

Sponsorship Policy

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1. Introduction

- 1.1 All employers are required to ensure employees are eligible to work in the UK as determined by the regulations set out by the Home Office. This policy outlines the Council's approach to the sponsorship of new employees and also existing employees where there is a need to apply for extensions of stay or indefinite leave to remain.
- 1.2 The purpose of this policy is to set out the approach and criteria that will determine when sponsorship is appropriate to enable consistent and fair decision making across the Council.
- 1.3 This policy should be read in conjunction with the Recruitment and Selection Policy.

2. Terms and Definitions

2.1 Eligibility to work in the UK

All employers in the UK have a responsibility to prevent illegal working under the Immigration, Asylum and Nationality Act 2006. This is done by conducting a right to work check before someone is employed and making sure the individual is not disqualified/restricted from carrying out the work in question by reason of their immigration status.

Non-British and Irish citizens need a visa to work in the UK. If they do not have the right to work in the UK in their own right, it may be possible for the Council to issue a Certificate of Sponsorship to support their application for a visa. However, this is by no means guaranteed and will be subject to meeting both the Home Office requirements and the Council's principles determining when to offer sponsorship as set out in this policy.

2.2 Permission to stay

An individual who is already in the UK on a visa and is therefore applying for permission to stay must be in the UK on the date of their application and must not have, or have last been granted, permission as a:

- Visitor
- Short-term student
- Parent of a Child Student

- Seasonal Worker
- Domestic Worker in a Private Household
- Or outside the Immigration Rules.

It is not possible for somebody without current permission to stay in the UK to switch immigration status within the country. This situation may arise in respect of people awaiting the outcome of asylum applications, seeking humanitarian protection in the UK or otherwise without status whilst UK Visas and Immigration consider their circumstances. It is particularly important that the Council identifies the immigration status of candidates and whether it is possible for them to switch immigration status within the UK or not.

2.3 Certificate of sponsorship

The Council is licensed to provide a Certificate of Sponsorship (CoS) which demonstrates that an individual has a firm offer of appropriate employment and as such supports an individual's visa application (but does not guarantee its approval and does not give the individual the right to work in the UK).

The CoS is not a paper certificate or document, but a virtual document with a reference number, issued by UK Visas and Immigration (UKVI) and provided to the individual via the Level 1 User for the Sponsorship Management System from the Council's HR Service.

Sponsorship in each case provides the Council with an obligation to make specific payments and comply with a set of Government administrative requirements.

A finite allocation of CoS is granted to the Council on an annual basis.

2.4 Visas

There are several types of visa routes available to both job applicants and existing employees who require a change or extension of an existing visa and are recommended to check their personal eligibility on [Work in the UK - GOV.UK](#). All provisions are subject to review in accordance with Government policy or changes.

Appendix 1 contains a list of visa types and the Council's approach with regards to sponsorship.

3. Non-compliance

3.1 Penalties for non-compliance with the legal requirements are potentially severe, and include:

- On-the-spot fines for each employee without permission to work
- Prison sentences for employers if employees are employed knowingly
- Downgrading or withdrawal of the Council's sponsor licence, with the potential consequence that all sponsored employees would have to leave the Council and the UK.

Importantly, since all Council Departments are housed under one sponsor license, non-compliance from just one area could mean consequences for the entire Council.

The government's UK Visas & Immigration department undertakes visits to check compliance with the relevant legislation, policies and regulations. These visits can be unannounced.

3.2 In order to stay compliant, the Council needs to do the following:

- Be aware of individual roles and responsibilities
- Conduct right to work checks for all employees
- Follow this policy in relation to sponsoring non-British/Irish workers and our responsibilities in relation to recruitment, reporting, and record-keeping.

4. Consideration of Sponsorship

4.1 Before sponsorship is considered, individuals are encouraged to check their personal eligibility as there may already be a route for them available [Work in the UK - GOV.UK](#). The Council will only apply for sponsorship for the visas listed under Appendix 1 and that meet the criteria set out below.

The Council will continue to support sponsorship for roles outlined in section 5 subject to available certificates. For all other roles, a business case must be submitted to the Chief Officer responsible for HR taking into account the criteria listed below.

4.2 Legal Eligibility Criteria

The following must be met as set out by the Home Office:

- The role requires a skill deemed equivalent to Level 3 of the Regulated Qualifications Framework in the UK, which is at the level of A level, access to higher education diploma or advanced apprenticeship
- The role must be on the list of eligible occupations as set out by Home Office
- The role should pay the minimum salary as stated by the Home Office. This is exempt for roles that qualify under the Health and Care visa route.
- The “going rate for the job,” as defined by the Government, is also being paid; and
- There is a genuine need for the role to be undertaken in the UK.

4.3 Council Eligibility Criteria

The following Council criteria (supported by clear evidence) will be considered to support a business case for sponsorship for any role other than those listed in section 5:

- A traditional difficulty in recruiting to the role
- The resourcing need could not be met through developing the skills internally through, for example, an apprenticeship. (Because this is either not possible or the need is urgent).
- The role requires specific qualifications and / or experience which are not likely to be present in the candidate field and cannot be amended to remove these requirements
- The service delivery impact and risks if the individual is not granted sponsorship
- The candidate’s wider experience, visa status and location.
- If the person is an existing employee, completion of their probationary period and levels of performance
- Other available options for the individual to obtain a right to work without sponsorship from the Council. – If these are available the individual should pursue this route first, irrespective of the cost to them.

Any decisions to sponsor individuals will be based on a business case and not on the level of cost, or other personal factors. Where appropriate, individuals will be required to provide relevant and genuine written evidence to support sponsorship applications.

5. Agreed Sponsorship

- 5.1 The Council has previously and will continue to consider offering sponsorship where this is required to enable the individual to carry out the role. These roles are set out in the table below and are classified under the Standard Occupational Classification codes provided by UK Visas and Immigration. The main rationale for identifying these roles is essentially because there is a national shortage and long-standing difficulties in recruitment and retention. The other factors listed above have also been taken into consideration.

SOC	Role	Salary Required (by UK Visas & Immigration)*
2461	Social Worker (Adults and Children)	Grade 10 and above

*Appointments should be made in line with existing pay policy and appointments should not be escalated to top of grade in order to impact on sponsorship eligibility

- 5.2 Additional roles may be added from time to time where there is clear justification and business case, subject to the approval of the Chief Officer responsible for HR and Cabinet Member for HR & Corporate Affairs.

6. Approach to Considering Applications

- 6.1 In each case where sponsorship is being considered for roles not specified in section 5 above a business case should be produced in consultation with the relevant HR Business Partner. Under no circumstances should commitments or guarantees be given to prospective or existing employees until the business case has been approved by the Chief Officer responsible for HR.

The business case should give consideration to the eligibility criteria in Section 4 and should also be balanced against the following risk factors:

- Any potential challenge in meeting the administrative requirements of sponsorship
- The likelihood of a large number of applications if sponsorship was considered appropriate, which may be disproportionate.

- 6.2 Rationale for declining to sponsor

There are a series of reasons why the Council may wish to decline the sponsorship of a prospective or existing employee in addition to it not being one of the roles identified above. Some common examples of reasons to choose not to sponsor include the following:

- An assessment of the costs and benefits of sponsorship. It may be that, in view of the number of applications that have been received, the quality of other candidates, the skill and shortage of the relevant role and the benefits the candidates seeking sponsorship may offer, the cost of the sponsorship is disproportionate to its benefit. Note that cost alone is not a justifiable reason to decline a request.
- It may be that the candidate's performance whilst holding a different visa does not justify sponsorship. This would be relevant in respect of those already working at the Council with limited leave to remain (such as the graduate visa) who may seek sponsorship prior to the conclusion of this.
- An assessment of shortage in the relevant skill sector.
- The urgency of the vacancy and whether it would in fact be possible for an overseas candidate to acquire the necessary permission to work in sufficient time.
- The length or duration of the contract and the assessment of the eligibility for sponsorship.
- Any wider Council considerations as in place from time to time relating to the recruitment and/or development of staff.

6.3 Appeals

In the event of any challenge by a candidate/employee to a decision not to sponsor, an appeal may be considered by the Executive Director (Strategy & Transformation). There is not further right of appeal beyond this.

7. Costs

- 7.1 An employer with a sponsorship license must pay fees upfront to sponsor a worker. Each time a new Certificate of Sponsorship (Cos) is issued the Council must pay the Certificate of Sponsorship (CoS) fee and Immigration skills charge (ISC). The cost of the annual license will be covered centrally however the cost of the individual certificates must be funded by the relevant service's budget.

- 7.2 The longest the Council can sponsor for 5 years; it is recommended sponsorship is issued for an initial 3 years.

Employer costs	Amount*
Certificate of Sponsorship (CoS)	£239
Immigration Skills Charge	£1000 for each 12 months
Initial 3 years	£3,239
For the following 2 years	£2,239
5 years	£5,239

*Costs are accurate as of December 2024 and may be subject to UKVI changes. [UK visa sponsorship for employers: Certificates of sponsorship - GOV.UK](#)

- 7.3 Fees in respect of the visa application, Biometric fee and Immigration Health Surcharge will be paid by the employee. Individuals should refer to [Skilled Worker visa: How much it costs - GOV.UK](#)
- 7.4 New employees relocating may be eligible for a relocation package to support with the cost of moving. Please refer to Expenses section in the Recruitment & Selection Policy.
- 7.5 The Council will **not** pay application fees relating to the dependents of an individual acquiring permission to work in the UK.

Appendix 1: Visa Types

Type of visa held	Council's approach to sponsorship
Student visa	<p>New or existing employees with student visas will normally be expected to switch to a Graduate visa if they have successfully completed their course of study and can provide evidence of completion. The conditions for this are either:</p> <ul style="list-style-type: none"> • The student must be studying a full-time course of study at degree level or above and the start date of their employment occurs no earlier than the course completion date. (A copy of their CAS will be required to confirm the course completion date). or • The student must be studying a full-time course of study leading to an award of a PHD and the start date of their employment is no earlier than 24 months after the start date. <p>The only exception to this is Social Worker roles where, for both attraction and retention purposes, the Council will normally offer sponsorship (for Health and Care/Skilled worker visa) to individuals with an existing student visa, i.e., they do not have to apply for a Graduate visa themselves.</p>
Graduate visa	<p>Graduate visas last for 2 years and cannot be extended after they expire. The Council will therefore normally consider sponsoring new or existing employees once their Graduate visa has expired if they are on the agreed list of roles or approved via a business case</p>
Currently sponsored by Bury Council for 3-year period – either Health and Care or Skilled Worker visa	<p>Initially sponsorship will be provided for a 3-year period. Where the visa of an existing employee and this is due to expire, the Council will normally offer sponsorship for a further 2-year period.</p>
Sponsorship visa with another organisation	<p>A new sponsorship visa is required if a person is changing jobs, and the new job is with a different employer.</p> <p>It is also required if the job changes to a different occupation code (e.g., with the same employer) and they are not in a graduate training program or if the person leaves a job that is on the shortage occupation list for a job that is not on the list. In these circumstances the Council will need to carefully consider this as there are no other options open when changing jobs to a different employer or occupation code.</p>
Other visas	<p>Will need to be considered on a case-by-case basis, as unlikely to warrant sponsorship</p>

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