

MARISH



Academy Trust

Migrant Workers Policy and Employment Procedures

Date: January 2020

Version: 4.0

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. A migrant worker is considered to be someone who is or has been working in Great Britain (GB) in the last 12 months, and has come to GB from abroad to work within the last 5 years. 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 them because of their nationality in terms of conditions of employment, pay or working conditions.

The Home Office has also published guidance for employers on preventing illegal working in the UK. It clarifies that since 1 January 2014, Romanian and Bulgarian nationals also have an unrestricted right to work in the UK.

Overseas Trained Teachers without QTS can teach for up to 4 years in a maintained school in the UK, but cannot be awarded a permanent contract without a certificate of sponsorship and obtaining 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 able to secure a certificate of sponsorship 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 certificate of sponsorship as we only employ migrant workers, who are EEA nationals or overseas trained teachers, on a temporary contract.

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	Jan 2018	HRM	
4.0	Jan 2020		

3 Approval History

Version	Approved	Comments
1.0	24 FEB 2012	
2.0	Feb 2014	
3.0	Jan 2018	