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IMMIGRATION:

Employment of Tier 4 student workers - Procedure

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1. **Introduction**

1.1 This procedure sets out the process for employing Tier 4 student workers, to ensure compliance with UKVI requirements and employment legislation.

1.2 Tier 4 student workers, and Employing Managers responsible for allocating work to a Tier 4 student worker, will be expected to be aware of their responsibilities under this procedure.

1.3 From January 2016 Tier 4 student workers employed at the University will need to ensure their work complies with the following criteria:

   - A maximum of two contracts of employment with the University at any one time. Each contract may include multiple posts when held in one school or department, and with one nominated Employing Manager per contract.
   - There will be a maximum amount of hours assigned to each contract, which in total must not exceed the individuals’ visa conditions.
   - A full right to work in the UK check must be carried out prior to anyone who holds a Tier 4 visa being able to commence employment at the University.
   - All contracts of employment for staff holding a Tier 4 student visa will be issued by Human Resources (HR).

2. **Aims and objectives**

2.1 The aim of this procedure is to ensure compliance with UKVI regulations on the employment of Tier 4 student workers, whilst ensuring that individuals are neither privileged nor subject to less favourable treatment on the grounds of any strand of the Equality Act (2008). However, where any conflict exists between this procedure and another University policy, this procedure takes precedence.

2.2 The requirement to provide documentary evidence of the right to work in the UK will apply to all staff.

3. **Scope**

3.1 This procedure applies specifically to the engagement of Tier 4 student workers on a UK employment contract, and all staff based at the University responsible for allocating work to Tier 4 student workers.

4. **Responsibilities**

4.1 The University Executive Group (EG) are responsible for:

   - ensuring senior managers in the University are aware of the requirement for all staff to cooperate with the University’s compliance teams in Academic Division and HR.

4.2 Human Resources (HR) are responsible for:

   - ensuring the Visa Compliance Team are notified of all Tier 4 student workers who are employed at the University, and when this employment ceases;
   - checking and approving all conditional offer of employment forms for Tier 4 student workers, to ensure they comply with the requirements, as set out in Section 5;
   - issuing all contracts for Tier 4 student workers;
• recording and monitoring timesheet claim forms for Tier 4 student workers;
• maintaining a list of all Employing Managers in the University and ensuring they are made aware of their responsibilities;
• investigating any potential breaches or irregularities, and taking action as deemed necessary.

4.3 Employing Managers are responsible for:
• understanding the visa and contractual restrictions associated with Tier 4 student workers within their school/department;
• ensuring all offers of work to Tier 4 student workers (new or extensions) are approved by HR prior to any work being undertaken;
• overseeing and monitoring the hours offered to Tier 4 student workers to ensure the hours of work offered do not exceed the contractual or visa limits;
• implementing and maintaining methods of approving hours worked by Tier 4 student workers and ensuring that all other staff within the school/department understand that they must not allocate hours to Tier 4 student workers without prior approval from the Employing Manager;
• authorising timesheet claim forms for Tier 4 student workers and ensuring they are sent to the HR Immigration Adviser by the payroll cut-off date each month.

4.4 School/Department heads are responsible for:
• ensuring that all individuals recruited have the legal right to work in the UK, and that the necessary documentation checks are undertaken prior to employment;
• reporting any concerns that a member of staff may be breaching their visa conditions to the HR Immigration Adviser for investigation;
• maintaining a list of authorised Employing Managers within their school/department, who are permitted to request contracts of employment for Tier 4 student workers, allocate hours of work and authorise timesheet claim forms.

4.5 Tier 4 student workers are responsible for:
• ensuring hours worked per week do not exceed either their visa or contractual conditions;
• being aware of term times and restrictions relevant to their level of study (these can be found at Section 7);
• (if studying at another institution) submitting a status letter to the HR Immigration Adviser annually and when requested;
• submitting timesheet claim forms to their Employing Manager promptly;
• updating the HR Immigration Adviser of any changes to personal circumstances or immigration status.

5. Issuing of contracts

5.1 Employing Managers wishing to employ a member of staff holding a Tier 4 student visa should complete a Conditional Offer of Employment form, confirming the details of the post(s), maximum number of hours, and the student’s personal information. Verification of right to work in the UK documentation should also be undertaken at this time.
5.2 Tier 4 student workers are not permitted to undertake any work until the conditional offer of employment has been authorised by HR, and the terms and conditions have been accepted.

5.3 Tier 4 student workers must complete a Tier 4 student worker timesheet claim form for all work undertaken with the University.

5.4 Timesheet claim forms must be completed in full with exact dates of work. The hours must be verified and signed by the Employing Manager before being submitted to the HR Immigration Adviser no later than the published monthly payroll cut-off date.

5.5 To ensure the correct calculation and payment of teaching hours, the code TH must be used for all teaching hours (to which Payroll will then apply the multiplier rate). For all other duties paid at flat rate the code AA (additional activities) should be used.

5.6 Original signed timesheet claim forms must be submitted to the HR Immigration Adviser, not photocopies or emailed versions. Batch spreadsheets cannot be accepted for Tier 4 student workers; any Tier 4 student worker hours must be removed from school/department spreadsheets before being submitted to Payroll, in order to avoid potential overpayment. Completed timesheet claim forms should be sent to the HR Immigration Adviser on either a weekly or monthly basis.

5.7 Once timesheet claim forms have been received, hours worked will be reviewed against the contractual limits across all contracts held by an individual, to ensure contractual and visa conditions have not been breached. The timesheet claim forms will then be passed to Payroll for payment. Any forms received after payroll cut-off may result in a delay in payment.

5.8 Please note, teaching hours undertaken as an Assistant or Associate Lecturer should be logged on timesheet claim forms as contact hours only. However, in all calculations for maximum contractual hours and visa purposes, a multiplier of 2.5 is applied to the actual teaching hours to give an accurate picture of total hours worked.

5.9 Tier 4 student workers who wish to undertake an additional contract when they either already hold two contracts or hold one contract at the maximum hours stated in their visa, must advise HR which contract they either wish to decrease or close, to enable authorisation of the new contract.

5.10 Any Employing Manager wishing to increase the amount of hours or extend a contract of a Tier 4 student worker should be aware that this will not be agreed by HR if the Tier 4 student worker already holds either a maximum of two contracts or one contract totalling 20 hours per week.

6. Number of hours

6.1 A Tier 4 (General) student visa will have a condition allowing the following working hours during term time:
   - degree level students – 20 hours per week
   - below degree level students – 10 hours per week

6.2 Hours cannot be averaged over more than one week.

6.3 Tier 4 student workers must not work in excess of the number of hours stated on their visa in any one week. If a Tier 4 student worker holds more than one part-time job, the total number of combined hours must not exceed the amount stipulated on their visa.
6.4 It is the responsibility of the Tier 4 student worker to ensure hours worked do not breach their visa conditions. The consequences of failing to comply with the conditions of a visa are likely to be very serious, including visa withdrawal and deportation. The University has a duty to notify the Home Office of all breaches of Tier 4 visa conditions, and reserves the right to withhold payment to staff members for any hours which are deemed to be in excess of their visa restrictions.

7. **Definition of term time**

7.1 University term times can be found on the University website. Tier 4 student workers wishing to work more hours during vacation time must be aware of the periods relating to their programme of study:

- Below degree level students – term time will depend on the course of study
- Undergraduate students – three terms with vacations at Christmas, Easter and summer. Full time work is permitted in vacations.
- Postgraduate taught masters students – vacations at Christmas and Easter only. Full time work during Christmas and Easter vacations is permitted, but must not exceed the weekly contractual and visa hours during the summer vacation.
- PhD students – there are no standard vacations and students are expected to be engaged with study for the duration of their registration. Only part-time work is permitted.

8. **Action taken to address potential breaches**

8.1 If it becomes evident to the University during the course of an Tier 4 student worker’s employment that their visa is no longer valid, or they have exceeded the conditions stated on their visa, the University will (following an investigation into the circumstances and having established that the individual does not have the right to work in the UK) terminate the contract of employment.

8.2 Any suspected breach of visa conditions, such as working too many hours, will be brought to the attention of the HR Immigration Adviser for investigation. During the investigation the HR Immigration Adviser will liaise with the hiring school/department, meet with the individual to discuss the circumstances, (where applicable) seek advice from the Home Office and request a student engagement report from the Visa Compliance team.

8.3 Where an investigation finds a breach has occurred, the findings will be presented to the Assistant Director - Employee Relations & Business Partnering¹ and appropriate action will be agreed.

8.4 The Tier 4 student worker will be invited to attend a meeting with two of the Tier 4 Compliance Manager, Sponsor License Authorising Officer and the Assistant Director - Employee Relations and Business Partnering.

8.5 Sanctions that could be imposed in cases where a breach has taken place are, disciplinary action, termination of employment contract, and withdrawal of student sponsorship.

8.6 Once the student worker and the employing school/department have been notified and the sanction(s) imposed, the breach will be reported to the Home Office.

¹ Or their nominee
8.7 Any Employing Manager found to have been negligent in the allocation, monitoring authorisation of hours in any such investigation, may also be subject to disciplinary action.

9. Review

9.1 This procedure will be reviewed every three years, or in line with changes to relevant legislation or University practice, whichever is sooner.