore-roles/doctors/pay-doctors/pay-doctors) and dentists (https://www.healthcareers.nhs.uk/explore-roles/dental-team/roles-dental-

<u>team/dentist/pay-dentists</u>) on the NHS careers website. More information on doctors' pay is available on the <u>British Medical Association website</u> (<u>https://www.bma.org.uk/pay-and-contracts/pay</u>).

Non-NHS jobs, for example in the private health sector or social care sectors, are not required to adhere to these pay scales. However, all employers are bound by <u>minimum wage (https://www.gov.uk/national-minimum-wage)</u> law.

If you're on a Health and Care Worker Visa, your visa requires you to be paid <u>at</u> <u>least £20,480 (https://www.gov.uk/health-care-worker-visa/your-job)</u> per year, or £10.10 per hour (based on a 39 hour week) or the going rate for the job if it's higher. Skills for Care Workforce Intelligence publishes information on <u>average</u> <u>wages in the social care sector (https://www.skillsforcare.org.uk/Adult-Social-Care-Workforce-Data/Workforce-intelligence/publications/Topics/Pay-rates.aspx)</u> in England on their website.

Some non-NHS employers do provide NHS services. These employers are not required to use national pay scales, but it's best practice to offer a similar salary to what you would get working in the NHS.

How salaries compare with the cost of living

The cost of living in the UK varies. Your salary may seem high, but things cost more in the UK compared to many other countries. It's important to consider the costs in different locations, the size of your family and the lifestyle you choose to lead. Factor these issues in when working out how far your salary will go. There are tools available online to give you an idea of the estimated cost of living in different cities in the UK.

Your employer can help by providing typical costs for the local area. You should compare this with your monthly or annual earnings. You could create a personal budget, so you know your income and expenses. Be sure to consider typical expenses including:

- rent, which will vary depending on where you live and the availability of local accommodation
- council tax, which depends on the size of your property and its location
- utility bills: water, gas and electricity are usually additional to rent UK energy bills have significantly increased recently
- mobile phone and broadband
- <u>television licence fee (https://www.gov.uk/tv-licence)</u> you'll need to pay a yearly licence fee to watch television in your home (the cost is per home)
- travel expenses: you may need to use public transport to get to work or activities
- childcare costs: children are entitled to a free place at a state school in the September after they have turned 4 - you'll need to consider childcare costs if your children are too young for school, or your school age children need care before or after school hours

Income tax (https://www.gov.uk/browse/tax/income-tax), national insurance (https://www.gov.uk/national-insurance) and pension contributions (https://www.gov.uk/workplace-pensions/what-you-your-employer-and-the-government-pay) (if you opt into a pension scheme) will be deducted from your salary. You should ask your employer what your approximate 'take home' earnings will be each month. You can estimate how much income tax and national insurance you

<u>should pay (https://www.gov.uk/estimate-income-tax)</u> for the current tax year on GOV.UK.

You may be working in a lower paid job role while you undertake training to get your professional registration. For example, nurses may work as a healthcare assistant while they undertake Objective Structured Clinical Examination (OSCE) training in order to register with the Nursing and Midwifery Council (NMC). They have to sit their first OSCE exam within 12 weeks of arriving in the UK and must pass the OSCE and get their NMC registration pin within 8 months of the start of their Health and Care Worker visa.

The cost of the recruitment process

There are various costs involved at different stages of the recruitment process. Some costs are the responsibility of your employer, and your employer should not ask you to pay these. These include costs related to the employer being your sponsor (such as the certificate of sponsor fee and the immigration skills charge).

Other costs may be paid by the employer on your behalf. You should check with your employer if they intend to pay for costs for you and if you'll need to pay these costs back to your employer at a later date or if you leave your job. Read the guidance on repayment clauses in Annex B, below. It outlines which fees may be met on your behalf by your employer and which fees you should not be expected to pay.

Entitlement to public funds

Anyone on a Health and Care Worker visa cannot claim public funds (the government refers to this as 'no recourse to public funds'). This means you and your family members will not be able to claim most benefits, tax credits or housing assistance – to find out more, read the <u>guidance on public funds</u> (<u>https://www.gov.uk/government/publications/public-funds--2</u>). There are a small number of exemptions to this rule – see <u>Public funds: caseworker guidance</u> (<u>https://www.gov.uk/government/publications/public-funds</u>).</u>

Maternity rights

If you're pregnant during the process of moving to the UK to work in the health or care sector, you're unlikely to qualify for maternity leave or maternity pay. This is because to qualify for maternity leave and other benefits as an employee, you must satisfy certain conditions such as a length of continuous service with your employer. If you're pregnant at the point of a job interview or job offer, you should consider and plan how you will support your child and yourself before travelling to the UK.

Although you're under no obligation to tell your employer you're pregnant until 15 weeks before your due date, if you're pregnant during any stage of the recruitment process you may want to consider letting your employer know. This is so they can provide you with support and advice and consider any necessary adjustments. They can also provide you with information on what support is available in your employing organisation and surrounding area.

Immigration and regulatory processes

Key messages

Read the <u>Health and Care Worker visa requirements and how to apply</u> (<u>https://www.gov.uk/health-care-worker-visa/</u>) on GOV.UK.

You do not have to buy additional services offered by visa application centres such as scanning and uploading your documents. You can check what documents you will need and upload these documents yourself for free before attending the visa application centre.

Your visa may be affected if you want to change jobs, you lose your job, or your employer loses their sponsorship licence. Read these sections below to understand what you need to do.

Do not accept threats of deportation by your employer. Your employer cannot deport you. They must tell the Home Office if they stop sponsoring you, and the Home Office will decide whether to cancel your visa or not. If they do, you can apply for another visa. See 'If a sponsor threatens you with deportation' below for more information on what to do.

Read the requirements set out below in 'Bringing family dependants to the UK' so you can check whether your family is eligible to join you.

The requirement to register with a professional regulator will depend on the health or social care job you're doing. Read 'Registration with a professional regulator' below to find out if you do and what the requirements are.

The Health and Care Worker visa

Most health and social care professionals come to work in the UK on a Health and Care Worker visa. The <u>Health and Care Worker visa guidance</u> (<u>https://www.gov.uk/health-care-worker-visa</u>) provides a clear step by step guide on everything you need to know about the visa, what documents you'll need to provide and how to apply. The benefits of the Health and Care Worker visa include:

- a decision on your visa within 3 weeks of enrolling your biometric information (your fingerprints and photo)
- reduced <u>application fees (https://www.gov.uk/health-care-worker-visa/how-much-it-costs)</u>
- an exemption from the <u>immigration health surcharge</u> (<u>https://www.gov.uk/healthcare-immigration-application/who-needs-pay</u>) (the charge other visa applicants must pay to access the NHS)

To apply for a Health and Care Worker visa you need to have a job offer from an approved UK employer. Approved employers are also known as sponsors because they're sponsoring you to come to or stay in the UK.

Your sponsor will check that your job meets the eligibility requirements. They'll give you a 'certificate of sponsorship' to prove this. However, this does not confirm you meet the eligibility requirements, such as English language.

The certificate of sponsorship is an electronic record, not a physical document. It will have a reference number, which you'll need for your visa application.

You must apply for your visa within 3 months of getting your certificate of sponsorship and before you leave your country.

On arrival in the UK, you may be questioned about your job to ensure it meets the requirements of the Health and Care Worker visa. Therefore, you need to understand what the role will involve.

How long a visa lasts

Your visa can last up to 5 years before you need to extend it. You'll need to apply to extend or update your visa when it expires or if you change jobs or employer. Employers decide on the length of the visa they will sponsor.

Find out what to do if you want to extend your visa (https://www.gov.uk/health-careworker-visa/extend-your-visa).

Cost of a Health and Care visa

You should check with your employer whether they intend to pay for a visa on your behalf, or whether you'll need to meet the cost yourself.

Find out how much it costs to apply for a Health and Care Worker visa (https://www.gov.uk/health-care-worker-visa/how-much-it-costs).

The Home Office operates an exchange rate to convert the visa fees to the currency payable from the location of application. The rates are calculated in line with the <u>Home Office exchange rate policy</u>

(https://www.gov.uk/government/publications/exchange-rate-policy) and are updated weekly.

Visa application centres may offer additional services for an additional charge (for example scanning and uploading your documents). You do not have to purchase these additional services. You can check what documents you will need and upload these documents yourself for free before attending the visa application centre. Start your visa application on GOV.UK

<u>(https://www.gov.uk/health-care-worker-visa/apply-from-outside-the-uk)</u> to do this. Purchasing additional services at a visa application centre does not influence UK Visas and Immigration's decision on your visa.

When you apply for a Health and Care Worker visa, you'll need to have enough money to:

- pay the application fee (you should check if your employer will pay this for you)
- support yourself when you arrive in the UK

You need to prove you have at least £1,270 available on arrival in the UK and the money must have been available to you for at least 28 days in a row. Day 28 must be within the 31 days before you apply for the Health and Care Worker visa. You do not need to have this money available if your employer has confirmed they'll support and accommodate you. If your employer is supporting you, check that your certificate of sponsorship confirms this - it should have a tick beside the 'certify maintenance of migrant' section.

How to apply

You must <u>apply for a Health and Care Worker visa (https://www.gov.uk/health-care-worker-visa/apply-from-outside-the-uk)</u> on GOV.UK.

The service tells you everything you need to know about the application process, including which <u>documents you need (https://www.gov.uk/health-care-worker-visa/documents-you-must-provide)</u> to apply.

Moving employers

Your Health and Care Worker visa and your right to remain in the UK is linked to your employer. If you want to change employers, you'll need to ensure your new employer is a <u>Skilled Worker sponsor licence holder</u> (<u>https://www.gov.uk/government/publications/register-of-licensed-sponsors-workers</u>) (and this must be A-rated which means they have the systems and processes in place to allow them to meet their sponsor duties). This will allow your new employer to issue you with a new certificate of sponsorship.

You'll also need to <u>apply to update your Health and Care Worker visa</u> (<u>https://www.gov.uk/health-care-worker-visa/update-your-visa-if-you-change-job-or-employer</u>).

If you've signed an employment contract with a repayment clause, you may be need to pay fees to your employer depending on the terms of the repayment clause you've signed. You should check Annex B, below, for information on what to look out for when signing a contract with a repayment clause.

If you lose your job

If you lose your job (this could be through dismissal, redundancy or if the business goes into administration), your employer will inform the Home Office of your change of status. If the Home Office decides to cancel your visa, they will write to advise you that your Health and Care Worker visa has ended, and you will have 60 days in the UK (or however long you have left on the visa if it's less than 60 days) before you need to leave the country or apply for another visa.

You can stay in the UK if you find another health or care job with a new employer who holds a sponsor licence and can issue a new certificate of sponsorship. You'll need to <u>apply to update your Health and Care Worker visa</u> (<u>https://www.gov.uk/health-care-worker-visa/update-your-visa-if-you-change-job-or-employer</u>). While your new visa application is being processed, you'll be able to remain in the UK.

If a sponsor loses their sponsorship licence

If you're outside the UK, check the status of your sponsor's licence on the <u>register of licensed sponsors (https://www.gov.uk/government/publications/register-of-licensed-sponsors-workers)</u> before you travel. Your sponsor will not be listed if they don't have a licence, or have had their licence suspended.

If you're already in the UK when your sponsor loses their licence and your certificate of sponsorship is cancelled, the Home Office will write to tell you that your visa is limited to 60 days (or however long you have left on the visa if it's less than 60 days). You'll have to leave your job and leave the UK unless you find another health or care job and make a new visa application within that time.

Find out more about what you should do if your sponsor loses their license (https://www.gov.uk/employee-lose-sponsor-licence).

If a sponsor threatens you with deportation

Do not accept threats of deportation by your employer. Your employer cannot deport you. They must tell the Home Office if they stop sponsoring you, and the Home Office will decide whether to cancel your visa or not. If the Home Office does decide to cancel your visa, they will write to let you know. They will normally allow you up to 60 days from the date they write to you (or however long you have left on your visa if it's less than 60 days) to find another role with an employing sponsor, switch onto another visa route or arrange to leave the UK. If you find a role with another sponsor or want to switch visa routes, you'll need to make a new application to the Home Office to extend your stay in the UK. <u>Contact UK Visas and Immigration (https://www.gov.uk/contact-ukvi-inside-outside-uk)</u>, your trade union (if you've joined one) or a diaspora association (see the list of associations in Annex D, below) for support with the process.

Bringing family dependants to the UK

Your partner and children can apply to join you or to stay in the UK as your 'dependants' if they're eligible. There are certain criteria that need to be met to successfully apply to bring over dependants.

If your dependant's application is successful, their visa will end on the same date as yours. Different requirements apply if your child is over age 16.

Read the <u>Your partner and children (https://www.gov.uk/health-care-worker-visa/your-partner-and-children)</u> section of the Health and Care Worker visa guidance to find out:

- if your partner and children are eligible to join you in the UK
- how much money they'll need to support themselves
- · what documents they need to apply
- · how much their application will cost

Dependants may not be able to join you if certain requirements are not met. Take the time to read and understand the requirements so you can be confident that your family is eligible and will be able to apply successfully.

Children who are 18 years old or older on the date of application cannot be granted permission as a dependent child (unless they were first granted as your dependant when they were under 18 and they're applying to extend their stay).

If your employer is organising your accommodation, you should tell them who from your family is joining you and when, so that suitable accommodation can be provided. Some employers will not provide accommodation for your family, and you'll need to arrange this yourself.

Bringing children from a previous relationship to the UK

If you're separated from your partner and you want to bring your children to join you in the UK, you need to be able to prove you have sole responsibility for your children or that there are 'serious and compelling reasons' to grant permission.

The UK Visas and Immigration guidance

(https://www.gov.uk/government/publications/dependent-family-members-in-work-routesimmigration-staff-guidance) (section: children from previous relationships) states that 'sole parental responsibility' means that one parent has abdicated or abandoned parental responsibility, and the remaining parent is exercising sole control in setting and providing the day to day direction for the child's welfare. Each application is considered on a case by case basis and the burden of proof is on you to provide satisfactory evidence. In considering the evidence you provide you should note that:

- sole parental responsibility is not the same as legal custody
- significant or even exclusive financial provision for a child does not in itself demonstrate sole parental responsibility
- where both parents are involved in the child's upbringing, it will be rare for one parent to establish sole parental responsibility
- sole parental responsibility can be recent or long-standing, however any recent change of arrangements will be scrutinised to make sure this is genuine and not an attempt to circumvent immigration control

You should discuss this with your employer and seek guidance on the process and evidence you'll need to provide.

Bringing an adult dependent relative to the UK

You cannot bring adult dependent relatives to the UK on a Health and Care Worker visa. This means that many health and social care staff are not able to bring over adult dependent relatives to the UK.

If you're living permanently in the UK with no time limit on your stay, your adult dependent relative may be able to apply for an adult dependent relative visa. This visa allows an individual from outside the UK and who has ongoing care needs to come and live with you in the UK. You must be either their parent, grandchild, brother, sister, son or daughter and you must be living permanently in the UK.

They must be able to show, because of either age, illness, or disability:

- they require a level of long-term personal care that they're unable to receive in the country where they're living
- this care can only be reasonably and adequately provided in the UK by you

There is detailed guidance on <u>eligibility and how to apply (https://www.gov.uk/uk-family-visa/adult-dependent-relative)</u> on GOV.UK.

You should be aware that these visas are given in only very limited circumstances, and you cannot bring dependent relatives, such as elderly parents, to the UK if they do not meet these criteria.

Registration with a professional regulator

Whether you need to register with a professional regulator will depend on the health or care job you're doing.

To work in roles such as the <u>allied health professions (https://www.hcpc-uk.org/registration/getting-on-the-register/international-applications/)</u>, <u>dentists</u>

(https://www.gdc-uk.org/registration/join-the-register/how-to-join-the-register), doctors (https://www.gmc-uk.org/registration-and-licensing/join-the-register), healthcare scientists (https://www.hcpc-uk.org/registration/getting-on-the-register/internationalapplications/how-to-apply/), registered midwives (https://www.nmc.org.uk/registration/joining-the-register/), registered nurses (https://www.nmc.org.uk/registration/joining-the-register/), pharmacists (https://www.pharmacyregulation.org/registration) and social workers in England (https://www.socialworkengland.org.uk/registration/overseas-applicant-guidance/), Scotland (https://www.sssc.uk.com/knowledgebase/article/KA-02463/en-us), Northern Ireland (https://niscc.info/who-can-register/internationally-qualified-social-workers/) and Wales (https://socialcare.wales/registration) you must join the relevant UK professional register before you can start work in the role. Click on the relevant links above for details on the processes you'll need to go through, including the qualifications required and the level of English language you'll need to demonstrate.

Annex C, below, gives contact details and links to all the professional regulator organisations.

Some employers will require you to have passed your English tests before your interview, so they have assurance that passing the test will not be a problem later in the registration process. Other employers do not require this and may offer language support to prepare you for the test.

Support roles such as nursing support workers, healthcare assistants, senior care workers and care workers do not need to register with a professional regulatory body. However, to qualify for a visa you'll need to prove your knowledge of the English language to at least level B1 on the <u>Common</u> <u>European Framework of Reference for Languages (CEFR) scale</u> (https://www.coe.int/en/web/common-european-framework-reference-languages/table-1cefr-3.3-common-reference-levels-global-scale). There is guidance on proving your knowledge of English (https://www.gov.uk/skilled-worker-visa/knowledge-of-english) on GOV.UK.

Pastoral support, induction and beyond

Key messages

Check with your employer what pastoral support they'll provide by going through the checklist in this section with them. You should be clear about what your employer is providing and what you'll be expected to organise yourself.

Check with your employer about continuing professional development and what systems they have in place to support you and your development.

Make sure you have a clear plan for accommodation, who is arranging it and for how long. Advice for people looking for a home through a private landlord or letting agent is provided on the <u>Shelter website</u> (https://england.shelter.org.uk/housing_advice/private_renting).

Do not tolerate racist behaviour or discrimination. The <u>Equality Act 2010</u> (<u>https://www.gov.uk/guidance/equality-act-2010-guidance</u>) protects you at all stages of employment, including at the recruitment stage. If appropriate, speak to your line manager about your concerns or contact the <u>Equality Advisory</u> <u>Support Service (https://www.gov.uk/equality-advisory-support-service</u>) for information and advice, or your trade union if you've joined one.

Support packages

The package of support provided will differ by employer. It's important that you find out what your employer is providing and decide if this meets your needs. This should include whether they're paying any of your relocation costs such as flights and accommodation.

Before arrival in the UK

Before you arrive in the UK you may receive:

- regular communication from the moment of the job offer, such as virtual meetings and introductions with your line manager and colleagues
- support with relocation costs such as flights, accommodation, visa, and professional regulatory costs - you should ask your employer if you'll be expected to pay back these costs and check your offer letter for the terms of repayment
- information packs providing information about what to bring, for example, clothing needed and what type of adaptors
- a WhatsApp group that connects you with other new recruits and the local team
- information on trade unions and relevant diaspora associations to join
- preparation activity organised by your employer with existing staff, so you're welcomed and supported while you settle in

After arrival in the UK

After you've arrived in the UK you may:

- be met by your agency or employer at the airport and transport provided to accommodation
- receive a welcome pack with things to help you settle in
- receive a local guide to help navigate the local area and know what to expect, for example how to register with a local doctor (general practitioner or GP), what things cost, where the local shops are

- get support with <u>applying for a National Insurance number</u> (<u>https://www.gov.uk/apply-national-insurance-number</u>) if it's not printed on the back of your biometric residence permit
- get support with opening a bank account
- get a salary advance of cash to ensure you have access to money in case there are any delays in the bank account being set up
- go on a local tour to familiarise yourself with the area: such as local shops, green spaces, places of worship, transport links
- be given a pre-paid travel card or help to purchase a travel card with your salary advance
- be given secure short-term accommodation
- get support to find longer term accommodation
- take part in a buddy scheme between local staff and new overseas recruits
- get information about local community networks

First few weeks at work

During your first few weeks at work, you can expect:

- to complete your employer's corporate induction process including any mandatory training
- a programme of social adaptation to learn about the NHS or social care sector and the cultural and working differences
- guidance on regularly used terms and dialect clinical terms that you may not have heard (for example 'nil by mouth'), a basic A to Z of medical terms, times and units and any local dialect terms which might be helpful
- professional specific training and education, for example the OSCE programme
- buddy and peer support arrangements, preferably with previously recruited overseas staff
- to join a staff support group or a staff network group.

Continuing professional development

You should be given the same career development and learning opportunities for progression as UK trained workers. Your line manager should provide you with information about continued professional development and what opportunities are available. Professional support is important across your whole career and should be based on your individual preferences and career aspirations. As part of this process, you should be offered an annual personal development review and a personal development plan.

Check the following websites for more information on continuing professional learning opportunities:

• Health Education England (HEE) (https://www.hee.nhs.uk/)

- <u>NHS England (https://www.healthcareers.nhs.uk/career-planning/career-planning/developing-your-health-career/developing-your-health-career/continuing-professional-development-cpd/continuing)</u>
- <u>NHS Education for Scotland (https://www.nes.scot.nhs.uk/our-work/nursing-and-midwifery-practice-education/)</u>
- <u>Skills for Care (https://www.skillsforcare.org.uk/Home.aspx?</u> <u>gclid=CjwKCAiAv9ucBhBXEiwA6N8nYI58eniQ8M6spuRrFQb21kH0aYFTG08eHwEOofEz</u> <u>wl2FfLZPjUtnGBoC3cYQAvD_BwE</u>)
- Leadership Academy (https://www.leadershipacademy.nhs.uk/)
- NHS Scotland Academy (https://www.nhsscotlandacademy.co.uk/)
- Florence Nightingale Foundation (https://florence-nightingale-foundation.org.uk/)

Arranging accommodation

Your employer may provide you with accommodation when you arrive (usually for a few weeks or months). It may be offered free of charge, or you may be asked to repay the rent. Make sure you know in advance how long you can stay in the accommodation provided by your employer and whether and how you must repay these costs. Seek out alternative accommodation well before your stay comes to an end. Some organisations that have limited or no accommodation can arrange for you to stay at university accommodation.

You can find accommodation in the private sector by searching online on housing websites. Advice for people looking for a home through a private landlord or letting agent is provided on the <u>Shelter website</u> (<u>https://england.shelter.org.uk/housing_advice/private_renting</u>). The UK government's <u>private renting guidance (https://www.gov.uk/private-renting</u>) sets out your rights and responsibilities when renting privately.

You may consider sharing a house with other people in what is known as a <u>house in multiple occupation (HMO) (https://www.gov.uk/private-renting/houses-in-multiple-occupation)</u>. This means you'll be sharing with at least 3 other people and/or you share a toilet, bathroom, or kitchen facility with someone else. Your landlord must meet certain standards and obligations, for example the property should not be overcrowded and there should be enough cooking and bathroom facilities. More information about reasonable accommodation standards is provided on the <u>Shelter website</u>

(https://england.shelter.org.uk/housing_advice/private_renting/houses_in_multiple_occupati on_hmo).

Contact <u>Citizens Advice (https://www.citizensadvice.org.uk/)</u> or your <u>local council</u> (<u>https://www.gov.uk/find-local-council</u>) if there are problems with your HMO and your landlord is not helping. The council can make a landlord take action to correct any problems.

In some cases, you might live in accommodation that is provided by your employer, which is known as tied accommodation. You might pay rent yourself or it may be taken from your wages before you get paid. Your payslip should show these deductions. Accommodation provided by an employer can be taken into account when <u>calculating National Minimum Wage or National Living Wage</u> (https://www.gov.uk/national-minimum-wage-accommodation).

Discrimination in the workplace

Under the Equality Act 2010 (https://www.gov.uk/guidance/equality-act-2010-guidance) it is unlawful for employers to treat workers less favourably than others on account of certain protected characteristics (https://www.gov.uk/discrimination-yourrights) (for example, age, race, religion or sexual orientation). This means it is illegal for an employer to give discriminatory terms of employment, deny promotion, training or withhold benefits, facilities, or services on the grounds of the listed protected characteristics.

Workers are protected at all stages of employment, including recruitment and dismissal, against both direct discrimination and indirect discrimination.

Discrimination can take <u>many different forms (https://www.gov.uk/discrimination-your-rights/how-you-can-be-discriminated-against)</u>.

Discriminatory behaviour might include:

- being shouted at
- not being allowed to wear religious dress
- not providing reasonable adjustments
- teasing 'jokes' and 'banter' about a protected characteristic including offensive tweets, text messages, social media entries and screen savers
- stereotyping family or personal circumstances
- · unwanted touching
- being denied certain benefits or overlooked for promotion or training because of a protected characteristic
- being bullied

Dealing with discrimination

Ultimately it's your employer who is responsible for dealing with discrimination whether this is from your colleagues or patients. Employers should have an equal opportunities policy in place, as well as a policy on anti-bullying and harassment. Your employer should take a zero-tolerance approach to all forms of discrimination and harassment at work. If you're experiencing discrimination, you should refer to your employer's equality and diversity policy for guidance on how to escalate your concerns. You should also consider the following actions:

• keep a note of the behaviour you found offensive or unfair, who did it, when and where it took place, as well as the efforts you make to get the behaviour to stop and what effect it had

- if appropriate, speak to your line manager about your concerns, explain what is happening and ask them to tell somebody in charge - keep a note of your complaint
- you can contact the <u>Equality Advisory Support Service</u> (<u>https://www.gov.uk/equality-advisory-support-service</u>) for information and advice about discrimination and human rights issues
- alternatively, you can get advice about your situation from the <u>Arbitration and</u> <u>Conciliation Service (Acas) (http://www.acas.org.uk/)</u>, (in Northern Ireland the <u>Labour Relations Agency (https://www.Ira.org.uk/)</u>), <u>Citizens Advice</u> (<u>http://www.citizensadvice.org.uk/)</u> or your trade union, if you've joined one
- read the <u>Equality and Human Rights Commission guidance</u> (<u>https://www.equalityhumanrights.com/en/multipage-guide/dealing-discrimination-employment</u>) on dealing with discrimination in employment

What to do if you think you are being exploited

Key messages

Be aware of the signs of exploitation. These might include being forced to work under poor conditions, working excessively long hours over prolonged periods with no breaks or time off and for little or no payment. For more information on exploitation read the <u>Spot the Signs booklets</u> (https://www.gla.gov.uk/i-am-a/i-am-a-worker/spot-the-signs/).

Report concerns about pay, work rights, employment agencies, or working hours by calling Acas on (+44) 0300 123 1100 or completing the government's <u>online form to complain about pay and work rights</u> (<u>https://www.gov.uk/government/publications/pay-and-work-rights-complaints</u>) (in Northern Ireland contact the <u>Labour Relations Agency</u> (<u>https://www.lra.org.uk/</u>).

Report concerns about exploitation to the <u>Gangmasters and Labour Abuse</u> <u>Authority (https://www.gla.gov.uk/)</u> via their website, or by phoning (+44) 0800 432 0804 or emailing <u>intelligence@gla.gov.uk</u>.

Do not tolerate exploitation. You may feel threatened and vulnerable, but there are organisations to help people in your situation. Ring the <u>UK modern</u> <u>slavery and exploitation helpline (http://www.modernslaveryhelpline.org/)</u> - it's open 24 hours a day on (+44) 08000 121 700.

Contact details for other relevant organisations are provided below.

Cases of exploitation in the UK are low, but if you find yourself in a situation where you're being controlled by people who wish to exploit you for the work

you do, there are organisations that can help you.

How to tell if you are being exploited

There are different forms of modern slavery and many ways in which people can experience exploitation. The <u>Gangmasters and Labour Abuse Authority</u> (<u>https://www.gla.gov.uk/</u>) has a useful guide that explains what might be considered exploitation in their <u>Spot the Signs booklets (https://www.gla.gov.uk/i-am-a/i-am-a-worker/spot-the-signs/</u>) on labour exploitation.

How to tell somebody there is a problem with your welfare or employment rights

Usually, you should tell your line manager if you're worried about your welfare or employment rights or those of someone you know. You could also speak to your trade union, if you've joined one, for further advice and support.

Below we list a range of organisations that can offer support if you think you are being exploited. In addition, see the international diaspora associations and other support networks listed in Annex D.

Freedom to speak up guardians

There are over 800 'freedom to speak up guardians' in NHS and independent sector organisations, national bodies and elsewhere. Freedom to speak up guardians ensure workers can speak up about any issues affecting their ability to do their job. Find your freedom to speak up guardian on the <u>National</u> <u>Guardian website (https://nationalguardian.org.uk/speaking-up/find-my-ftsu-guardian/?</u> <u>guardians_map=46.886323%2C-26.669664%2C59.864012%2C23.296157</u>).

Acas

<u>Acas (https://www.acas.org.uk/)</u> provides advice on the legal minimum wage, working hours and employment agencies for England, Wales and Scotland. If you think you might be being underpaid or your employer has unsafe working practices, you can report your concerns in confidence by:

- telephone: 0300 123 1100
- completing the <u>online form to complain about pay and work rights</u> (<u>https://www.gov.uk/government/publications/pay-and-work-rights-complaints</u>)

Labour Relations Agency (Northern Ireland)

The equivalent body of Acas in Northern Ireland is the <u>Labour Relations Agency</u> (<u>https://www.lra.org.uk/</u>), which you can contact by:

- telephone: 03300 555 300
- email: info@lra.org.uk

Jobs Aware

<u>Jobs Aware (https://www.jobsaware.co.uk/)</u> provides free help and advice to UK workers who have suffered from job scams or unfair working practices.

Gangmasters and Labour Abuse Authority

The <u>Gangmasters and Labour Abuse Authority (https://www.gla.gov.uk/)</u> is set up to protect vulnerable workers from exploitation. You can report information in confidence about an employer who may be exploiting the welfare and rights of health or social care staff by:

- telephone: 0800 432 0804
- email: intelligence@gla.gov.uk

Employment Agency Standards Inspectorate (EAS)

The Employment Agency Standards Inspectorate

(http://www.gov.uk/government/organisations/employment-agency-standardsinspectorate/about) (EAS) regulates employment agencies and businesses, and enforces minimum standards of conduct in the recruitment sector.

You can report concerns about the conduct of a recruitment organisation, agency or collaboration based in Great Britain, including if they're charging work-finding fees or if you (or someone you know) have not been paid for all hours worked. You can also report concerns relating to fees or conduct of agencies not based in Great Britain. You can contact them by:

- telephone: call the Department for Business, Energy, and Industrial Strategy enquiries on 020 7215 4477 to speak to an Employment Agency Standards (EAS) inspector
- email: <u>eas@beis.gov.uk</u>
- completing the <u>online form to complain about pay and work rights</u> (<u>https://www.gov.uk/government/publications/pay-and-work-rights-complaints</u>)

Care Quality Commission (CQC)

The Care Quality Commission (CQC) is the independent regulator of healthcare and adult social care services in England.

If you have concerns about the care being provided by your employer, you can report this to the CQC. Before contacting the CQC, you may want to:

- speak to your line manager or a senior member of staff about your concerns
- read your employer's whistleblowing policy, which will give you information on what to do

The CQC's <u>quick guide to whistleblowing or guidance for workers</u> (https://www.cqc.org.uk/contact-us/report-concern/report-concern-if-you-are-member<u>staff</u>) gives helpful advice on speaking out about poor care and what protection healthcare staff will have from the law.

You can report a concern by:

- telephone: 03000 616 161
- email: enquiries@cqc.org.uk
- completing the <u>CQC online form: give feedback on care</u> (https://www.cqc.org.uk/give-feedback-on-care)

CQC equivalents in Northern Ireland, Wales and Scotland

The CQC equivalent in Northern Ireland is the <u>Regulation and Quality</u> <u>Improvement Authority (https://www.rqia.org.uk/)</u>:

- telephone: 028 9536 1111
- email: info@rqia.org.uk

The CQC equivalent in Wales is <u>Care Inspectorate Wales</u> (<u>https://www.careinspectorate.wales/</u>):

- telephone: 0300 7900 126
- email: <u>ciw@gov.wales</u>

The CQC equivalent in Scotland is <u>the Care Inspectorate</u> (<u>https://www.careinspectorate.com/</u>):

- telephone: 0345 600 9527
- email: enquiries@careinspectorate.gov.scot

Other organisations that can help you

The organisations listed below are all charities offering support and advice specific to labour exploitation.

<u>Unseen (https://www.unseenuk.org/)</u> provides safehouses and support in the community for survivors of trafficking and modern slavery. They also run the UK Modern Slavery and Exploitation Helpline.

<u>UK Modern Slavery and Exploitation Helpline</u> (https://www.modernslaveryhelpline.org/): telephone 08000 121 700

<u>Salvation Army (https://www.salvationarmy.org.uk/modern-slavery)</u> provides specialist support and advice for victims of modern slavery in England and Wales.

Telephone: 0300 303 8151 (24-hour referral line)

<u>Migrant Help (https://www.migranthelpuk.org/)</u> provides support and advice to victims of modern slavery in the UK.

Telephone: 01304 203977 or 07766 668781

Annex A: contract checklist including guidance on repayment clauses

Your employer has up to 8 weeks from your first day of your job to provide you with an employment contract. However, typically, you'll be provided with it on the first day.

A trade union may offer a contract checking service, for example the BMA provide this service free of charge for its members, more information on the <u>BMA</u> <u>website (https://www.bma.org.uk/pay-and-contracts/contract-checking-service/contract-checking-service)</u>.

The Royal College of Nursing (RCN) includes clear and detailed advice on <u>what</u> to check in your contract (https://www.rcn.org.uk/get-help/rcn-advice/contracts) on their website. The checklist below is drawn from this information and adapted to be applicable to all health and social care potential candidates.

1. Job title

Check the job title. Your job description is normally included in the employment offer letter rather than employment contract. Check your job title is the same as in your employment offer.

2. Probation period

Employers often require new employees to complete a probationary period. It's important to note that your continuity of employment should start on your first day of work, not when the probationary period has ended.

In general, check:

- whether there is a probationary period, how long is it and what support you'll get during this time
- if there is any pay increase at the end
- if it can be extended
- whether the termination of contract arrangements differ during this period
- whether the employer has the right to terminate employment without any reasonable cause during this period

3. Salaries

It's important to check that the contract reflects the salary that was stated in your offer letter. Employers do make mistakes and once signed it can be time consuming to resolve this. You should also be aware that your initial salary may be lower if you're starting in a lower grade job until you get your professional registration.

It's advisable to check:

- if the salary you've been offered is on a scale or if it's a fixed salary
- if the salary is performance related and if so, what the targets are and who sets them
- what your net salary will be (take home pay after tax and national insurance are deducted)
- any other benefits that have been agreed, such as an enhanced pension, car, private health cover, equity or share options, bonuses, and commission payments
- whether bonuses are guaranteed or discretionary

4. Annual leave and time off

Holiday entitlement varies widely. The statutory minimum is 5.6 weeks paid holiday a year (this is at least 28 days per year if you work a 5-day week). An employer can include bank holidays as part of statutory annual leave. Read the <u>holiday entitlement guidance (https://www.gov.uk/holiday-entitlement-rights)</u> to find out more.

If you're employed on an NHS contract, you can read more about your NHS holiday entitlement in the <u>NHS terms and conditions</u> (<u>https://www.nhsemployers.org/tchandbook</u>). Check:

- how much leave you'll get and whether public holidays are included in this
- how to book annual leave
- whether you're limited on when you can take leave if you have holidays booked, tell your employer this before you accept the role
- when the holiday year runs from in the NHS it's normally 1 April to 31 March, and it will dictate what balance of holiday you have left to take in the first year that you start your job
- whether you can carry over any untaken holiday into the following year
- whether you're entitled to carers' or compassionate leave and whether this is paid or unpaid

5. Hours of work

Check the hours of work. Be careful not to agree to a working pattern that you will later regret. It's best to negotiate a variation before signing a contract, particularly if you require flexible working arrangements due to childcare for example.

You cannot work more than 48 hours a week on average, this law is sometimes called the '<u>working time directive' or 'working time regulations'</u> (<u>https://www.gov.uk/maximum-weekly-working-hours/weekly-maximum-working-hours-and-opting-out</u>). Your employer can ask you to work more than 48 hours a week on average, and if you agree, this is called 'opting out'. You cannot be sacked or

treated differently for refusing to do so, and you can change your mind even if it's in your employment contract.

Also check:

- you can manage the shift patterns and times check you do not need to look at adjustments through a flexible working application before you sign
- how long in advance you'll receive your shift pattern (not all roles have fixed working patterns and can vary due to organisational needs)
- if you're required to do overtime, and if you'll be paid for this if you're employed in the NHS, see section 3 of the <u>NHS terms and conditions</u> (<u>https://www.nhsemployers.org/tchandbook</u>) for overtime entitlements
- if there's an opportunity to join a local agency bank (a pool of temporary staff to cover planned or unplanned shortfalls in the workforce, including sickness absence, vacancies and annual or maternity leave) and what the terms and conditions for agency bank roles are

6. Place of work

You should check:

- what your contract says about your place of work or your base and how far this is from your accommodation
- if your employer can move you
- if you work in the community, what your contract says about travelling time during the day or to and from your base
- if you're entitled to travel or petrol allowances
- if working remotely at home is a possibility and if this is something you've discussed, that the contract reflects this
- if the contract allows the employer to change your area of work without your agreement most NHS contracts state they can move staff within the trust or board, and this is commonly referred to as a 'mobility clause'

7. Start date and length of contract

The start date should be clearly stated in an offer letter and on the contract. The contract will also include whether any previous employment counts towards your continuity of employment. There will also be a termination date if it's a <u>fixed</u> term contract (https://www.gov.uk/fixed-term-contracts).

If it's a fixed term contact, check if there are options for it to be extended and if your employer will notify you of this before end of the contract.

8. Sick leave and pay

Being off work for long periods could have significant repercussions for you. You should check what the contract says about sickness absence and sick pay, and whether you can see the sickness policy. Section 14 of the <u>NHS terms and</u> <u>conditions (https://www.nhsemployers.org/tchandbook)</u> covers sickness entitlement in the NHS.

Some employers are very supportive but other employers will rely on <u>statutory</u> <u>minimum requirements (https://www.gov.uk/statutory-sick-pay)</u>. If the employer relies on the statutory minimum requirements, you might want to think about getting critical illness cover insurance.

9. Termination and notice periods

What notice do you have to give? Some contracts ask for 3 months. A notice period that is too long could stop you from being able to get a new job, and too short a period may not give you enough stability.

Always notify your employer of resignation in writing, for example by email. Your contract of employment or local policy may insist on this.

In law, a verbal resignation may in some circumstances be binding. It would need to be shown that you intended to resign and that your employer accepted the resignation.

Your notice period usually runs from the start of the day after you handed it in.

10. Repayment clauses

Take care to read the whole contract carefully.

Some contracts contain repayment clauses which come into force if you decide to leave the employer. These can be time specific but substantial. If you're not happy with the clause, try to renegotiate.

Annex B, below, sets out 4 principles employers should abide by when using repayment clauses in contracts and points to the types of things you should be looking out for in agreeing any repayment clause.

If you've already signed the contract, it is legally binding. Your employer is legally entitled to reclaim the money, but you can try to negotiate the repayment and agree a repayment schedule that works for both of you. However, the employer can refuse, and you'll need to repay in full. If you're in this situation and facing serious financial difficulty, or if you believe you were pressured into signing an unreasonable contract, you can seek advice from a trade union, relevant charity, or a diaspora association. Information on trade unions is provided in the section 'Organisations to support you through the recruitment process and during your employment'. A list of diaspora associations and charities are provided in Annex D.

Your employer's other policies

It would also be useful to check if the organisation has the following workplace policies and any others that may apply to you:

- uniform
- lease car
- flexible working
- sickness policy (https://www.gov.uk/statutory-sick-pay)
- disciplinary and grievance
- collective agreements

Annex B: 4 principles around repayment clauses

As set out in the <u>code of practice for the international recruitment of health and</u> <u>social care personnel in England (https://www.gov.uk/government/publications/code-of-</u> <u>practice-for-the-international-recruitment-of-health-and-social-care-personnel)</u>, any repayment clause included in an employment contract must abide by the 4 principles of transparency, proportionate costs, timing and flexibility. You can use the points below as a guide to the things to look out for with any repayment clause included in your employment contract.

Transparency

The repayment clause must be set out in the contract and job offer letter and explained in full to you before you accept the job.

An itemised list of costs to be reclaimed should be provided to show what is included.

Only genuine evidenced, auditable expenses incurred can be reclaimed.

It must be made clear to you how the costs will be recouped using an auditable method such as bank transfer or salary sacrifice - cash payment is not acceptable.

Your employer must seek confirmation from you that you did not contribute towards the costs or expenses being reclaimed prior to your arrival in the UK, for example if you've already paid it earlier on in the process.

Proportionate costs

Expense costs must not incur any interest on the amount reclaimed.

Costs you must repay can only include expenses met by the employer on your behalf.

An employer is responsible for paying some fees as part of the recruitment process – they cannot ask you to pay these costs.

Recruitment process costs which may be met by an employer on your behalf

The information below sets out typical costs you might incur during the recruitment process and which your employer might meet on your behalf. If your employer expects you to repay the costs met on your behalf, they should give you the option to repay the costs or expenses through a monthly repayment plan.

The fees set out below are correct as of December 2022 and subject to change.

Health and Care Worker visa fees

Health and Care Worker visa fees are:

- £247 (up to 3 years)
- £479 (more than 3 years)

You should be aware that the above visa fees are the only mandated fee you should have to pay. The Home Office operates an Exchange Rate to convert the visa fees to the currency payable from the location of application. The rates are calculated in line with the <u>Home Office exchange rate policy</u> (<u>https://www.gov.uk/government/publications/exchange-rate-policy</u>) and are updated weekly.

Other costs

Typical costs which you might incur during the recruitment process include:

- <u>tuberculosis test (https://www.gov.uk/tb-test-visa)</u> (if applicable) £20 to £130 (estimated) dependent on the country the test is taken in
- professional regulator application, registration and exam fees:
 - nurses and midwives (initial assessment, CBT, OSCE and registration fees (https://www.nmc.org.uk/registration/joining-the-register/register-nursemidwife/trained-outside-uk/how-to-guide/check-ready/costs/))
 - doctors (GMC PLAB parts 1 and 2, GMC registration (https://www.gmcuk.org/registration-and-licensing/managing-your-registration/fees-and-funding))
 - allied health professional (HCPC scrutiny fee and <u>registration fee</u> (<u>https://www.hcpc-uk.org/registration/getting-on-the-register/uk-applications/paying-the-registration-fee/</u>)
 - social worker (SWE scrutiny and registration fee (https://www.socialworkengland.org.uk/registration/overseas-applicantguidance/#:~:text=Registration%20fees,-

<u>If%20your%20application&text=If%20your%20application%20is%20approved,you%20</u> will%20pay%20%C2%A345.00)

- language tests (IELTS (https://takeielts.britishcouncil.org/united-kingdom), OET (https://support.occupationalenglishtest.org/s/article/How-much-does-OET-cost), SELT (https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secureenglish-language-test-selt))
- flights £100 to £1000 (estimated)
- airport transfers £100 (estimated)
- accommodation per month (initial costs) £500 to £1000 (estimated)

Recruitment process costs which you should not pay

The information below sets out typical recruitment costs which your employer needs to pay. These costs should not be passed on to you:

- agency fee £2,500 (estimated)
- immigration skills charge (https://www.gov.uk/uk-visa-sponsorshipemployers/immigration-skills-charge)
- <u>sponsor licence fee (https://www.gov.uk/uk-visa-sponsorship-employers/apply-for-your-licence)</u>
- <u>certificate of sponsorship (https://www.gov.uk/uk-visa-sponsorship-employers/certificates-of-sponsorship)</u>

Timing

A repayment schedule must be provided, and rechargeable costs must taper downwards with time.

For example, over a 24 month period, if you:

- leave within 12 months of commencing employment, you may need to pay between 50 to 100% of the total itemised expenses
- complete 12 months of services but leave before completing 18 months service, you may need to pay 50% of the total itemised expenses
- complete 18 months service but leave before 24 months service, you may need to pay 25% of the total itemised expenses
- leave after 24 months of service in this example, you should not be charged any of the expenses

Flexibility

Employers should apply some flexibility when they consider if they ask you to make the repayment and should consider waiving them in certain circumstances. Each decision should be made on a case by case basis.

Examples of when your employer should consider that you may not have to pay the repayment fees include:

- where you're leaving your job because your health and wellbeing is being adversely impacted
- where you leave your job due to bullying, discrimination, or poor working conditions
- if your circumstances have changed beyond your control, either in the UK or in your home country
- if you want to move roles for career progression

Annex C: list of professional regulatory bodies

Nursing and Midwifery Council (NMC)

General telephone enquiries and fitness to practise: 0207 637 7181 Registration enquiries: 0207 333 9333 International enquiries: 0207 333 6600 Email: <u>overseas.enquiries@nmc-uk.org</u> How to register with the NMC (https://www.nmc.org.uk/registration/joining-the-register/) NMC: information for employers (https://www.nmc.org.uk/registration/guidance-foremployers/nurses-and-midwives-trained-abroad/)

General Medical Council (GMC)

Telephone: 0161 923 6602 Email: <u>gmc@gmc-uk.org</u> (all enquiries) How to register with GMC (https://www.gmc-uk.org/registration-and-licensing/join-theregister) Information to help employers understand their obligations around employing and contracting with doctors (https://www.gmc-uk.org/registration-andlicensing/employers-medical-schools-and-colleges/employing-a-doctor)

Health and Care Professions Council (HCPC)

Telephone: 0300 500 6184 Telephone outside of the UK: 0207 582 5460 Registration enquiries email: <u>registration@hcpc-uk.org</u> <u>How to register with HCPC (https://www.hcpc-uk.org/registration/getting-on-theregister/international-applications/how-to-apply/)</u>

General Dental Council (GDC)

Telephone: 0207 167 6000 <u>GDC: online contact form (https://contactus.gdc-uk.org/)</u> <u>How to register with GDC (https://www.gdc-uk.org/registration/join-the-register/how-to-join-the-register)</u>

General Optical Council (GOC)

Telephone: 0207 580 3898 General enquiries email: <u>goc@optical.org</u> Registration enquiries email: <u>registration@optical.org</u> How to register with GOC (https://optical.org/en/registration/register-from-overseas/)

General Chiropractic Council (GCC)

Telephone: 0207 713 5155 General enquiries email: <u>enquiries@gcc-uk.org</u> Registration enquiries email: <u>registrations@gcc-uk.org</u> <u>How to register with GCC (https://www.gcc-uk.org/i-am-a-chiropractor/join-the-register)</u>

General Osteopathic Council (GOsC)

Telephone: 0207 357 6655 General enquiries email: <u>info@osteopathy.org.uk</u> International registration enquiries email: <u>assessment@osteopathy.org.uk</u> <u>How to register with GoSC (https://www.osteopathy.org.uk/training-and-registering/howto-register-with-the-gosc/)</u>

General Pharmaceutical Council (GPhC)

Telephone: 0203 713 8000 Email: <u>info@pharmacyregulation.org</u> (all enquiries) <u>GPhC: online contact form (https://www.pharmacyregulation.org/contact-us#form)</u> How to register with GPhC (https://www.pharmacyregulation.org/registration)

Pharmaceutical Society of Northern Ireland (PSNI)

Telephone: 028 9032 6927 General enquiries email: <u>info@psni.org.uk</u> Registration enquiries email: <u>registration@psni.org.uk</u> <u>How to register with PSNI (https://www.psni.org.uk/registration/pharmacist-registration/)</u>

Social Work England (SWE)

Telephone: 0808 196 2274 Email: <u>enquiries@socialworkengland.org.uk</u> (all enquiries) How to register with SWE (https://www.socialworkengland.org.uk/registration/apply-for-registration/)

Scottish Social Services Council

Telephone: 0345 60 30 891 Email: <u>registration@sssc.com</u> (registration enquiries) Information about registering with SSSC (http://sssc.uk.com/registration) Information about careers and education (http://sssc.uk.com/careers-and-education)

You can find information on the assessment of international qualifications as follows (note the different processes for social workers and other social services workers):

- <u>Social workers with non-UK qualifications</u> (https://www.sssc.uk.com/knowledgebase/article/KA-02463/en-us)
- <u>Non-UK social service qualifications</u> (https://www.sssc.uk.com/knowledgebase/article/KA-02462/en-us)
- by email: internationalqualifications@sssc.uk.com

Social Care Wales

Telephone: 0300 303 3444 Email: <u>enquiries@socialcare.wales</u>

Northern Ireland Social Care Council

Telephone: 02895 362 600 Email: <u>registration@niscc.hscni.net</u> <u>Registration guides (https://niscc.info/registration-guides/)</u>

Annex D: list of diaspora associations and support organisations

Nursing associations

A full list of nursing associations is provided on page 74 of the <u>International</u> <u>Recruitment Toolkit (https://www.nhsemployers.org/publications/international-</u> <u>recruitment-toolkit)</u>

Doctor associations

African and Caribbean Medical Mentors (https://www.acmedicalmentors.co.uk/)

Association of Pakistani Physicians of Northern Europe (https://www.appne.uk/)

Bangladesh Medical Society (http://www.bmsuk.org.uk/about-us/)

British Association of Physicians of Indian Origin (https://www.bapio.co.uk/)

British International Doctor Association (https://www.bidaonline.co.uk/)

British Islamic Association (https://www.britishima.org/)

Cameroon Doctors UK (https://www.camdocuk.org/)

Ghanian Doctors and Dentist Association (https://www.gddauk.org/)

Jewish Medical Association (https://jewishmedicalassociationuk.org/)

Kings College London African Caribbean Medical Society (https://www.kclsu.org/organisation/16715/)

Medical Association of Nigerians Across Great Britain (https://mansag.org/)

Melanin Medics (https://www.melaninmedics.com/)

Muslim Doctors Association (https://muslimdoctors.org/)

Road to UK (https://roadtouk.com/)

Sudanese Junior Doctors Association (https://www.sjda.uk/)

Trewlink (https://www.trewlink.com/)

General support organisations, associations, and charities

Black Women in Health (https://www.bwih.co.uk/)

Citizens Advice (https://www.citizensadvice.org.uk/)

Joint Council for the Welfare of Immigrants (https://www.jcwi.org.uk/)

KANLUNGAN – Empowering Filipino Migrants (https://www.kanlungan.org.uk/)

Migrants' Rights Network (https://migrantsrights.org.uk/)

Shelter (https://england.shelter.org.uk/housing_advice) 1 Back to top

OGL

All content is available under the <u>Open Government</u> <u>Licence v3.0</u>, except where otherwise stated

© Crown copyright