

Line Managers Guidance and Information

August 2023

Information for Line Managers

As an employer the University is committed to preventing illegal working and to ensure all prospective employees have the right to work, the university conducts a right to work check prior to any individual commencing employment, in accordance with the Home Office's guidance. All prospective employees of the university are required to demonstrate they have the right to work in the UK. The right to work check is conducted once a conditional offer of employment has been made and prior to the applicant commencing any work with the university. All offers of employment will be conditional and subject to a successful right to work check.

Right to Work checks are carried out in line with Home Office guidance and conducted by a member of the People Directorate. The University is required to conduct a right to work check in a specific way depending on individual circumstances, some cases require a manual check, some require an online check and others require the University to check directly with UKVI. More information and the list of acceptable documents at the time this policy was last updated can be found on the UK Government website [here](#).

How do we protect our sponsor license?

Keeping accurate records: As a Sponsor licence holder, we must keep accurate records of all sponsorship activities. This includes records of all the employees we have sponsored, the certificates of sponsorship we have issued, and the immigration applications made.

Reporting changes: As a Sponsor licence holder, we must report any changes to their sponsorship activities to the Home Office. This includes changes to the business, the employees, or the immigration applications.

Being aware of the rules: As a Sponsor licence holder, we must be aware of the rules and regulations governing sponsorship. Those should be regularly checked on the Home Office website for updates to the rules.

Being proactive in reporting any changes to our sponsorship activities to the Home Office. This will help to avoid any problems down the line.

Reporting Responsibilities

Monitoring: Sponsors must monitor their sponsored workers to ensure that they are complying with the terms of their sponsorship. This includes checking that they are attending work regularly, that they are not working in prohibited roles, and that they are not overstaying their visas.

Reporting changes: Sponsors must report any changes to their sponsored workers to the Home Office within 10 working days. This includes changes to their employment status, their immigration status, or their contact details.

Reporting non-compliance: Sponsors must report any cases of non-compliance by their sponsored workers to the Home Office within 10 working days. This includes cases of overstaying, working in prohibited roles, or failing to attend work regularly.

Reporting organisational changes: Sponsors must report any significant changes to their own organisation to the Home Office within 20 working days. This includes changes to their business structure, their ownership, or their location.

Line management responsibilities

Line managers should not under any circumstances offer work to a potential member of staff or bring anyone into the university to work, without following the correct recruitment and compliance procedures. In the first instance they should contact The People Directorate to seek guidance.

If a manager knowingly offers employment to an individual without notifying The People Directorate and/or they proceed against their advice and allow an individual to carry out work for the university without the compliance checks in place, this will be treated as gross misconduct and may lead to the summary dismissal of the manager responsible, that is dismissal without notice or payment in lieu of notice. If the worker was found to be working illegally the line manager could also be subject to criminal sanctions.

Warning of consequences if non-compliance occurs

Civil penalties: The Home Office can impose civil penalties on sponsors who breach the requirements. These penalties can be up to £20,000 per breach.

Suspension of the sponsor licence: The Home Office can suspend a sponsor's licence if they find that the holder is not complying with the requirements. This means that the sponsor will not be able to sponsor any new workers until the suspension is lifted.

Revocation of the sponsor licence: The Home Office can revoke a sponsor's licence if they find that the holder is not complying with the requirements. This means that the sponsor will not be able to sponsor any workers, and they may also be liable for civil penalties.

Criminal prosecution: In some cases, non-compliance with UKVI legislation can lead to criminal prosecution. This is most likely to occur in cases of serious non-compliance, such as knowingly sponsoring illegal workers.

It is important to note that the consequences of non-compliance can be serious, so it is important for sponsors to make sure that they are complying with the requirements. There are a number of resources available to help sponsors understand the requirements, including the Home Office website and the sponsorship guidance.