

Title of POL: Immigration Compliance Policy

Custodian: Chief People Officer

Version Number: 04

Issue date: 08.01.26

Review date: 08.01.27

**POLICY (POL)**

<b>Title of Policy</b>	Immigration Compliance Policy		
<b>What type of document is this?</b>	Policy (POL)	Policy Reference Number	HHH-POL-055
<b>Purpose of POL</b>	This policy is to ensure that all relevant employees are aware of Helping Hands Immigration policy ensuring we prevent illegal employment at Helping Hands.		
<b>ROLES AND RESPONSIBILITIES</b> Include in this section details of the key roles and associated responsibilities relevant to the document			
<b>Roles</b>	<b>Responsibility</b>		
Chief People Officer	Responsible for ensuring this procedure is reviewed as per schedule or in line with changes to internal procedures, or changes in law.		
Talent Acquisition Director	As the Authorising Officer, to ensure compliance of this policy by virtue of being a sponsor licence holder.		
Recruiting Managers / Employees	To adhere to this policy ensuring when recruiting for Helping Hands that the correct documents for legal right to work within the UK is obtained and evidenced on record.		
All Employees	To adhere to this Policy.		
Scope of POL	<p>This policy applies to all employees involved in and the supervision of recruiting for Helping Hands.</p> <p>This policy applies to all employees in relation to the requirements for proving the relevant evidence of right to work within the UK and where relevant accompanying documents and information detailed in this policy.</p>		

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Helping Hands: Public

Page 1 of 14

**POLICY (POL)**

	<p>This policy applies to all employees in relation to awareness of illegal working.</p>
<b>1.0</b>	<b>Monitoring Immigration Status &amp; Preventing Illegal Employment</b>
1.1	<p><b>Retain copy of evidence provided of right to work in the UK</b></p> <p>Midshires Care Limited keeps a full electronic personnel file for each employee. Copies of the following documents are kept on the personnel file (where applicable) to ensure compliance with illegal working checks legislation:</p> <ul style="list-style-type: none"><li>• any passport page(s) containing personal details</li><li>• photo page of the passport</li><li>• signature page of the passport</li><li>• any page containing date of expiry (ie. notation re extension of the passport's expiry date)</li><li>• any page containing information entitling the individual to remain in the UK and undertake the work in question (UK entry clearance visas and entry stamps)</li><li>• record of date of entry into UK (<b>stamped</b> entry clearance, flight confirmation or boarding pass)</li><li>• any evidence of right to work, obtained using the UK Visas &amp; Immigration ("UKVI") online services.</li></ul> <p>Employees are required to bring their documentation to the assessment week where it will be copied and verified by the Live In Assessor. The employee will be required to present all original documentation in order for copies to be taken, signed and dated by the verifier to confirm the date the right to work check has been carried out.</p> <p>Midshires Care Limited will operate an electronic employee database, called Select HR, containing the visa expiry dates for all migrant workers. This data is verified by a trained People Services Administrator. The electronic database provides alerts three</p>

Title of POL: Immigration Compliance Policy

Custodian: Chief People Officer

Version Number: 04

Issue date: 08.01.26

Review date: 08.01.27

## POLICY (POL)

months in advance of the visa expiring, this alert is sent to the Live in Recruitment team.

Midshires Care Limited also operates an electronic system which incorporates the ability to monitor visa (and passport for sponsored migrants) expiry dates. The expiry dates will be added to this system which will trigger an automatic reminder three months prior to the expiration date of the visa. This reminder goes to our People Services and Compliance teams. Chasers are sent at two months' and one month prior to expiry.

### 1.2 Establish a full statutory excuse by following UKVI recommended procedures to prevent illegal working

Midshires Care Limited has implemented a policy that it adheres to. No employee is able to start work until they have demonstrated their right to work in the UK. This is ensured by strict adherence to the process set out below which is as follows:

- On or before day one of employment all prospective employees are required to present their right to work documents to a Midshires Care Limited employee in order to evidence that they have the legal right to work in the UK. Prospective employees are reminded of this either by written correspondence or orally in advance of the appointment. Prospective employees are advised to present one or a combination of a List A or List B document in accordance with the Code of Practice on Preventing Illegal Working. All employees -excluding British and Irish citizens- must provide a share code to allow us to check and confirm digital immigration status, using the UKVI's Online Right to Work Checking Service. If a non-British or Irish prospective employee is unable to provide a sharecode, we would then check the UKVI Employer Checking Service to confirm their right to work in the UK.

**POLICY (POL)**

- Midshires Care Limited is aware that the UKVI's Online Right To Work Checking Service must be utilised to conduct right to work checks for migrant workers who hold evisas.

Midshires Care Limited will ensure that the migrant worker presents themselves (in person or via video call) in real time during completion of the online check.

- If the candidate has not provided their original documents as required, they are not permitted to start work until the necessary documents have been verified.
- Where a short-term vignette has been provided for first day check, the team will remind the employee that they must activate their eVisa and will monitor the expiry of the vignette and carry out a second right to work check for the eVisa on or before its expiry.
- The company files the copies on the employee's personnel file.

Right to work check documentation is retained for at least two years following the cessation of employment for **all** individuals.

We currently retain visa sponsored candidates on a separate Excel tracker including name, DOB, sponsorship date, CoS number aligned with Helping Hands Retention schedule for Personnel records.

## **2.0 Maintaining Migrant Contact Details**

### **2.1 Retain full contact details for Sponsored migrants (Skilled Worker route)**

Midshires Care Limited operates an electronic employee database called Access People. This database holds all of its employees' contact details. These details are captured prior to or on the employee's start date.

Midshires Care Limited has the facility to retain historical data and provide an accurate history of all employees' personal data.

In order to ensure employee personal information is kept up to date, Midshires Care Limited, will require sponsored migrant workers to notify the company of any change of contact details (residential address, personal mobile telephone number, personal email address and next of kin).

If a sponsored migrant notifies the company that their contact details have changed the company will record the notification and file it on the employee's electronic personnel file.

As part of its on-going compliance Midshires Care Limited will conduct a further check on employee's contact details, making sure they are up to date, in the quarterly supervision meetings which are conducted by the Live In Relationship Manager.

### **3.0 Record Keeping**

#### **3.1 Retain records relating to the recruitment and employment of Sponsored migrants**

Midshires Care Limited will retain comprehensive employment records for each sponsored migrant in-line with People Team best practice on the sponsored migrant's personnel file. These employment records will be kept in as electronic scans.

In addition to the above, when recruiting migrant workers, Midshires Care Limited will instruct legal representation when required. Our legal representative will not issue a Certificate of Sponsorship ("Cos") until they have confirmed to Midshires Care Limited that the migrant meets the criteria required and the relevant compliance steps have been completed.

Title of POL: Immigration Compliance Policy

Custodian: Chief People Officer

Version Number: 04

Issue date: 08.01.26

Review date: 08.01.27

**POLICY (POL)**

All personnel files will be retained for a maximum of one year after sponsorship has ended or until the company has been audited by the UKVI (whichever is the shorter period).

The following documents will be kept on file and made available to Sponsor Management Unit on request:

- Current passport (photo page and signature page and any pages showing personal identity details)
- Visa (vignette page in passport stating entry clearance & expiry dates – if applicable)
- Record of date of entry into UK (**stamped** entry clearance, flight confirmation or boarding pass)
- Signed contract of employment or UK assignment letter
- Job Description – detailing duties and responsibilities of role, including skills, qualifications and experience required for the role
- National Insurance details (e.g. photocopy of NI card or NI number notification letter or recent wage slip showing NI number)
- Evidence of how migrant was recruited (adverts, applications, interview notes)
- Professional Memberships or accreditation (if applicable)
- Most recent P.60 and/or detail of salary/stipend provided
- Current and historical contact details (throughout employment) including migrant name, residential address, personal email address and personal mobile number
- Record of the sponsored migrant's absences

Midshires Care Limited will retain any documentation relevant to how the sponsored migrant was identified, such as (but not limited to):

- references
- email communication between Midshires Care Limited/recruiter and the successful sponsored migrant

**POLICY (POL)**

- professional accreditations/degree certificate for the successful sponsored migrant
- Google searches undertaken
- the successful sponsored migrant's professional profile/awards received

The company will be able to adequately justify the role as a genuine vacancy in the event of a UKVI audit.

#### **4.0 Migrant Tracking & Monitoring**

Midshires Care Limited will report the following information/events to UKVI within the specified timeframes.

##### **4.1 Sponsored migrant does not show up for first day. Report within 10 working days (together with explanation)**

Midshires Care Limited decides the employee's first day in the course of the offer process.

A CoS cannot be issued without a start date being confirmed. The company is aware that if this date changes after the CoS has been issued it must inform the UKVI within 10 working days. Midshires Care Limited will submit an update via the Sponsor Management System ("SMS") to notify UKVI as to the delay in the UK start date.

##### **4.2 Sponsored worker's (Skilled Worker route) unauthorised absence from work for over 10 working days. Report within 10 working days of the 10th day of unauthorised absence.**

Midshires Care Limited has a sickness and absence policy. Employees are required to inform their Line Manager of any health concerns that may impact performance at work, this has to be actioned as soon as the employee feels they will not be fit to deliver care and no later than 60 minutes before the individual is due to start their working hours. The following has to be communicated to an employee's Line Manager:

1. The nature of the illness or injury.
2. The expected length of the absence from work.
3. Contact details.
4. Any outstanding or urgent work that requires attention.

If a sponsored migrant does not notify the company of their absence in accordance with internal policy, the company will immediately be aware of an unauthorised absence. The company will initially try and contact the absent sponsored migrant using their contact details held on file. In the event that the sponsored migrant cannot be located, Midshires Care Limited will submit an update via the Sponsor Management System ("SMS") to notify UKVI of this.

**4.3 End of sponsored migrant's employment. Report within 10 working days.**

Where a sponsored migrant's employment is terminated or the sponsored migrant resigns, the company will be involved in the process and will therefore be aware of it. Midshires Care Limited will submit an update via the Sponsor Management System ("SMS") to notify UKVI of this.

**4.4 Sponsor stops sponsoring the migrant for any other reason.**

All sponsored workers will be aware that they must notify the company if they change their immigration position.

In addition, the company is aware of its obligation to report this event to UKVI by making an SMS Update which must be submitted within 10 working days of the change occurring.

**4.5 Significant changes to role or salary**

The company will inform UKVI of any significant changes to the job or salary within the current CoS and via the SMS within 10 working days. Significant changes include:

**POLICY (POL)**

- a promotion or change in job title, or core duties
- If worker requires a new SOC code, we will apply for a new visa application to reflect this.
- a reduction of salary
- a change of salary from that stated on the CoS due to maternity, paternity shared parental or adoption leave, or a period of long-term sick leave lasting one month or longer
- a change in work location

#### 4.6 Suspicions a migrant is breaching their leave

Midshires Care Limited is aware that if it has any suspicions that a migrant is breaching their leave that it must report this to UKVI via the SMS system.

#### 4.7 Significant changes to the Sponsor's circumstances

The company is aware that if there are any changes to Midshires Care Limited that it must report this to UKVI via the SMS system. Reportable changes include:

- appointment of a new Authorising Officer
- addition of new overseas/UK entities or UK office locations
- a corporate structure change such as a merger, de-merger or acquisition
- change of name of the organisation
- receipt of new sponsored migrants as a result of a TUPE transfer

#### 4.8 Migrants with limited right to work

Following completion of their right to work check via a sharecode on the Online Checking Service, we will be notified of their work limitations eg. 20 hours per week during term time and full-time during official university holidays.

Title of POL: Immigration Compliance Policy

Custodian: Chief People Officer

Version Number: 04

Issue date: 08.01.26

Review date: 08.01.27

## POLICY (POL)

- All visas with restrictions are limited in our HR system and People Planner to the relevant amount eg. 20 hours per week to prevent illegal working
- All student visas and employees sponsored elsewhere are clearly marked as such on our HR system, allowing us to monitor expiry dates
- Evidence of academic timetable is requested on headed paper from the education provider and held on the employees file, updating yearly as needed.

## 5.0 General Compliance Duties

### 5.1 Checking and Verifying Documents

For each document that Midshires Care Limited receives it will undertake the following:

- check that the name on the documents corresponds to the name of the sponsored migrant's UK immigration documents;
- satisfy themselves that the documents are valid, genuine, belong to the holder, and have not been tampered with;
- make copies of the relevant pages of the documents; and
- countersign the copies to confirm that Midshires Care Limited is satisfied that the documents are valid, genuine, belong to the holder, and have not been tampered with.
- All compliance checks are held on employee record file in Select HR

#### Professional Accreditations

Midshires Care Limited recognises that in order to ensure full compliance with UK immigration law concerning the employment of sponsored migrants in the UK it will be required to evidence that it has implemented appropriate checking of professional accreditations where required.

Therefore, in order to comply with UK immigration law, Midshires Care Limited will ensure that:

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**POLICY (POL)**

- the offer is subject to the prospective sponsored migrant providing evidence of any professional accreditations prior to commencement of employment;
- on the first day or prior to the commencement of employment, the sponsored migrant must provide evidence of his professional accreditation to his/her HR contact;
- Midshires Care Limited will copy the professional accreditation document and place a copy on the sponsored migrants' personnel file;
- Midshires Care Limited will keep the copy taken on the sponsored migrant's personnel file for the duration of his/her employment with Midshires Care Limited; and
- The sponsored migrant will need to confirm if any professional accreditations have been renewed/updated by completing the relevant form on an annual basis.

Midshires Care Limited requires the professional accreditation documents of all sponsored migrants to be kept up to date and renewed. Accordingly, Midshires Care Limited should proceed as follows:

- send a communication to its employees on an annual basis and request an up-to-date copy of their professional accreditation document and confirm any changes; and
- details of any changes, as well as a copy of the up-date accreditation document, must be noted on the employee's personnel file.

**6.0 Declaration**

I confirm that, as the Authorising Officer of Midshires Care Limited (Talent Acquisition Director), I have read and understood the above policy that Midshires Care Limited will undertake in order to ensure compliance by virtue of being a sponsor licence holder.

TRAINING	No
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Title of POL: Immigration Compliance Policy

Custodian: Chief People Officer

Version Number: 04

Issue date: 08.01.26

Review date: 08.01.27

**POLICY (POL)**

Is training required?	
Details of training	N/A
<b>COMPLIANCE</b>  How is compliance within this document going to be monitored?	This policy will be monitored by the Authorising Officer.

**EQUALITY IMPACT ASSESSMENT AND PROCEDURAL INFORMATION**

	Positive/Negative/N/A	Comments
Does the document have a positive or negative impact on one group of people over another based on their:		
• Age?	N/A	
• Disability	N/A	
• Gender assignment?	N/A	
• Pregnancy and maternity (which includes breastfeeding)	N/A	
• Race (including nationality, ethnic or national origins or colour)?	Positive	This policy ensures compliance with the law aimed at protecting migrant workers (non-UK citizens) and the company from illegal working.
• Marriage or civil partnership?	N/A	

***"Helping people live well in the homes and communities they love"***

Helping Hands: Public

Page 12 of 14

Title of POL: Immigration Compliance Policy

Custodian: Chief People Officer

Version Number: 04

Issue date: 08.01.26

Review date: 08.01.27

**POLICY (POL)**

• Religion or belief?	N/A	
• Sex?	N/A	
• Sexual orientation?	N/A	
If you have identified any potential impact (including any positive impact which may result in more favourable treatment for one particular group of people over another), are any exceptions valid, legal and/or justifiable?	Impact is valid, legal and justifiable.	
If the impact on one of the above groups is likely to be negative:		
Can the impact be avoided?	N/A	
What alternatives are there to achieving the document's aim without the impact?	N/A	
Can the impact be reduced by taking different action?	N/A	
Is there an impact on employees, customer or someone else's privacy?	N/A	
Changes since previous version	<ul style="list-style-type: none"> <li>Update of 1.2 in relation to providing 'sharecode' for applicable employees.</li> <li>Update of 1.2 in relation to evisas</li> <li>Removed reference to Biometric residence permit</li> <li>Addition of 4.8 – Migrants with limited right to work</li> </ul>	
Who was involved in developing	International Recruitment Manager Talant Acquisition Director External Partner – Anthony Collins Solicitors	

***"Helping people live well in the homes and communities they love"***

Helping Hands: Public

Page 13 of 14

Title of POL: Immigration Compliance Policy

Custodian: Chief People Officer

Version Number: 04

Issue date: 08.01.26

Review date: 08.01.27

**POLICY (POL)**

/reviewing/amending the document?		
How confidential is this document	Public	Can be shared freely within and outside of Helping Hands
References	N/A	
Associated Documents	N/A	

***“Helping people live well in the homes and communities they love”***

Helping Hands: Public

Page **14** of **14**