



MARISH



Academy Trust

Migrant Workers Policy and Employment Procedures

Date: March 2016

Summary

This document sets out Marish Academy Trust's policy and procedures for dealing with the employment of migrant workers

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1 Policy

This policy sets out the requirements that all schools or Academies must have in place in order to comply with the legislation issued by the Home Office UK Border & Immigration Agency (Home Office UKBA) on the 27th November 2008. This legislation followed the introduction of the Immigration, Asylum and Nationality Act 2006.

This legislation passes all responsibility to employers for ensuring that any migrant worker wishing to take up employment within their organisation has the right to work. The penalty for non-compliance can consist of criminal and civil penalties, fines of up to £10,000 and/or a prison sentence for the employer.

1.1 Scope

This policy and procedure applies to all migrant workers recruited on or after 27th November 2008 and migrant workers already employed where their right to work may be due to expire. This applies to all staff including overseas trained teachers.

Nationals of an EEA country or Switzerland do not need to apply for permission to work here.

They can:

- seek and accept offers of work;
- work as an employee and/or in self-employment;
- set up a business;
- manage a company;
- set up a local branch of a company.

Employers must not discriminate against you because of your nationality in terms of conditions of employment, pay or working conditions.

Overseas Trained Teachers without QTS can teach for up to 3 years in a maintained school in the UK if they have a certificate of sponsorship and a valid permit/visa that allows them to work in the UK.

A permanent contract can only be issued if the overseas trained teacher has applied for and obtained indefinite stay in the UK and has obtained QTS.

Any other migrant must obtain a certificate of sponsorship from a new or existing employer.

1.2 Certificates of Sponsorship

In the past Slough Borough Council was the Licensed Sponsor for all maintained schools within the Local Authority. However as an academy, if Marish wishes to employ migrant workers on permanent contracts it is our responsibility to obtain a sponsor license from the Home Office UKBA.

Please note that there are specific guidelines on the Home Office UKBA website which regulate where vacancies must be advertised in order to meet the eligibility criteria for a certificate of sponsorship to be issued. Recruiting schools / managers should familiarise themselves with the relevant Code of Practice on the Home Office UKBA website and be advised that this is subject to periodic change.

The website address is <http://www.immigrationdirect.co.uk/uk-visas/uk-tier-visa.jsp#skilled>

Full instructions for applying for a certificate of sponsorship are on the website and subject to change. Therefore we do not include them in our policy.

Currently Marish Academy Trust does not hold a Sponsor License as we only employ migrant workers who are EEA nationals or overseas trained teachers on a temporary contract who have a valid permit/visa to work in the UK.

The trustees would have to decide to apply for a certificate of sponsorship if we wished to employ someone who required a certificate of sponsorship.

2 Revision History

| Version | Date | Author | Comments |
|---------|------------|-----------------|----------|
| 1.0 | Jan 2012 | | |
| 2.0 | Jan 2014 | | |
| 3.0 | March 2016 | Exec Advisor | |

3 Approval History

| Version | Approved | Comments |
|---------|-------------|----------|
| 1.0 | 24 FEB 2012 | |
| 2.0 | Feb 2014 | |
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