

Employing Workers from Overseas Policy

22 Wilkinson Street, Sheffield, S10 2GB

First Issued	January 2025
Last review	

1 Introduction

- 1.1 This policy sets out our approach to employing overseas nationals.
- 1.2 We will comply with all our legal obligations in relation to employing workers from overseas.
- 1.3 This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

2 Avoiding illegal working

- 2.1 We will not employ anyone who does not have a legal right to work in the UK.
- 2.2 All offers of employment we make will be subject to the job applicant providing us with:
 - 2.2.1 the required original documents which we will verify with the job applicant in person or remotely by via a live video link; or
 - 2.2.2 the information we need to be able to carry out a check using the Home Office online right to work service confirming the job applicant's right to do the work in question

(N.B., for us to be able to conduct an online check, the individual must have shared their right to work details with us using the Home Office *prove your right to work to an employer* online service by providing their share code and date of birth.)
- 2.3 The Line Manager will conduct the necessary checks during the recruitment process.
- 2.4 If an individual has time-limited permission to live and work in the UK, they will need to provide evidence of their renewed right to live and work in the UK, or of a valid application having been made, prior to the expiry of that time-limited permission. We will carry out checks in line with Home Office requirements.
- 2.5 If a successful job applicant is unable to provide evidence of their right to do the work in question, or the Home Office online check fails to confirm their right to do the work in question, we will have no option but to withdraw the job offer.
- 2.6 If we become concerned during the course of their employment that an employee does not have the right to work in the UK, we will investigate the circumstances. If it becomes clear that the employee does not, or does not appear to, have the right to work in the UK, we may be left with no option other than to terminate the employee's contract of employment.
- 2.7 We will refer anyone who cannot evidence their right to work in the UK in the role in question, to Citizen Advice for further advice and we will not employ anyone until we have been able to carry out the necessary checks.

3 Points-based system

- 3.1 We will comply with the requirements of the Home Office's points-based system for employing workers from overseas.

- 3.2 Where we plan to recruit a worker who is subject to immigration control and who does not already have the right to work in the UK, the Line Manager will look into whether sponsorship is the best way forward.
- 3.3 For eligible workers from overseas who we plan to recruit, we will apply for a sponsor licence to enable us to issue a certificate of sponsorship to those workers and we will comply with our obligations as a licensed sponsor.

4 Avoiding race discrimination

- 4.1 We will do all that we can to avoid race discrimination in the workplace, and to ensure that no job applicant is excluded from a position because of their colour, race, nationality, or ethnic or national origins.
- 4.2 We will treat all job applicants in the same way at each stage of the recruitment process, and will make no assumptions on the basis of, for example, appearance or name. There will also be no assumption that an overseas national or someone from an ethnic minority has no right to work in the UK.
- 4.3 We will recruit candidates who are most suited to the position, and we will comply with our Equal Opportunities Policy at all times.
- 4.4 Subject to eligibility for sponsorship where necessary, the nationality of the most suitable candidate will have no bearing on whether we select them for the post.
- 4.5 If we do not have a sponsor licence at the time of recruitment process, this will not be a bar to us recruiting an overseas national in a role that would otherwise qualify for sponsorship, subject to us being granted a sponsor licence.
- 4.6 The requirement to provide evidence of the right to work in the UK will apply to all new recruits, regardless of their race, nationality or ethnic or national origins.

5 Line manager responsibilities

- 5.1 Line managers are responsible for ensuring that individuals who they recruit into their team have the legal right to work in the UK in the role in question and for ensuring that the necessary checks on documents are carried out.
- 5.2 Managers who fail to do so may be subject to disciplinary action, including dismissal.
- 5.3 In the event a manager becomes concerned that an employee in their team is working in the UK illegally, they should report the matter to their Line Manager, giving reasons for their concern, and the matter will be investigated further.

6 Data protection

- 6.1 We will process individuals' personal data, including information about racial or ethnic origin, collected to establish the right to work in the UK and to comply with other immigration requirements, in accordance with our Data Protection Policy.

7 Review

- 7.1 This policy may be reviewed at any time at the request of any member of staff, but it will be automatically reviewed two years after initial approval and thereafter on a biennial basis unless organisational changes, legislations, guidance, or non-compliance prompt an earlier review.

8 Definitions

- 8.1 Ben's Centre ("we", "us", "our")
- 8.2 The Employee ("you")

Document control box

Policy title:	Employing Workers from Overseas Policy
Date approved:	January 2025
Version:	1.1
Supersedes:	NA
Next review date:	January 2027
Lead contacts:	Daryl Bishop / Debs Beighton