

Tier 4 Controls

Introduction

The University engages a number of individuals who are in the country on Tier 4 visas. These typically have restrictions associated with them, most commonly a limit of 20 hours work in any single week during term time.

The University engages these individuals in a range of roles both on a casual worker and employment basis. Individuals are sometimes engaged in multiple appointments in different areas.

Casual Workers (Hourly paid)

The School/RI/Service are responsible for the process of onboarding casual workers. The procedures are set out in the [Guidelines to the Extended Workforce Policy](#). This includes the full Right to Work checks and uploading the associated documents. When engaging someone on a Tier 4 visa the individual is required to complete a Declaration Form indicating that they understand the restrictions associated with their visa and will not accept offers of work that would exceed this. Similarly the engagement letter should make clear the number of hours that might typically be expected to be offered recognising that a more regular work pattern would normally result in an employment contract being offered.

The College/US HR department check these documents when approving the appointment in the HR System (Core). No work should be allocated to any casual prior to this approval and approval will not be given until all documents have been uploaded and checked.

It is the responsibility of the manager allocating and approving the work to ensure that the individual is not offered work, which would take them over their restriction. The local administration office should alert the hiring manager accordingly at the point the Right to Work check is carried out.

Casual workers must ensure that when completing time sheets they record the work done against the appropriate date. This ensures that the record shows what has been done and when and avoids the risk of a claim for back pay being entered in one week (rather than over a number) and thus presenting data which would suggest a breach of the visa restrictions. Those approving the timesheets should seek to enforce this practice.

Hourly Paid Employees

All employment contracts are issued by the Central Recruitment Team in HR. With the exception of GTAs and Demonstrators (see below), they are responsible for carrying out the Right to Work checks and obtaining the signed Tier 4 Declaration form if applicable. They should also inform the hiring manager and local administrator where such restrictions exist.

No offer of employment for a number of hours (either per week or average) may be made that would take an individual over their visa restrictions. As with casual workers the responsibility for ensuring no offer of hours is made beyond the visa limits rests with the line manager/approver with the support of local administration.

GTAs and Demonstrators: These roles are recruited locally within the Schools and information then provided to Central Recruitment in spreadsheet form to enable them to issue contracts and appoint them onto the HR System. For these roles, the schools are responsible for carrying out the Right to Work checks and obtaining the signed Tier 4 Declaration form if applicable. This must be provided to Recruitment prior to the contract being issued. Recruitment are then responsible for checking it and uploading it to the employee's record.

Outside of Term Time

Any proposal to offer more hours out of term-time should be carefully checked to ensure this is legitimate. Any concerns should be raised with the College/US HR team prior to the work or contract being offered. A copy of the Term Time information for their Course should be retained along with the Right to Work check. This will not typically apply to PGR students who do not have non-term time.

Multiple Appointments

Due to the nature of the type of the work offered to individuals on Tier 4 visas generally the number of hours available is well within the visa restrictions. However, some individuals may have multiple positions within the organisation. It is the collective responsibility of the line managers to ensure the individual is not offered total work in excess of their visa restrictions in any single week.

Within the Colleges, the majority of roles are offered to individuals from within that school. Hence, the local Administration office are able to have oversight of the various appointments and ensure line managers co-ordinate (for example by agreeing limits to hours to be offered per week). Where a School or University Service wishes to offer a role to a student from another School they should first check with the "host" school that there are no potential restrictions they need to be aware of resulting from either their academic studies or other existing work.

For **Casual Workers** the administrator creating the appointment record will be able to see if the individual already has another position. If this is outwith their area they should contact College/US HR to establish what and where this is and then liaise with that area accordingly to manage the total number of hours. When approving such a multiple appointment the College/US HR team must ensure this has been done and that the different line managers have agreed how to ensure the total hours offered are within the visa restrictions. If the

individual already has work up to the limit of their visa, no additional appointment should be approved.

(NB. The updated Tier 4 Declaration form includes a request for the individual to declare whether they have other roles within the University – it also makes clear that they also need to take external employment into consideration but clearly this is not within our gift to manage. However if we are alerted to information that would suggest the individual's total work is in breach this should be raised formally with them. A Tier 4 Declaration should be completed for each and every appointment to ensure the information is kept up to date.)

For **Employees** the Recruitment Team should check the other appointments (including any existing casual arrangements). They should ensure that the hiring manager liaises with the existing managers to agree limits to hours offered. They should also alert the local administration office especially if they are involved in approving time sheets. No offer of employment should be made that could take the individual over their total restriction. For example if a role is offered on a 20 hours per week basis the individual would be required to resign from all other appointments at the University. In this case, the new appointment should not be approved until the other records have been ended in the system or arrangements confirmed that the hours will be managed. Recruitment should ensure that the line manager is aware of the restrictions and their responsibility for managing within these.

Reporting/ Checking

Reports are created from the HR/Payroll system to assist in monitoring the hourly paid Tier 4 individuals. Local Administration are often involved in approving hours worked and receive summary reports to assist in alerting them to any potential risks. Similarly central HR run reports to monitor the hours being processed on a monthly basis, raising any concerns with the line managers/local administration/HR accordingly. Any potential breach must be investigated immediately and remedial action taken to ensure this cannot happen again. Central HR should be alerted to any potential breach to ensure that the University is in a position to fulfil its responsibilities in terms of reporting.