



Pre-Employment and Induction Guide for Employers of Overseas Workers, Refugees and Asylum Seekers in Scotland

Contents

Introduction	2
Terminology and legal status	2
Understanding people’s right to work	4
Considerations for recruitment and induction practice	5
Recruiting an overseas worker	14
Local information	20
Information about the organisation	21

Introduction

One in 13 people in Scotland work in social services. Every day they make a difference to people’s lives. With opportunities to gain new skills, qualifications and personal fulfilment a job in social services could make a difference to your employee’s life too.

This guide complements the existing recruitment, pre-employment and induction resources every organisation already holds. It focuses on the additional information and resources that are specific to overseas workers, refugees, asylum seekers and those arriving on nationality-based routes and the organisations that employ them. There is a version of this [document for employees](#) that employers should make available to non-UK workers as a complimentary addition to their own induction package.

This guide can be read alongside the Scottish Social Services Council’s (SSSC’s) [National Induction Framework](#), which is also intended to complement your organisation’s induction programmes, policies and procedures. The induction framework supports workers, together with their employers, to identify what knowledge, skills and guidance they need to be equipped and competent to safely provide person-centred support to people in their new role.

Terminology and legal status

There are many terms used for workers from overseas and although in most cases the terms can be interchanged without consequence, they do each have a certain legal status.

Migrant

Someone who chooses to voluntarily move from one region or country to another, for example to improve their employment opportunities or to join family.

Overseas worker

Someone who has, or needs to have, a visa to work in the UK. Please see below for more detail in [‘Recruiting an overseas worker’](#).

Forcibly displaced person

Someone who has had to flee from where they live because of persecution, conflict, generalised violence or human rights violations. They could be in a different city in their country or have travelled to another country.

Asylum seeker

A person who has made a claim to be considered for protection (become a refugee), in a state that has signed the UN Convention on Refugees 1951 and is waiting for a decision. In other words, an asylum seeker is a person who has asked the government to recognise them as a refugee and is waiting to hear the outcome.

Asylum seekers do not have access to public funds or automatic permission to enter paid employment, although they can volunteer with charitable or public organisations, but not with private companies.

Refugee

A refugee is someone whose individual application for protection has been recognised under the UN Convention on Refugees 1951. A refugee is entitled to the same social and economic rights as any UK citizen. Refugees have full access to medical treatment, education, benefits, housing and employment.

Depending on the route to the UK, for example refugee resettlement route through the UK Resettlement Scheme (UKRS) or the asylum route, refugees may receive different types of immigration status from the Home Office, which are ‘leave to remain’ or ‘leave to enter’. Leave to remain or leave to enter are general terms that mean that a person from outside of the UK has permission to stay in the UK. The length of leave to remain for refugees can vary.

Other forms of immigration status

Asylum seekers who do not meet the criteria for refugee status may meet the criteria for other types of leave to remain, such as Humanitarian Protection or Discretionary Leave. If they are granted these types of leave, they will also have permission to work in the UK. Those with limited leave to remain can apply for further leave to remain and while the application for further leave is being considered, people will continue to have the same right to employment.

Employers planning to employ Ukrainians in social service roles can also refer to the information in SSSC’s guide on [Ukraine nationals: a guide for social service employers](#).

Understanding people's right to work

An overseas worker will already have the permission to work included in their visa when they enter the UK. Refugees have the right to work in the UK without any restrictions, the same as any other resident in the UK, and are covered by the Equality Act 2010 and the Human Rights Act 1998.

As an employer you must check that a job applicant is allowed to work in the UK before employing them. As an employer you may hesitate when recruiting refugees due to not fully understanding who has the right to work, restrictions on areas of work and length of stay. However, it is a relatively simple process, you can find more information on the [Right to work checks: an employer's guide](#).

Application registration card (ARC)

[The application registration card \(ARC\)](#) is issued to people in the asylum process. It is credit-card sized and issued by the Home Office to individuals who claim asylum. The card indicates that the asylum claimant is awaiting the outcome of their asylum claim.

An ARC includes information on:

- name and nationality
- age, including whether the Home Office has disputed age
- permission to work status in the UK
- access to public funds status in the UK.

Asylum seekers generally do not have permission to work. They can apply for permission to work if they:

- have been waiting over 12 months for a decision on their asylum claim through no fault of their own
- find a job that is listed in the [Immigration Salary List](#) which currently includes most care worker roles.

If permission to work is granted by the Home Office, the ARC will be updated stating 'Work Permitted, Shortage Occupation' in the remarks section.

Individuals in the asylum process will need to apply for a National Insurance number once they have received their updated ARC stating permission to work from the Home Office. An employer must always still use the [Employer Checking Service](#) to check an asylum seeker's right to work.

Biometric residence permit (BRP)

A BRP is issued to people who have received an immigration status in the UK. It is credit-card sized and issued by the Home Office. It can be used to confirm an individual's identity, right to study and right to any public services or benefits. A BRP cannot be used to [confirm right to work](#), this must be checked online.

A BRP includes:

- name, date and place of birth
- fingerprints and a digital facial image (see more in [biometric information](#))

- immigration status and any conditions of stay
- access to public funds, for example benefits

A BRP may also have a National Insurance number printed on it if one has been issued. When someone with right to remain in the UK has been successful with a job interview, they will be asked to evidence their right to work. They will need to generate a 'share code' and share this with the employer. To access this, they will need to go to the Government's website on [Prove Your Right to Work to an Employer](#). There are a few pages to navigate through and a 'share code' will be generated. This will need to be given to the employer along with their date of birth. Once the employer has the share code from the successful candidate, they would [check a job applicant's right to work](#).

For more guidance go to [Right to work checks: an employer's guide](#)

The Home Office plans to digitalise immigration status information by end of 2024. This is why all physical BRP cards issued have 31.12.24 as an expiry date and will not represent the length of people's immigration status. From 1 January 2025, the Home Office plans to give all individuals online access to their immigration status without a physical BRP card. This is called an eVisa; updating the physical BRP card to an eVisa does not affect an individual's immigration status or the conditions of their permission to enter or stay in the UK.

Immigration advice

Some employers may opt to engage immigration lawyers, regulated by the [Law Society of Scotland](#), or an immigration advisor registered with the OISC ([Office of the Immigration Services Commissioner](#)) to manage their sponsorship responsibilities - [check if a specialist is registered with the OISC](#) on GOV.UK.

A very good starting point for applicants to find free information, advice and guidance is [Citizens' Advice Scotland](#), which includes migration related information.

Considerations for recruitment and induction practice

Recruitment and retention are significant factors in improving the availability and quality of social care delivery, although both remain an ongoing challenge (Social Work Services Strategic Forum 2016). There are still high numbers of vacancies within the Care at Home and Housing Support sector, whilst attrition rate data suggests a quarter of staff recruited are leaving after 3 months of joining the workforce (Scottish Care 2021). With the addition of care roles to the Shortage Occupation List in 2022, and the retention of these roles on the [Immigration Salary List](#) in 2024, many Scottish employers have increasing opportunities to recruit from overseas as candidates can apply for a [Health and Care Worker Visa](#).

The inclusion of care worker roles onto the Immigration Salary List also created opportunities for asylum seekers, with permission to work, to apply for those roles. People with refugee status already had the right to work in any employment role.

Refugees and asylum seekers (with permission to work) are already living in the UK and are not subject to meeting work visa requirements under the points-based immigration system and employers do not need to sponsor them. This allows employers to recruit from within the population of Scotland.

Refugees may bring a diverse range of valuable skills and experience. Many already held a qualification or university education before coming to the UK. However, refugees and people in the asylum process may encounter additional challenges when looking for employment in the UK, such as being unfamiliar with the UK recruitment process. Someone who is highly skilled and qualified but may be unable to access their professional career in the UK, might be unsure of what jobs their skills and experience are transferable to. Not everyone will have the same challenges, and there are some considerations that employers can put in place to support the recruitment of the applicants.

Induction and orientation are important elements to the onboarding process following recruitment. It ensures access to knowledge, skills, peer support and mentorship for newly recruited staff and can be a foundation for continuous professional development. Although induction practices should apply to all of the social services workforce, orientation to work can be specific to the role, activities, and the area of work of the staff member. Overseas staff, refugees and asylum seekers will require additional support to integrate successfully into the workplace and to understand organisational cultures and ways of working.

Gaps in work history

Candidates may have gaps in their CVs due to them having to flee their home country. For example, they may have needed to leave before completing a university degree, or they had to leave employment suddenly, experienced long periods of displacement or they had no right to work during the asylum process. With the extended gaps in their CV, some may find it challenging to navigate through the employment system. Individuals may not recognise and identify that skills and experience acquired from another country or during their displacement are relevant or transferable, for example: social care work experience from another country, caring for family members or working in a nursery school. Time spent in volunteering also counts towards work experience, but this is sometimes not spoken of as people may feel unpaid work is not relevant.

More information regarding the recognition of prior learning (RPL) can found on the SSSC's on-line [RPL resource](#).

Candidates may think that they need to have care experience to apply for care support roles. Many will be discouraged to apply for these roles if they are unsure. If experience is not required employers should indicate this in the job description.

Candidates may also think that they need a qualification from college to start working as a care support worker. They may be unaware of Scottish Vocational Qualifications (SVQs) which can be obtained whilst working. If this is offered, do consider indicating this in the job advert.

Discrimination

Discrimination refers to when an individual is treated in a less favourable way than another person in an equivalent circumstance. Discrimination can be direct or indirect, through harassment or victimisation. It can take place in different forms exhibited through spoken words including jokes, in written form or physically. When discrimination occurs, it may or may not be with the intention to cause offense. However, its impact can be detrimental to not only the individual but also to the credibility of the recruitment process and may bring disrepute to the organisation.

Refugees have the same protection against discrimination in the workplace as everyone else in the UK. They can experience particular problems because there of confusion about their rights and entitlements. Refugees may feel they are being discriminated against to enter the employment market in the UK. Many of them did not have the right to work while in the asylum process and if they have had the right to work at a later stage, repeated unsuccessful job applications can make them feel they are being disadvantaged. Some of the examples of discrimination may be shared with UK-born ethnic minorities such as ethnicity or religion while others are specific to refugees such as an employer's lack of knowledge about their right to work. For information refer to the Government's [Right to work checks: an employer's guide](#).

Employers can request the Scottish Refugee Council's employability service deliver an awareness session on refugee rights and entitlements. These sessions can help you understand the different terminology used, rights and entitlements candidates have and explore the challenges candidates face when seeking employment. If your organisation is interested in these sessions, please contact: employability@scottishrefugeecouncil.org.uk

Understanding the recruitment process

Different countries have different recruitment processes, and a worker from overseas may only have experienced the process in their country of origin and would need help to understand the recruitment process in the UK. In some countries, individuals would approach an employer directly after graduation, if it is a relevant qualification, they are started on a work trial within the next day or two and are kept on if they are performing well. Some overseas workers may not have experience of applying for jobs using a CV, and especially not using an application form where they have to evidence how their skills and experience relate to the job specification. Also, in some countries candidates would only be able to find jobs in their specific area of profession and their skills and experience will not be considered by employers in other sectors.

Many candidates are unfamiliar with competency-based interviews where they have to talk about their skills and experience, thus may require additional prompting during the interview. Some people might struggle with interview etiquette. For example, in some cultures folded arms show that they are paying attention to the interviewer, and giving short answers is considered polite.

As English is not their first language, candidates may worry about their limited vocabulary and not coming across as professional. Do allow interviewees time to think about their responses and you may need to consider rephrasing questions. Interview questions around 'conflict resolution' should be rephrased as the immediate understanding of 'conflict' may be the armed conflict they have had to experience.

Qualifications

Refugees and people in the asylum process bring varied qualification profiles to the UK. Evidencing overseas qualifications may be challenging for those who lack documentation of their formal qualifications.

If someone has overseas certificates, they can be compared with UK qualifications. [UK ENIC](#) is a centre for the recognition and evaluation of international qualifications and skills. People can apply to the UK ENIC for a [Statement of Comparability](#) and may indicate this on their CV or application.

Individuals who wish to work as a social worker must have a recognised social work qualification before they can start employment. The SSSC assesses social work qualifications that have been obtained from outside of the UK to ensure that they meet the requirements and standards for social workers in Scotland. Towards the end of 2022 the SSSC agreed to waive all charges for the assessment process, including aptitude tests if required, for refugees, asylum seekers and those who arrived under one of the nationality-based schemes. At the time of writing this guide the waiver is under review, employers are encouraged to contact the SSSC directly for the most up to date information, contact details can be found at the bottom of the [SSSC registration webpage](#).

The SSSC does not assess non-UK social care qualifications as holding a qualification is not a pre-requisite for employment as a social care worker. Currently, once individuals enter a social care role, they have up to five years to obtain an appropriate qualification. Whilst aiming to complete the minimum Scottish Vocational Qualification (SVQ) requirements, social care workers can also engage in non-accredited certification to build their knowledge base, competence and contribute towards continuous professional development, for example from the [Skills Network](#).

Getting references

It may be difficult for refugees and asylum seekers to obtain two references requested by care employers, one of which should be from the current or most recent employer (if they have been previously employed). Refugees and asylum seekers are not always able to provide a reference from a recent employer, and depending on their social and community connections in Scotland may also struggle to identify a suitable person for a character reference. This could be because people have gaps in their CV, no UK work experience or find it difficult to get a reference from another country.

In the absence of an employer reference the SSSC and Care Inspectorate advise that a minimum of one character reference will be acceptable. Explore character references from different sources such as refugee support workers, tutors, volunteering supervisors or from a recognised figure from the community or a place of worship. See SSSC's information on [Recruiting people with refugee status](#).

If it is not possible for the person to access any references, the employer should be satisfied there is a good reason for this and record why in the personnel file. Please see the Care Inspectorate and SSSC for further information about how to recruit safely when candidates cannot provide the expected number of references.

Also, refer to the [References](#) section for more information.

English language

Limited English language skills can be a major barrier to employment for refugees and asylum seekers as they will need to communicate with people in care and writing notes is often required for social care roles. The level of language proficiency required will depend on the role and employers can consider what level is appropriate.

It is worth noting that many refugees and overseas workers speak a language other than English and may even speak more than one language. These languages are additional skills that can benefit social care job roles as there may be an increasing cultural diversity of people in care.

English for Speakers of Other Languages (ESOL) courses are for learners whose first language is not English. Learners can develop their reading, writing, listening, and speaking skills in the English language, and also their knowledge of language. Refugees and asylum seekers are entitled to study ESOL and there are often part-time classes. If your new employee is attending ESOL classes, consider if there are shifts available around their class times.

The local colleges usually have a long waiting list making it difficult to access ESOL classes. These are part of further education funding. If you have a new employee who is looking for ESOL classes, direct them to:

- [ESOL Courses in Scotland](#)
- [ESOL register in Glasgow](#)
- [Glasgow Life English Language Courses](#)
- local authority's webpage as they may offer free community classes

You can find more information about ESOL classes on the [Scottish Qualifications Association \(SQA\)](#) website.

If your new employee has studied ESOL or equivalent in another country, you can find out the ESOL/IELTS/SCQF/CEFR equivalents on the [SQA's ESOL Qualification](#) webpage.

The SSSC guide [Communication skills for caring](#) highlights some online and local resources for developing general skills in reading, writing, listening and speaking, as well as providing links to further opportunities to improve English language skills. Employers can also inform people of local community group activities and volunteering which are good ways to develop language skills.

Acceptable language and behaviour

It is important to help newly recruited staff to become familiar with the language and behaviours that are acceptable at work in the UK. For example, newly recruited staff members may not be aware of the right terms used to refer to people they support, for example 'individuals using services'. They may not know how to refer to individuals who are from the LGBTQI+¹ communities, or that remaining professional with your colleagues is expected over unwarranted friendliness, which may be deemed excessive and unacceptable within the work environment. Overall, understanding and respecting people's boundaries, both staff and individuals using

¹ LGBTQI+ is lesbian, gay, bisexual, transgender, queer, intersex (+ for other identities)

services, will help the newly recruited staff member develop good working relationships and minimise occurrences of conflict or tension, which can have a negative impact on the organisation's culture. In addition, people at work may use more formal language than they would in a more informal setting. A [values-based induction process](#) can provide clarity on what language and behaviour is considered acceptable and normal within your organisation. Similarly, you may wish to raise awareness of your organisation's equality statement during the induction process. Ongoing professional training and development can also be an invaluable way to support staff to familiarise themselves with and understand expectations around professional language and behaviours.

UK work culture

Adapting to the UK work culture may take employees a little time to get used to. The idea of team working is not encouraged in some countries as some managers think that employees talking with colleagues means they're not producing work. Asking for help is also viewed negatively in some countries as managers might think that an employee should know the work.

Extended shadowing, a buddy approach or regular supervision during induction to ensure a new employee is settling in would be the best form of support for someone joining your organisation. Do remind them that induction and training are part of the learning process, and that asking questions is encouraged.

Cultural differences

If you compare any two countries, then there will be aspects of their cultures that will be similar and other aspects that are very different. Sometimes those cultural differences can be embraced and celebrated, but there are some differences that can become issues for overseas workers coming to the UK. In some countries homosexuality is still a crime, in other countries people with disabilities are not treated with the level of care and respect we would expect in the UK.

When recruiting workers from overseas a values-based approach to recruitment should be considered best practice and is particularly important as cultural attitudes can be very different. Values-based recruitment complements traditional recruitment methods and ensures that the applicant's values and behaviours are aligned to those of your organisation. A robust values-based recruitment process can contribute to risk mitigation where standard references or criminal record certificates are not available.

The SSSC provides a '[Right values, right people: recruitment toolkit](#)', that has many resources for employers and employees to help embed values-based approaches to recruitment and retention.

As an employer you should consider providing workers, from non-UK cultures, with some training and education in what is acceptable behaviour within a care setting in the UK. Caring for a selection of culturally diverse patients can be a challenge as what is considered appropriate and acceptable behaviour will vary widely. Even such a simple thing as eye contact can cause problems. In most western cultures direct eye contact is considered essential to having an honest and open discussion, but in Asian cultures it implies equality, so direct eye contact with a superior, for example a doctor or perhaps a nurse, may be considered a lack of respect. In Middle Eastern cultures

eye contact between men and women is avoided as it is considered sexually suggestive.

Cultural differences can be particularly important to understand during palliative care and bereavement and employers need to be mindful of these. For example, while the passing of a loved one is a great loss in any culture, how the tradition or rituals will be conducted will depend upon the individual's personal and cultural beliefs and values. In some cultures, the practice of wailing or keening is expected at the moment of death, but such a practice may cause distress for other patients and staff. Ensure that all staff are supported to develop cultural competence and make them aware of the expected behaviour and accepted practice at your organisation.

The '[Scottish bereavement friendly workplaces toolkit](#)' and the SSSC's '[palliative and end of life care resources](#)' are a good starting point for more information and resources.

Housing and accommodation

People who are in the asylum process, if destitute, will be living in asylum accommodation and receiving financial support (called asylum support) from the Home Office and do not have access to public funds. When they find work, they may be assessed as no longer destitute and may need to contribute towards asylum accommodation costs or move into privately rented accommodation and cover all rent and living expenses. Advice in this area falls under immigration advice and people should be signposted to regulated immigration advisers or immigration lawyers. Advise people in the asylum process to contact Migrant Help on 0808 800 0630, or to speak with their solicitor or an immigration adviser before accepting the job to see how it will affect their housing and financial support.

Refugees have the same rights to housing as UK citizens. This means they can access all housing options including social housing from both local authorities and housing associations. They are entitled to homelessness support on the same basis as Scottish residents. Anyone requiring information and advice about their housing rights are advised to contact [Shelter](#).

A newly appointed member of staff in temporary furnished accommodation may have appointments with the local authority to secure permanent housing. Missing those appointments may lead to no support with identifying alternative housing. Consider if flexi-time or time off in lieu (TOIL) or overtime is an option to help the individual to plan ahead for how they will make their appointments. For information check [Overtime: your rights: Time off and paid leave - GOV.UK](#).

Some overseas workers and people who arrived through various nationality-based schemes, for example Ukraine schemes and Afghanistan schemes, may be living in a temporary arrangement such as with hosts or in hotels. [Shelter Scotland](#), a housing rights charity, has extensive information and advice on their website on [private renting](#) and [social housing](#). For other housing questions, local organisations such as the [Citizens' Advice Bureau \(Scotland\)](#) are a good place to start. Additional information on accommodation for overseas workers can be found in the [International recruitment into adult social care employer resource](#) on TURAS digital learning platform.

Technology and digital skills

Digital exclusion resulting from lack of access to devices, digital literacy, and limited internet access is a major obstacle faced by asylum seekers and refugees in the UK. People may have poor internet access and no money to buy digital devices. A lack of digital skills and access can restrict peoples' access to jobs, with most jobs advertised online and requiring application forms to be submitted electronically. Attempting to complete a job application on a mobile phone can be difficult too, due to the small size of screen and keyboard, and some online job websites and applications may not display properly on a phone, making it difficult to read or enter text. People may also be unused to using digital applications in their country of origin when applying for jobs, such as Microsoft Word forms, online forms and other applications. If possible, indicate if handwritten application forms will be accepted, or whether there are other ways applications can be submitted

If your new employee needs support with digital skills, advise that there are local digital skills courses, for example local libraries or the local authorities may run courses.

In a digital world the expectations of social service employers, the workforce and people who use services are changing. It's becoming more and more important that workers are suitably equipped to develop their digital capabilities. The SSSC has developed a free, online resource ['23 Things: Digital'](#) to help social service workers develop their digital capabilities to support learning and practice. The resource includes a suite of open badges which evidence of a learner's knowledge and skills and which learners can choose to share with employers.

Wellbeing

It is important to recognise that employees in the social care sector are susceptible to experiences of personal and work-related stress and traumatic events. This is even more relevant for staff members who have entered the UK as refugees or asylum seekers. Past trauma can also resurface if people are in a new, stressful situation. Employees from refugee and asylum-seeking backgrounds may have experienced multiple traumatic events during their forced displacement. Before being forced to flee and during their flight, they may have experienced war, persecution, violence, torture, assault, loss of family, home and livelihood as well as identification documents and qualification certificates. Some will have lived in constant fear about their physical safety and will have ongoing anxiety about meeting their basic needs of food and shelter.

Experiences of trauma do not necessarily end after moving to a safe country. The asylum system in the UK is difficult to navigate and long delays in processing asylum claims can contribute to an individual's mental health deteriorating. Those who received refugee status following an asylum claim may find the move-on process of seeking accommodation and navigating the social welfare system overwhelming. Refugees arriving through resettlement programmes may also struggle to re-establish themselves in a new home and get used to new systems. Sometimes reaching a safe place means people start to process past experiences and may have stronger emotional responses after arriving in Scotland.

It is important to recognise that past and present trauma may impact on individuals differently. Not everyone will be affected the same way. Some will recover from

traumatic events quickly and others may require more time. Inability to see family, bereavement, loss of contact with family and not having social support networks in Scotland may affect people's resilience and reduce their ability to process stressful events. Safe and supportive relationships, presence of family in Scotland and stable social networks including a supportive workplace can create strong protective factors for promoting resilience.

Sometimes people's behaviours may be a response developed in relation to a traumatic event, for example, ongoing sleep difficulty, anxiety, inability to concentrate, struggling to trust and feeling they need to be on guard. Employees who experienced trauma may also not be aware that the work is having a subconscious emotional impact on their wellbeing, for example conversations with people they support may trigger an emotional response. Developing an understanding that people's behaviours may be affected by trauma will enable you to approach your concerns differently. Discussions with your employees, about what may work well for them by way of reasonable accommodations, might be a good place to start. If you can make small adjustments, for example changing someone's shift pattern, do consider those. The National Wellbeing Hub has developed a [wellbeing resource](#) to help people cope with the aftermath of the COVID-19 pandemic and support overall psychosocial wellbeing. The guide also serves as a great starting point for individuals who are keen to know more about psychologically safe workplaces. Further information on pastoral support provision, including aspects on wellbeing, can be found within the Employer and Candidate resource on ['International recruitment into adult social care'](#) accessible on TURAS Learn.

Awareness of employee rights

People may not be aware of their rights as employees. In some countries people will not have been offered employment contracts, and they would have limited or no rights as an employee. For example, sickness, paternity/maternity leave or bereavement leave.

Do emphasise to new employees the importance of reading and understanding their contract. Make people aware of their rights as an employee. If they need further advice, direct them to [Citizen's Advice](#) or [ACAS](#) for information and advice on work related matters.

Challenging unethical practice and modern slavery

The CWSS has produced a guide, '[Challenging unethical practices in international recruitment](#)' with the aim of ensuring the movement of individuals, for the purpose of work, is done in a fair and ethical manner. This document considers factors that contribute to modern slavery, human trafficking, forced labour, and debt bondage. It provides helpful tips to ensure recruitment, workplace policies and culture are in line with ethical considerations.

Recruiting an overseas worker

This guide provides some simplified guidance for recruiting workers from outside of the UK. However, it cannot cover all the circumstances of every individual, so you should read the [visas and immigration information on the UK Government website](#).

The social care sector is experiencing a crisis with regards to recruiting and retaining a workforce of adequate size and experience, particularly as recruitment of staff from within a local geographical area is proving to be challenging. Increasing the recruitment of staff from outside the UK is an option that service providers may wish to consider, although the complexity and cost of the process can be seen as an impediment to such recruitment. There are additional costs associated with recruiting internationally, although these can be offset by reducing the cost of employing agency staff. A helpful CWSS guide, '[The cost of recruiting into Scottish social care](#)' has been created to help employers decide if international recruitment is a financially viable option for their organisation,

More resources, advice and guidance for international recruitment can be found on the NES Centre for Workforce Supply Social Care website, '[International recruitment into adult social care](#)'.

You can find fuller details of safer recruitment practices on the [Safer Recruitment through Better Recruitment](#) guide.

Visas

The UK has a points-based immigration system, and a worker needs at least 70 points to qualify for a visa. Workers going into care support/worker roles (SOC 6135/6136) accrue these 70 points by:

- offer of a job by an approved sponsor – 20 points
- job at the appropriate skill level – 20 points
- speaks English at required level – 10 points
- job on the [Immigration Salary List](#) – 20 points [Note: The Shortage Occupation List was replaced by the Immigration Salary List as of April 2024]

To help you understand the UK's points-based immigration system, becoming a sponsor and much more, CWSS have produced a guide, '[Visa sponsorship and the points-based immigration system](#)', which covers many of the key points around the process of recruiting overseas workers.

Anyone already in the UK with permission to work, for example people with refugee status or Ukrainian nationals, are not part of the points-based system.

There are currently around 27 different types of visas, but for the purposes of recruiting into the social care sector two are most appropriate, the [Skilled Worker visa](#) and the [Health and Care Worker visa](#). The Health and Care visa enables individuals to come to the UK to work in eligible health occupations, with a job offer from the NHS, adult social care sector or organisations that provide services to the NHS. Applicants benefit from a lower application fee and are exempt from paying the Immigration Health Charge, which applies to most other types of visas.

Both the Skilled Worker visa and the Health and Care Worker visa can last for up to five years at which point [an application to extend](#) or 'indefinite leave to remain' will need to be made.

All [Skilled Worker visa](#) and [Health and Care Worker visas](#) applications must be made online. An application for a visa can be made up to three months before the date of starting work in the UK; this date is listed on the certificate of sponsorship. As part of the process the applicant will need to prove their identity with the appropriate documentation. Once the online application has been made and identity documents have been provided, a decision is usually made within three weeks.

Getting a sponsor licence

If you wish to recruit workers from overseas then you will usually need a sponsor licence, although there are some [workers who do not need sponsorship](#). Refugees, and asylum seekers (with permission to work) do not need a visa as they are already in the country. Refugees can apply for employment in any role but asylum seekers (with permission to work) can only work in roles on the [Immigration Salary List](#) (ISL), which currently includes many health and care roles.

To get a sponsor licence you must:

- [check your business is eligible](#)
- [check if your job is suitable for sponsorship](#)
- choose the [type of licence](#) you want to apply for - this will depend on what type of worker you want to sponsor
- decide [who will manage sponsorship](#) within your business
- [apply online](#) and pay the fee. A Worker Sponsor Licence is currently £536 a year for a small (turnover less than £10.2m and up to 50 staff) or charitable sponsor and £1,476 a year for medium or large sponsors.

After you apply, you'll be given a [licence rating](#) if your application is successful. You'll be able to issue [certificates of sponsorship](#) if you have jobs that are suitable for sponsorship. Your licence will be valid for four years although you may lose your licence if you do not meet [your responsibilities as a sponsor](#).

Certificates of sponsorship (CoS)

A CoS must be assigned to every non-UK worker that an organisation employs, except those on a non-sponsored route, such as those with a Graduate Visa. Each CoS is an electronic record with a unique number, which the worker uses in their visa application. This is valid for 3 months once it has been issued.

There are two types of CoS:

- **Defined certificates:** these are for workers applying for visas from outside of the UK.
- **Undefined visas:** these are for workers applying for a visa from inside the UK, for example transferring from a Student Visa to a Health and Care Worker visa.

The cost of each CoS is currently £239 for a worker applying for a Health and Care Worker visa. However, you will also need to pay the [Immigration Skills Charge](#) for

each CoS assigned, unless the worker is transferring from a Student Visa. The cost of the Immigration Skills Charge varies depending on the size of your organisation and the duration of the visa:

- **Small or charitable sponsors:** £364 for the first 12 months then £182 for each additional 6 months.
- **Medium or large sponsors:** £1,000 for the first 12 months and £500 for each additional 6 months.

Visa sponsors have several responsibilities, full details of which can be found at '[UK visa sponsorship for employers/Your responsibilities](#)'. The key responsibilities are:

- CoS should only be assigned when the job is [suitable for sponsorship](#).
- UKVI must be informed if sponsored workers do not comply with the conditions of their visa or stop coming to work.
- All jobs must comply with UK employment laws.
- [Right to work checks](#) must be completed.
- Workers' attendance must be recorded, and contact details kept up to date.
- UKVI must be informed of any significant changes to the organisation's circumstances.

Certificates of Sponsorship are normally applied for through the online Sponsorship Management System (SMS), which you will get access to once you have received a Sponsor Licence. Once you have supplied the basic information requested during the initial application process, you would need to wait to hear from UKVI as to whether or not your application has been approved. Although the UK.GOV website states that applications for Certificates of Sponsorship should only take a day, timelines for receiving them, or requests for further information, can vary between a day and some weeks. You should check the SMS system daily as this may be the way you are notified about the success of your application.

It may be the case that UKVI require further information from you in order to progress your application. If that is the case then some, or all, of the information contained within the CWSS guide '[Applying for certificates of sponsorship](#)', may be requested. This guide also provides further advice and guidance for getting through the application process successfully.

Recruitment agencies and direct recruitment

When undertaking international recruitment, you may decide to go it alone using internal recruitment resources, or you may decide to use an agency to help your organisation with managing the whole of the recruitment process, or perhaps just specific elements of it. To help you understand the pros and cons of each approach, take a look at this video [International Recruitment – Direct v Agency Recruitment](#).

Any agency used as part of international recruitment must come from the [Ethical Recruiters List | NHS Employers](#). This is a list of recruitment agencies that comply with the revised Code of Practice. Always verify that the recruitment agency you are working with is on this list. To understand how you can utilise agencies within the process of international recruitment, CWSS has produced a guide to international recruitment agencies, '[Using a recruitment agency](#)'.

Responsibilities as a sponsor

Your responsibility for each worker you sponsor starts as soon as you assign a Certificate of Sponsorship to them. Your responsibility for them will normally end when they leave your employment or leave the UK, but there are other circumstances and you can find more details on the [UK Visa and Immigration](#) (UKVI) website. You can also find more information in the Home Office Publication '[Workers and Temporary Workers: guidance for sponsors Part 2: Sponsor a worker – general information](#)'.

During the time that you are responsible for an overseas worker there are certain reporting duties that you must perform. These include notifying UKVI if:

- the worker does not start the role for which you sponsored them
- the worker is absent from work for more than 10 consecutive days
- the worker has periods of unauthorised absence, this does not include authorised annual leave or appropriately reported sickness absence
- the worker resigns or is dismissed
- there are significant changes to employment
- there is any change to contact details, for example address, telephone number or email
- there are any changes to job title, salary, work address, duties or working hours.
- there are changes to the size or charitable status of the organisation
- the worker's employment is affected by TUPE (Transfer of Undertakings Protection of Employment rights), for example when one company is taken over by another.

It is important for a worker to know who, in the organisation, to report any changes to, as this may not be the line-manager who has, for example, changed their hours of work.

There are other circumstances and you should read the detailed requirements set out on the [UKVI website](#).

Complying with the conditions of a visa

In addition to reporting requirements, a sponsored worker must always comply with the terms of their visa. They must not undertake any work (whether paid or otherwise) that is not permitted by their visa. They must not exceed the total number of hours per week they are permitted to work, including paid and unpaid work with different employers.

A worker can work unlimited hours without updating their visa if they are:

- working overtime in the job they're being sponsored for
- working 'bank shifts' for their NHS sponsor

They can also work up to 20 hours a week in another job, or for their own business, without updating their visa so long as the work they do is either:

- in the same [occupation code](#) and at the same level as their main job
- in a shortage occupation

Different visas may have different restrictions and requirements and you must be aware of what those are and comply with them at all times.

References

The purpose of references is so that prospective employers can obtain relevant information to check an applicant's employment history, experience and suitability for a post. If the post involves directly supporting or caring for people, or in other ways has an impact on people experiencing care, it is important that you find out whether the referee is satisfied that the applicant is suitable for this role and if there are any concerns.

Obtaining two relevant professional references, including one from the applicant's current or most recent employer, is an important part of ensuring a candidate is safe and suitable for the job they will be doing. If the most recent employer is not relevant because of the role not providing care and support, then you should seek a reference from the most recent relevant employer. Generic 'to whom it may concern' references are not appropriate, as verification of this type of reference is problematic.

It is not always possible to obtain professional references for applicants in the UK, such as for school leavers, refugees, asylum seekers or other applicants without a previous work record. In these circumstances, a minimum of one character reference should be obtained from a suitable UK contact, such as a case worker from the Scottish Refugee Council or other suitable organisation. A [risk assessment](#) should be completed and additional mitigations (for example additional supervision or training) should be considered.

For character references, you should share a copy of the job description and/or person specification with the referee to give them information about the role in case they are aware of any reason why the candidate might be unsuitable for the work.

Employers should always keep accurate records of the recruitment process and any reasons for seeking and accepting references that are not from previous employers.

Protecting vulnerable groups (PVG) scheme

Disclosure Scotland helps employers make safer decisions when they are recruiting people. Through the PVG Scheme, it also contributes to making sure unsuitable people don't work with vulnerable groups, including children. A disclosure is a document containing impartial and confidential criminal history information held by the police and government departments that can be used by employers to make safer recruitment decisions. Disclosure Scotland does not have access to criminal record information held outside the United Kingdom and any disclosure will only cover the period someone has been in the UK. Some convictions of a minor and/or historical nature may no longer be considered relevant. Ideally employers should have robust policies in place which clearly detail any offences which would disqualify a person from employment. This may be dependent upon the role and level of responsibility. In all circumstances the primary consideration should be the level of risk an applicant would pose to the people they would be working with and supporting.

Some convictions may be considered as 'spent' for the purposes of a disclosure. "A conviction becomes spent when a specific period of time has passed since the date of the conviction" (mygov.scot). Spent convictions will not appear on a basic disclosure.

However, some spent convictions must be disclosed on higher level disclosures (e.g. enhanced). You can find out more information about spent convictions on the mygov.scot [website](#).

Only those undertaking [regulated work](#) are eligible to join the PVG Scheme. If an individual is not doing regulated work but they are working for a registered care service then they are likely to be eligible for a [standard](#) disclosure. Basic disclosures are available for anyone and any purpose. Full details on the levels of disclosure available, including sample certificates with guidance on the information contained within each disclosure certificate, can be found on the [Disclosure Scotland website](#).

Disclosure Scotland keeps a list of people unsuitable to undertake regulated work with children and adults. It is against the law for an organisation to employ a listed person in regulated work they're barred from. Disclosure Scotland will keep members' PVG Scheme accounts up to date. If Disclosure Scotland determines that a PVG Scheme member may have become unsuitable to do regulated work, then the individual will be placed under consideration for listing. Any organisations that Disclosure Scotland know the individual is doing regulated work for will be notified of that change in status and of the outcome of the consideration process.

A PVG scheme application should always be completed, even for people newly arrived in the UK. Although this may not provide any immediate information it means the person will then be subject to monitoring by Disclosure Scotland. This provides reassurance that the individual is not barred and that an employer will be notified if the barred status changes. For further advice and guidance you can contact the Disclosure Scotland direct helpline on 0300 020 0040.

Criminal record checks

Employers can ask prospective employees to provide a criminal record certificate, where available, from an appropriate government or police agency in the country where they were born or resided. For more information on the availability of criminal record checks visit the [GOV.UK website](https://gov.uk). The onus is on the individual to provide details of their criminal conviction history from their home country or countries of previous residence. These may require translation and may contain offences without a similar offence in Scots law.

However, this may endanger someone who has fled their home country due to persecution if the authorities are contacted. This can pose a risk to their family who are still in that country.

If it is not possible to obtain an overseas criminal record check, employers should conduct a [risk assessment](#). Also, refer to the SSSC and Care Inspectorate's [Safer Recruitment through Better Recruitment](#) guide for other considerations.

Risk assessments

It is important to risk assess information provided on the PVG Scheme record or overseas criminal record certificate, including having a conversation with, or by gathering information from, the applicant. There may also be circumstances where it will be difficult to obtain two references, or an overseas criminal check is not possible, in which case it is important to take a proportionate and risk-based approach, whilst ensuring the safety and wellbeing of people who use services and other staff.

A risk assessment should be on an individual basis, with specific reference to the job and person specifications of the role. As a result of the risk assessment, you may decide to employ an applicant and at the same time introduce additional safeguards in response to the risk to people experiencing care, which may include:

- exploring and documenting any gaps in an individual's employment history
- conducting a values-based interview
- implementing a higher level of supervision
- a 'sign off' of employee competency after a period of induction and training
- obtaining a character reference from a professional person who has known the applicant for more than one year
- other verification of what the individual has been recently doing.

Local information

The following pages are suggestions of local information employers could provide that is specific to their organisation and location.

Local community support

Provide details of any community support or ethnic associations that are relevant for the new employee. Many local authorities provide details of ethnic minority communities, associations or groups in their area, so this is a good place to start looking. The website '[A Local Information System for Scotland' \(ALISS\)](#) is a national digital programme enabling people and professionals to find and share information on resources, services, groups, and support in their local communities and online.

Local facilities available

Provide details of local facilities. Think about the facilities that we all use, such as supermarkets, banks and other shops. Include details for local doctors, dentists and opticians as well as the nearest hospital emergency centre. It may also be useful to include details of libraries and laundromats, as well as chemists and cafes.

Finding employment for family members

From mid-March 2024 changes to immigration regulations have been introduced that restrict family and dependents from accompanying candidates for roles in social care. Please see the [GOV.UK](#) website for further details.

Otherwise, you may be able to offer employment for partners or to assist them in finding employment elsewhere, either through your network of contacts or providing advice on where to look. Here are some examples.

- General job search websites
<https://www.s1jobs.com/>
<https://uk.indeed.com/>
<https://www.totaljobs.com/>
- Skills Development Scotland (for careers guidance)
<https://www.skillsdevelopmentscotland.co.uk/>

- Third sector jobs
<https://goodmoves.com/>
- Jobs with the Councils eg education, social work, culture and sport, parks, construction/engineering, maintenance, etc.
<https://www.myjobscotland.gov.uk/>
- Jobs with colleges and universities
<https://www.jobs.ac.uk/>
- If they are receiving Universal Credit, Job Centre Twitter (set to location)
<https://twitter.com/jcpinwestscot?lang=en%E2%80%8B>
- Jobs with NHS Scotland
<https://jobs.scot.nhs.uk/>
- Jobs with the Civil Service eg, Department for Work and Pensions (DWP), His Majesties Revenue and Customs (HMRC), Home Office (restricted to British, commonwealth citizens, EEA nationals)
<https://www.civilservicejobs.service.gov.uk/csr/index.cgi>
- Searching for other areas of jobs through recruitment agencies
<https://www.agencycentral.co.uk/>

Religious places of worship

If you are aware of an employee's faith you can add location and contact details for appropriate places of worship in your locality. A faith community can often provide support to individuals and families who have recently arrived in an area. However, it is important not to make any assumptions about someone's religious beliefs based on their appearance, their name or country of origin.

Information about the organisation

We would encourage organisations to include the following information in your induction materials.

Introduction to the organisation

Information about your organisation can often be of interest and value to any new employee. Provide details of the organisation's ethos and values, its mission statement (if you have one) and its aims and objectives. An organisation chart may also be useful, including job titles and roles, and it may be useful to provide a map of where the organisation's services are located. There will be many other useful bits of information, perhaps ask recently arrived staff what they found to be most useful, or what they would have wished to know when they arrived.

Introduction to the management team

It's always good for a new employee to understand the management structure, particularly in larger organisations where it may not be immediately obvious. Knowing

who their line-manager is, and who to turn to if they are not available, are essential aspects of becoming comfortable in a new role.

Support available (job related queries, sponsorship related queries etc)

Let your new employee know where they can go to ask more specific job-related queries that perhaps their line-manager may not know the answers to. For example, HR questions about pay issues would usually go to the HR department within the organisation.

Work related responsibilities (attending training, following policies and procedures, reporting concerns etc)

A new employee will often have mandatory training requirements, for example health and safety, or courses for the use of specific equipment. Let an employee know what they are expected to do, when they are expected to do it by and how they access the training. There may also be policies, guidelines and other important documents that they need to read, so make sure you provide a checklist.

Employee Assistance Programmes

If your organisation has an Employee Assistance Programme (EAP) offer details as soon as possible to your new staff. EAPs aim to address individual needs as well as organisational challenges impacting on a person's ability to reach their full potential at work. It can comprise of counselling support, access to work-related vaccination, work related health assessments, ergonomic assessments, professional advice and referrals as appropriate. It is important to note that some of these services can be outsourced by your organisation. EAPs can be an extremely useful source of support and guidance for anyone, especially as they are generally easily accessible and confidential.

This guide has been jointly produced by:



Centre for Workforce Supply
Social Care



The Scottish Refugee Council is Scotland's national refugee charity.

We provide direct support and advice to people rebuilding their lives in Scotland.

We stand up for people's rights and campaign for a more fair and humane asylum system and enhanced integration in Scotland.

Together, we can build a better future with refugees in Scotland.

Tel: 0141 248 9799

[Contact us webpage](#)

Web: www.scottishrefugeecouncil.org.uk

The Centre for Workforce Supply Social Care team is running a project focused on testing the feasibility of international recruitment into adult social care in Scotland.

The aim is to support the recovery, growth and transformation of the Scottish social care workforce, ensuring the sector has the right people, in the right place at the right time.

Contact us at: nes.cwssocial@nhs.scot



The Scottish Social Services Council is the regulator for the social work, social care and children and young people workforce in Scotland. Our work means the people of Scotland can count on social services being provided by a trusted, skilled, confident and valued workforce.

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