



An inspection of the immigration system as it relates to the social care sector

August 2023 – November 2023

David Neal

Independent Chief Inspector of
Borders and Immigration

An inspection of the immigration system as it relates to the social care sector

August 2023 – November 2023



© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0, except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/official-documents

This publication is also available at www.gov.uk/ICIBI

Any enquiries regarding this publication should be sent to us at

Independent Chief Inspector of
Borders and Immigration,
1st Floor, Clive House,
70 Petty France,
London SW1H 9EX
United Kingdom

ISBN 978-1-5286-4704-5

E03074515 03/24

Printed on paper containing 40% recycled fibre content minimum.

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office.

Our purpose

To help improve the efficiency, effectiveness and consistency of the Home Office's border and immigration functions through unfettered, impartial and evidence-based inspection.

All Independent Chief Inspector of Borders and Immigration inspection reports can be found at www.gov.uk/ICIBI

Email us: chiefinspector@icibi.gov.uk

Write to us: Independent Chief Inspector of
Borders and Immigration
1st Floor, Clive House,
70 Petty France,
London, SW1H 9EX
United Kingdom

Contents

Foreword	2
1. Key findings	4
2. Recommendations	8
3. Background	10
4. Scope	18
5. Methodology	19
6. Inspection findings: Communication and engagement	20
7. Inspection findings: Pre-licence casework	28
8. Inspection findings: Post-licence casework	42
9. Inspection findings: Safeguarding	52
10. Inspection findings: Sponsor compliance	60
Annex A: The ICIBI's 'call for evidence'	74
Annex B: Role and remit of the Independent Chief Inspector	76
Annex C: ICIBI 'expectations'	78
Acknowledgements	80

Foreword

This inspection adopted a broad thematic approach and looked at how the immigration system relates to the social care sector. It examined the quality of communication and engagement between the Home Office and the social care sector, the efficiency and effectiveness of the sponsor licensing process, including the provisions in place to safeguard employees from exploitation, and the quality of services provided by the compliance teams.

In December 2021, the Home Office accepted a recommendation by the Migration Advisory Committee (MAC) to add care workers and home carers to the Shortage Occupation List. Responding to the needs outlined in the MAC report published earlier that month, the Home Office worked at pace to fit pressing ministerial priorities to help alleviate staff shortages in the social care sector.

This inspection report details the consequences of the Home Office's limited understanding of the social care sector, its underestimation of demand for the Care Worker visa, the inappropriateness of its sponsor licensing regime for low-skilled roles, and the mismatch between its meagre complement of compliance officers and ever-expanding register of licensed sponsors. There are echoes of previous inspections that have highlighted the consequences of the Home Office's failure to accurately forecast, such as small boat arrivals. Fundamentally, the Home Office selected a route that was designed for a largely compliant sector and applied it to a high-risk area – migration into an atomised and poorly paid sector is miles away from the recruitment of highly skilled workers being sponsored by multinational corporations. This should have been obvious to Home Office policymakers.

The net effect of these mistakes is that the Home Office created a system that invited large numbers of low-skilled workers to this country who are at risk from exploitation. Moreover, its control measures to mitigate the risk were totally inadequate. There is just one compliance officer for every 1,600 employers licensed to sponsor migrant workers.

This report details the shocking results of the policy's implementation, including the case of 275 certificates of sponsorship being granted to a care home that did not exist, and 1,234 certificates being granted to a company that stated it had only four employees when given a licence. In just these two examples, up to 1,500 people could have arrived in this country and been encouraged by a risk of hardship or destitution to work outside the conditions of their visa. While the inspection does not detail the extent of this abuse, my inspectors encountered migrants with care visas working illegally in two out of eight enforcement visits they observed during my inspection of illegal working enforcement (August to October 2023).

To their credit, front-line staff engaging with migrant care workers showed themselves to be aware of the serious risks to those workers and eager to document and address exploitation where they found it. As a department, the Home Office, beginning in late summer 2023, has begun to make policy and operational changes to address the most flagrant examples of both exploitation and abuse. The question of how to adequately fund and staff social care is a complex and politicised one. Some of the Home Office's delay in addressing problems with migration policy in the care sector can be explained by the conflict between its priorities and those of other government departments. But the protracted timelines for making even basic changes to process cannot be ignored or excused.

What worries me most is that the Home Office does not appear to have any process to identify the lessons from this debacle and then bring those lessons into core thinking in order that they are not repeated. No formal review of the relevant policy changes has been conducted. Sadly, this is a pattern that inspectors identify in far too many inspections. Accountability for failure is all too often lacking. While ministers are ultimately responsible, they depend upon the advice of senior leaders within the Home Office; once more this advice has either been ignored or has proved to be poor.

When this report is published, its findings will doubtlessly be explained away. The remedial measures I have mentioned will be highlighted despite their remarkable slowness in coming. Such a response should not be allowed to distract from the damage that has already been done and a reflexive, defensive response should not prevent a critical examination of what has gone wrong here and what steps must be taken to prevent its recurrence.

This report was sent to the Home Secretary on 6 February 2024. It makes five recommendations, the chief of which should be an examination of how this can be prevented from happening in the future.

A handwritten signature in black ink, appearing to read 'D Neal', with a horizontal line underneath the signature.

David Neal

Independent Chief Inspector of Borders and Immigration

1. Key findings

Introduction

- 1.1** This inspection adopted a broad thematic approach and looked at how the immigration system relates to the social care sector. It examined the quality of communication and engagement between the Home Office and the social care sector, the efficiency and effectiveness of the sponsor licensing process, including the provisions in place to safeguard employees from exploitation, and the quality of services provided by the compliance teams.
- 1.2** The addition of care workers to the Health and Care Worker visa route was introduced concurrently with, or in response to, major challenges such as the tail end of the coronavirus (COVID-19) pandemic, the UK leaving the European Union, and the Russian invasion of Ukraine. Each of these events had an impact on the resources and capabilities of the Work Services Command. Added to this, forecast data that predicted annual volumes of between 6,000 and 40,000 applications on the new route were wild underestimates. Actual data for applications, including in-country and overseas, for the 12 months to October 2023 indicates that there have been decisions made on 132,452 care worker applications.

Communication and engagement

- 1.3** There was a marked contrast between the Home Office's and social care sector's view of the quality of Home Office communication and engagement. Many in the sector felt the Home Office 'told' stakeholders what they should do, rather than actively listening to the sector's needs and concerns.
- 1.4** Several stakeholders with expert knowledge of the social care sector had offered their support to the Home Office, but this was not readily accepted. Such engagement could have prevented misapprehensions that existed about the Care Quality Commission registration of domiciliary care workers and the types of contracts held between local authorities and care providers.
- 1.5** Stakeholders reported that the Home Office's engagement and communication with the sector had improved in recent months. The Home Office had attended a number of engagement events led by other organisations, such as the Department for Health and Social Care (DHSC), Skills for Care, and the Association of Directors of Adult Social Services. There was also evidence of joint working on materials, such as an 'International Recruitment Toolkit for Social Care' produced by the DHSC, in an attempt to better meet the needs of the sector. However, inspectors considered that early direct engagement with the wider social care sector, coupled with more effective feedback loops, would have helped the Home Office to understand the sector's concerns at an earlier stage.
- 1.6** Inspectors identified a lack of clarity on who 'owns' responsibility for the administration and oversight of the care sector, including safeguarding responsibilities. Stakeholders expressed concern that the number of different government and regulatory organisations involved in

the oversight of the care sector diluted accountabilities. The Home Office expressed concerns that its responsibilities were being broadened to include areas previously falling to other departments and agencies.

- 1.7** The Home Office does not have overall responsibility for enforcing UK employment law, and some stakeholders accepted that this role was primarily the duty of other government departments and agencies. However, the Home Office could play a part in this regard. The provision of a basic and accessible ‘migrant’s guide to UK employment rights’ could be developed by the responsible partner agency and published on the Home Office’s website along with other care worker guidance. Crucially, a migrant’s guide would help to mitigate against some of the safeguarding issues identified in this report, including exploitation of migrants by unscrupulous employers.

Pre- and post-licence casework

- 1.8** The significant growth in the sponsor licence register, which contained 94,704 organisations as of 30 November 2023, had placed considerable demands on the Home Office. By comparison, the register contained 30,730 sponsors at the end of December 2019 and 32,264 at the end of December 2020.¹
- 1.9** While the Home Office remained within its 40 working day service standard in all but two months since care workers were added to the Shortage Occupation List (SOL) in February 2022, stakeholders, both within and outside the Home Office, raised concerns about the quality of decision making. The sponsor licence application process was not sufficiently robust to identify individuals who intended to abuse the system. The refusal rate for sponsor licence applications made by organisations from the ‘Human Health and Social Work Activities’ sector between February 2022 and October 2023 was only 1.5%, in spite of the widespread abuse of the route reported by the Home Office and in various media outlets. The low refusal rate was perhaps unsurprising, given the view from policy officials that the licensing regime was “designed solely to administrate the granting and management of licences to employers”.
- 1.10** The Home Office provided inspectors with numerous examples of organisations that had been granted a sponsor licence in questionable circumstances. In one notable case, a company which purported to be a care home successfully applied for a licence and subsequently obtained 275 certificates of sponsorship (CoS). After Border Force officers raised suspicions about workers arriving in the UK to work for the company, contact was made with the care home by the Home Office. It was only at this stage that the Home Office found that the care home whose details had been provided for the licence and CoS allocation had no knowledge of the application. In another case, a company applied for a licence stating that it had four employees and was subsequently assigned 1,234 CoS over a period of just 15 months despite providing little justification of its need for workers. This company appeared to have been assigned more CoS for the care worker and home carer Standard Occupational Classification (SOC) code than any other sponsor or former sponsor.² Insufficient scrutiny was paid to the initial decision making or subsequent requests for CoS allocations. The associated risks of poor decision making have resulted in migrant workers arriving in the UK to find that no work is available to them.
- 1.11** There was a sense of frustration among some Home Office staff, particularly those involved in visa caseworking and compliance functions, that sponsor guidance was not used ambitiously

¹ <https://assets.publishing.service.gov.uk/media/602bab8fe90e070552b33515/sponsorship-summary-dec-2020-tables.xlsx>

² SOC code is a code allocated to job types included on the SOL. The SOC code for care workers and home carers is 6145.

or “bravely” enough. Staff pointed to areas of the guidance that could have been used to take action when it was considered that a sponsor posed a risk to immigration control. Others referenced simple checks that should have been completed at the licence-issuing stage, which would have prevented the licence from being issued.

- 1.12** There were signs that the Home Office had started to address some of the issues by October 2023, by requesting more documentary evidence at the licensing and CoS allocation stage. As this had only recently been introduced, it was too early for inspectors to assess the effectiveness of the changes. A ministerial submission had been made on 10 November 2023, which aimed to “bear down” on sponsors allowing caseworkers to refuse applications from organisations that do not have a “genuine intention” to use their licence for its intended purpose.

Safeguarding

- 1.13** To facilitate the quick launch of the route in February 2022, the Home Office used the existing Skilled Worker framework, which allocates points based on the role and salary offered, and English language capabilities. Policy officials considered that the Skilled Worker route was appropriate as it had “sufficient controls” in place. However, concerns were raised by senior operational leaders in the Work Services Command who said that the low qualification and pay levels in care roles made them a poor fit for the Skilled Worker framework.
- 1.14** Stakeholders also raised concerns about the use of a sponsored work route for care workers. In written submissions and interviews as part of this inspection, charities, local authorities, and academics raised specific issues about workers having a poor understanding of employment and civil rights and being effectively “tied” to an employer, which inhibited them from raising issues about their pay and conditions for fear of losing their visa. Members of the public and charities provided numerous examples of care workers being poorly treated, which led in some cases to severe hardship and destitution.
- 1.15** The Home Office had taken steps to address the concerns relating to safeguarding and modern slavery. A dedicated safeguarding team was established and all staff that inspectors spoke to had undertaken safeguarding training and demonstrated a good knowledge of processes to follow if they encountered a safeguarding concern. Greater powers were introduced in August 2023 allowing caseworkers to assess the “genuineness” of an application, which had helped with cases where exploitation and modern slavery existed.
- 1.16** However, more needed to be done to forge stronger relationships with the myriad of external agencies with responsibilities for safeguarding to help build knowledge, strengthen decision making, and ensure a more proactive approach to emerging threats.

Sponsor compliance

- 1.17** The significant increase in licensed sponsors, particularly in the social care sector, had placed considerable pressure on Home Office compliance teams. One senior leader considered the addition of care workers to the Health and Care Worker visa route to have turned the “most compliant route to the least compliant overnight”. There was also an acknowledgement by the Home Office that the existing compliance approach had worked well for high-skill and high-salary routes, but had become increasingly difficult to monitor with the greater levels of abuse at the lower end of the skill threshold.

- 1.18** Stakeholders raised concerns about the Home Office’s ability to carry out its duties in monitoring sponsors. The presence of a compliance officer and checks ‘on the ground’ were considered to play an important role in safeguarding individuals. However, unlike the sponsor licensing and visa caseworking teams, the compliance command had not seen an increase in staffing and there were issues with recruitment and retention in the compliance officer network. Changes to the headcount within the network meant that it was reduced to two commands, one covering London and the South East and the other the rest of the UK. This placed increased travel demands on staff and thus reduced the efficiency of operations, which resulted in fewer in-person visits being undertaken. In one extreme example, an officer travelled to Inverness from the Southwest of England to conduct a sponsor compliance visit.
- 1.19** Stakeholders also raised concerns about workers in domiciliary care settings. Workers in this area often faced long working hours and were not paid for travel time, or given sufficient hours to meet the minimum earnings threshold in line with sponsor guidance and UK employment law. While checks by HM Revenue & Customs could play a part in verifying workers’ wages, plans to automate the checking process had encountered technical issues.
- 1.20** Changes to the organisational structure had brought the three core teams, Sponsorship Assurance and Investigation Team, Sponsorship Compliance Network, and Sponsorship and Compliance Casework, under the leadership of one senior manager. While this was a positive move as one senior leader had accountability for the compliance functions, workflow and case ownership were managed independently in each of the three teams. Due to pressures in the caseworking team, sponsor visits being tasked through to the compliance officers were restricted to urgent or priority cases. This had resulted in over 800 sponsors awaiting compliance visits, with the oldest referral dating back to 30 January 2023.
- 1.21** To alleviate pressure, a new Sponsor Compliance Assurance team was formed in August 2023 to help speed up the suspension and revocation of licences for high-risk employers where a significant number of CoS had been granted. While the team was still relatively new, there were reports of quick action being taken against some high-risk sponsors. However, it was too early for inspectors to assess the effectiveness of the team.

2. Recommendations

Recommendation 1: Review of route

Complete a review of the addition of care workers and home carers to the Skilled Worker route, as committed to in the Equality Impact Assessment of January 2022. Lessons identified in the review should underpin any lessons learned to inform future decisions about how to:

- use or expand the Shortage Occupation List
- reform the Skilled Worker route
- effectively engage with relevant organisations in sectors regarded as at high risk of immigration abuse or labour exploitation

Recommendation 2: Sponsor licensing

Conduct a review of the sponsor licensing application and decision-making process in collaboration with industry leads and sector experts. Learn from the characteristics of poor licensing decisions and the resulting problems to inform future decision making.

Recommendation 3: Compliance

Conduct a review of headcount, performance targets, and processes for each area of compliance to ensure that workflow is managed efficiently and blockages in one area do not impact on the overall capability of the compliance function.

Recommendation 4: Multi-agency agreement

Work with enforcement and regulatory partners to develop and agree a multi-partner memorandum of understanding (MOU). The MOU should define:

- the responsibilities of each department, agency, and regulator in relation to the care sector
- the individual and shared goals of each partner involved in the compliance and regulation of the care sector
- how partners will work together to share intelligence, experience, and best practice to achieve their shared goals of enforcement, safeguarding, and regulation of the care sector

Recommendation 5: Guidance for applicants

Work in partnership with the responsible government departments and agencies to agree a concise ‘migrant’s guide to UK employment rights’, which can be proactively shared with migrants at the earliest opportunity. The guide should include contact details for migrants who require advice, and for those wishing to report safeguarding concerns to the Home Office and other relevant care sector partners.

3. Background

Workforce challenges in the social care sector

- 3.1 The adult social care sector is complex and disparate, with 18,000 organisations operating across 39,000 establishments.
- 3.2 The sector has, for at least the last decade, faced challenges in recruiting and retaining a workforce that is of sufficient size and skill to meet the growing demand for care.³ According to Skills for Care, the strategic planning body for adult social care in England, there were 1.79 million posts in the adult social care sector in England in 2022-2023. While 1.63 million of these posts were filled, 160,000 were reported to be vacant.⁴
- 3.3 Several factors have contributed to these recruitment and retention difficulties. Most obviously, roles in the sector are poorly paid.⁵ According to Skills for Care, the median level of “real term” hourly pay in the independent care sector, which accounts for 83.4% of social care employees, stood at £10.11 in March 2023.⁶ This low level of real term pay reflects the fact that care workers are often not paid for the time they spend travelling between the homes of different clients or for time spent at places of employment overnight.⁷
- 3.4 Pay progression in the sector is also poor. The Office of the Director of Labour Market Enforcement (ODLME) has suggested, for example, that care workers who progress to become senior care workers receive a wage increase of only 20p per hour in exchange for a significant increase in responsibility.⁸ The issues relating to poor pay and conditions have resulted in significant turnover of employees, reported by Skills for Care to be at a rate of 28.3% in 2022-2023.⁹
- 3.5 The House of Commons Health and Social Care Committee’s third report on the health and care workforce, published in July 2022, also highlighted the high turnover in the sector, suggesting that the health and care sectors are facing “the greatest workforce crisis in their history”.¹⁰ Looking to the future, the demand for care is expected to rise considerably as the British population ages. Skills for Care has suggested that there will be a need for 400,000 extra carers by 2035.

3 Migration Advisory Committee, ‘Adult social care and immigration’ (published 27 April 2022), p. 8, [Review of https://www.gov.uk/government/publications/review-of-adult-social-care-2022adult-social-care-2022--GOV.UK-\(www.gov.uk\)](https://www.gov.uk/government/publications/review-of-adult-social-care-2022adult-social-care-2022--GOV.UK-(www.gov.uk))

4 Skills for Care, ‘The state of the adult social care sector and workforce’ (published October 2023), p. 10, <https://www.skillsforcare.org.uk/Adult-Social-Care-Workforce-Data/Workforce-intelligence/documents/State-of-the-adult-social-care-sector/The-State-of-the-Adult-Social-Care-Sector-and-Workforce-2023.pdf>

5 MAC, ‘Adult social care and immigration’, p. 6.

6 Real term pay refers to pay rises that are adjusted for inflation.

7 MAC, ‘Adult social care and immigration’, p. 8.

8 Interim Director of Labour Market Enforcement Matthew Taylor, ‘United Kingdom Labour Market Enforcement Strategy 2020/21’, p. 30, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040316/E02666987_UK_LMES_2020-21_Bookmarked.pdf

9 Skills for Care, ‘The state of the adult social care sector and workforce’, p. 13.

10 Commons Health and Care Committee, ‘Workforce: recruitment, training and retention in health and social care – Third Report of Session 2022–23’, para. 6, <https://publications.parliament.uk/pa/cm5803/cmselect/cmhealth/115/report.html>

The Health and Care Worker visa

- 3.6** Short-term factors have further exacerbated these long-term challenges. The Migration Advisory Committee’s (MAC) 2022 report on the health and care sector drew attention to the effects of the COVID-19 pandemic in accentuating the nationwide need for care.¹¹
- 3.7** The impact of the pandemic across the health and care sector motivated several policy and operational changes by the Home Office. Prominent among these was the introduction of the Health and Care Worker visa route in August 2020. In announcing the route, the then Home Secretary Priti Patel referred to the “tremendous contributions” made by overseas workers “throughout this crisis”.¹²
- 3.8** This route offered various concessions to migrant workers sponsored to undertake eligible roles related to health and care. However, the new route did not allow for any reduction of the Skilled Worker route’s salary threshold, which then stood at £25,600 per annum or the equivalent hourly pay rate. Given the low pay in the sector, few social care employees, particularly within the sector’s junior roles, could meet the requirement. Perhaps reflecting this, only 1,191 visas were issued for social care through the new Health and Care Worker route between its introduction and the end of December 2020.¹³

Addition of care workers to the Shortage Occupation List

- 3.9** Following the introduction of the Health and Care Worker visa in August 2020, the MAC published its annual review of the Shortage Occupation List (SOL) on 29 September 2020.¹⁴ In this review, the MAC discussed the forthcoming change, effective from January 2021, to the function of the SOL. Prior to that date, occupations added to the SOL had benefited from reduced application fees and an exemption from the cap on Skilled Worker visas and from the Resident Labour Market Test (RLMT). From 1 December 2020, both the cap on Skilled Worker visas and the RLMT were eliminated. Instead, occupations listed on the SOL would benefit from a 20% decrease in the salary a worker would have to be paid in order to obtain a Skilled Worker visa.¹⁵
- 3.10** The MAC’s September 2020 report recommended the addition of senior care workers (SOC code 6146) to the SOL. However, care workers and home carers (SOC code 6145) were not eligible for addition at this time as the role was below Regulated Qualification Framework Level 3, the threshold for SOL occupations.^{16 17} The recommendation to add senior care workers specifically to the SOL was accepted by government and made effective in March 2021.¹⁸
- 3.11** A significant reference point in policy discussions at this time was the UK’s anticipated and actual withdrawal from the European Union (EU). The social care sector had for many years relied heavily upon overseas workers to meet its noted shortfall in labour.¹⁹ The MAC report

11 MAC, ‘Adult social care and immigration’, p. 13.

12 [Government launches Health and Care Visa to ensure UK health and care services have access to the best global talent – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/government-launches-health-and-care-visa-to-ensure-uk-health-and-care-services-have-access-to-the-best-global-talent)

13 [Why do people come to the UK? To work – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/why-do-people-come-to-the-uk-to-work)

14 MAC, ‘Review of the Shortage Occupation List: 2020’ (published 29 September 2020), https://assets.publishing.service.gov.uk/media/5f8d49748fa8f56ad551249a/SOL_2020_Report_Final.pdf

15 MAC, ‘Review of the Shortage Occupation List: 2020’, pp. 11-12.

16 MAC, ‘Review of the Shortage Occupation List: 2020’, p. 16.

17 The Regulated Qualification Framework provides a basis for comparing qualifications.

18 Home Office, “News story: Rule changes to make it easier to recruit health and care staff”, <https://www.gov.uk/government/news/rule-changes-to-make-it-easier-to-recruit-health-and-care-staff#:~:text=Pharmacists%2C%20laboratory%20technicians%2C%20senior%20care,obtaining%20a%20skilled%20worker%20visa>.

19 MAC, ‘Adult social care and immigration’, p. 31.

suggested that the ending of free movement of EU workers into the UK had had an impact upon care.

- 3.12** In July 2021, Kevin Foster, the then Minister for Future Borders and Immigration, commissioned the MAC to undertake “an independent review of adult social care, and the impact that ending freedom of movement has had on the sector”.²⁰ The MAC was specifically instructed to consider “visa options for social care workers” and to report by April 2022.
- 3.13** In December 2021, with this review still ongoing, the MAC published its annual report.²¹ In that document, the Committee noted that it had already “identified several key trends and problems within the workforce”. The report drew attention to the high vacancy levels and turnover rate in the social care sector and its heavy reliance on international workers. The MAC noted, as it had in previous reports, that the “underlying cause of these workforce difficulties is ... underfunding of the adult social care sector”. However, since the provision of adequate funding “was not likely to occur in the very short term”, changes to immigration policy could “potentially help to alleviate the difficulties”. Specifically, the MAC recommended that SOC code 6145, “care workers and home carers”, be added to the SOL alongside the SOC code for senior care workers. The recommendation was accepted on 24 December 2021 and ‘care workers’ were added to the SOL in February 2022. This made care workers eligible for the Health and Care Worker visa on the Skilled Worker route.

Subsequent policy developments

- 3.14** In January 2022, the Home Office refreshed its Equality Impact Assessment (EIA) for the Health and Care Worker route in line with the addition of care workers. Within the EIA the Home Office committed to undertake, in February 2023, “a joint review in partnership with Department of Health and Social Care (DHSC) to review the effectiveness of this measure”. However, as of November 2023 this review had not been undertaken.
- 3.15** In the absence of such a review, however, changes have been made to the rules of the Skilled Worker route since February 2022. In July 2023, the Home Office introduced a rule change to prevent overseas students who had not yet finished their course of study from switching to the Skilled Worker route.²² The following month, a further rule was introduced in relation to Skilled Worker visas. This entailed a specific requirement for an applicant to have a genuine intention and ability to take up the role that they had been sponsored to do.²³
- 3.16** In November 2023, departmental officials made a submission to Home Office ministers outlining intentions to “bear down on applications for sponsor licences ... where we consider them, on the balance of probability, to be non-genuine”. Further, in December 2023, the Home Secretary announced a series of intended reforms to the Skilled Worker and other immigration routes. These reforms sought to prevent care workers from bringing dependants to the UK. While an increase to the salary threshold for Skilled Worker roles was also introduced, health and care occupations were specifically exempted from this.²⁴
- 3.17** In addition to these proposed changes to the Immigration Rules, the Home Office has made various operational changes intended to address what it regards as widespread abuse of the

²⁰ <https://www.gov.uk/government/publications/commissioning-letter-to-the-mac-for-the-review-of-adult-social-care>

²¹ MAC annual report, 2021, <https://www.gov.uk/government/publications/migration-advisory-committee-annual-report-2021>

²² [HC 1496 – STATEMENT OF CHANGES IN IMMIGRATION RULES \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/114966/hc1496-statement-of-changes-in-immigration-rules.pdf)

²³ [Skilled worker.docx \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/114966/hc1496-statement-of-changes-in-immigration-rules.pdf), p. 43.

²⁴ [Legal Migration: 4 Dec 2023: House of Commons debates – TheyWorkForYou](https://www.parliament.uk/business/committees/committees-a-z/commons-debates/2023-24/legal-migration-4-dec-2023/)

route by non-compliant or illegitimate care providers. These changes will be discussed in later chapters of this report.

- 3.18** The wider circumstances driving the care sector’s acute need for migrant workers appear to have changed little, however. In its 2023 annual report, published in December, the MAC re-emphasised that “the underlying cause of” the sector’s “workforce difficulties is ... underfunding” and concluded that “immigration [cannot] solve these workforce issues alone”.²⁵ The report further noted that the government has not taken any steps to implement the 19 recommendations unrelated to immigration policy that were made by the MAC in its 2022 report on adult social care.²⁶

Modern slavery and exploitation

- 3.19** The care sector is widely considered ‘high risk’, and has been identified by the Gangmasters and Labour Abuse Authority (GLAA) in its intelligence report of 2023 as the industry with the highest number of reports of labour exploitation.²⁷ These concerns are shared by the ODLME, which found in its 2023-2024 strategic report that, with the sharp increase in carers recruited from overseas, there has been a rise in illegal recruitment fees, debt bondage, wage underpayment, and other forms of labour exploitation.²⁸
- 3.20** Further, recent research by the trade union Unison detailed cases of care workers being charged fees in excess of £10,000 for securing them a job with accommodation in the UK, only to find themselves placed in substandard housing, with some even forced to share beds. Domiciliary care workers are especially vulnerable to exploitation and face significant barriers to exercising their employment rights, because of the isolated nature of the work.
- 3.21** There have been widespread reports of modern slavery and exploitation across a number of media outlets. In an article in the *Guardian* newspaper published in July 2023, Professor Brian Bell, Chair of the MAC, referred to the exploitation in the sector as “appalling”, with “very vulnerable people being cared for by very vulnerable people”.²⁹ In August 2023, Sky News reported on a care worker who paid £10,000 to an agent in Nigeria to find that there was no job for her when she arrived in the UK, leaving her “reliant on handouts”.³⁰ The article highlighted that many of those who could not find employment as care workers were struggling to survive, turning to food banks and sleeping rough.
- 3.22** As a result of the increasing problems, the government-approved anti-slavery helpline, which is run by the charity Unseen, reported a steep rise in calls from overseas care workers. Data from the helpline’s website indicated that 15 cases had been reported to the helpline from the care sector in 2021, and 106 in 2022.³¹

25 MAC annual report, 2023 (published December 2023), p. 23, MAC Annual Report (publishing.service.gov.uk)

26 MAC, ‘Adult social care and immigration’, p. 75.

27 [GLAA Intelligence Picture Q3 \(July-September 2023\) – GLAA](#)

28 Director of Labour Market Enforcement Margaret Beels, ‘United Kingdom Labour Market Enforcement Strategy 2023/24’ (published October 2023), [United Kingdom Labour Market Enforcement Strategy 2023/24 \(publishing.service.gov.uk\)](#)

29 [Exploitation of care workers in England is ‘appalling’, says government adviser | Social care | The Guardian](#)

30 [People left destitute after coming to the UK on skilled worker visas only to find there’s no job | UK News | Sky News](#)

31 Unseen UK, ‘Annual assessment 2022: working towards a world without slavery’ (published 1 January 2023), <https://www.unseenuk.org/wp-content/uploads/2023/05/Unseen-Modern-Slavery-Exploitation-Helpline-Annual-Assessment-2022-FINAL.pdf>

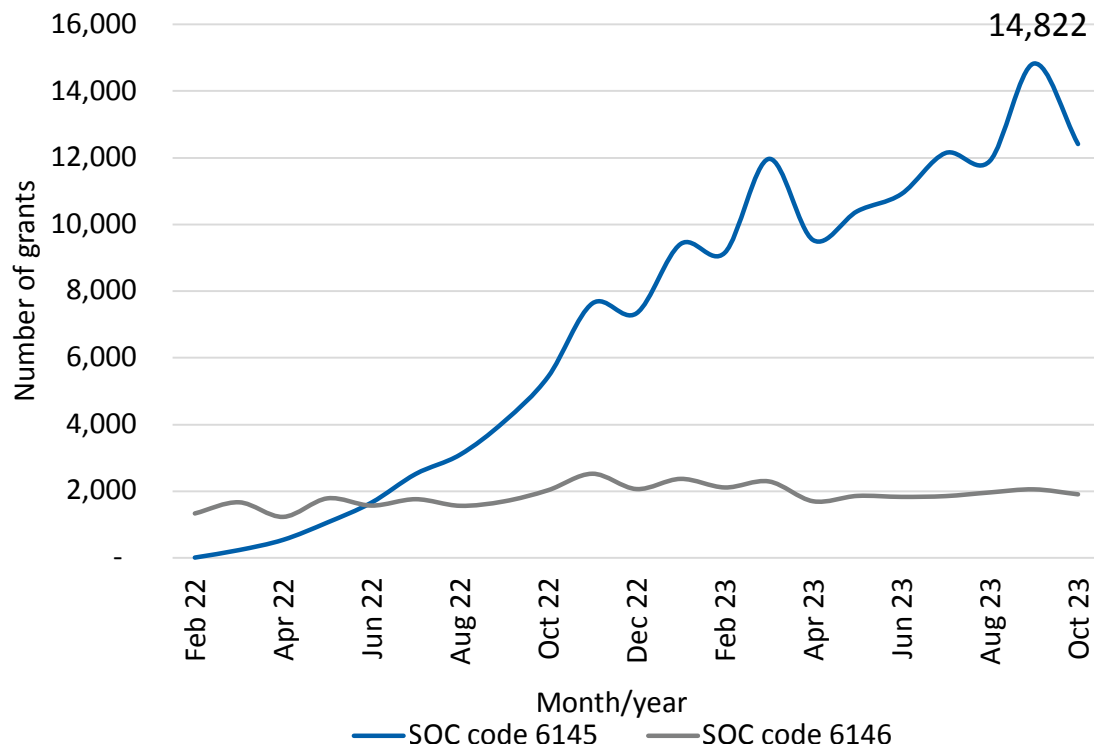
Forecast planning and volume data

- 3.23** Prior to the introduction of care workers and home carers to the Skilled Worker route, both the Home Office and DHSC produced estimates of application volumes. These estimates, while based on different cohorts, ranged from 6,000 to 40,000 applications per annum.
- 3.24** The DHSC estimates of 6,000 applications were “heavily caveated” and largely based on the number of vacant posts in the care sector in England that met the salary threshold of £20,480. Meanwhile the Home Office Analysis and Insight (HOAI) Team developed two methods, which were “both subject to high levels of uncertainty”, indicating projected annual volumes of up to 10,000.³² HOAI’s first method used data from recruitment websites, looking at the number of current vacancies throughout the UK with a salary of £20,000 or higher at that point in time. Alongside this, HOAI analysed data on senior care worker visa applications to predict the possible number of care workers. Both models assumed that for every migrant worker application, there would be one accompanying dependant. The data sets provided by HOAI included migrant workers and dependants.
- 3.25** A third set of figures forecast by the operational directorate Visa, Status and Information (VSI) estimated that between 6,000 and 40,000 applications could be made. This estimate also included dependants.
- 3.26** Actual volumes have been significantly higher than forecasts. Data provided by the Home Office showed that, between 1 February 2022 and 31 October 2023, the total number of decisions made in relation to care worker (SOC 6145) applications, both in-country and overseas, was 160,991.
- 3.27** Of the 160,991 decisions made, 146,182 (91%) were granted and 7,441 (5%) were refused. A further 7,368 applications were marked ‘Other’, and this cohort contained cases that had been withdrawn or lapsed.³³
- 3.28** By way of comparison, for the same period a total of 42,827 applications relating to senior care workers (SOC 6146) had been decided. Of this number, 39,287 (92%) were granted and 1,597 (4%) were refused, reflecting similar outcomes as for the care worker route. Cases marked ‘Other’ totalled 1,943.
- 3.29** Since February 2022, the number of ‘granted’ care worker applications has mainly seen an upward trajectory, reaching its highest volume (14,822) in September 2023, as shown in Figure 1. Meanwhile, the volume of granted applications for senior care workers has remained fairly static over the same period.

³² The HOAI Team prepares forecast application data for operational teams in the Home Office.

³³ A lapsed case refers to applications where the specified time period for submitting evidence has expired and/or the applicant has failed to engage with the application process.

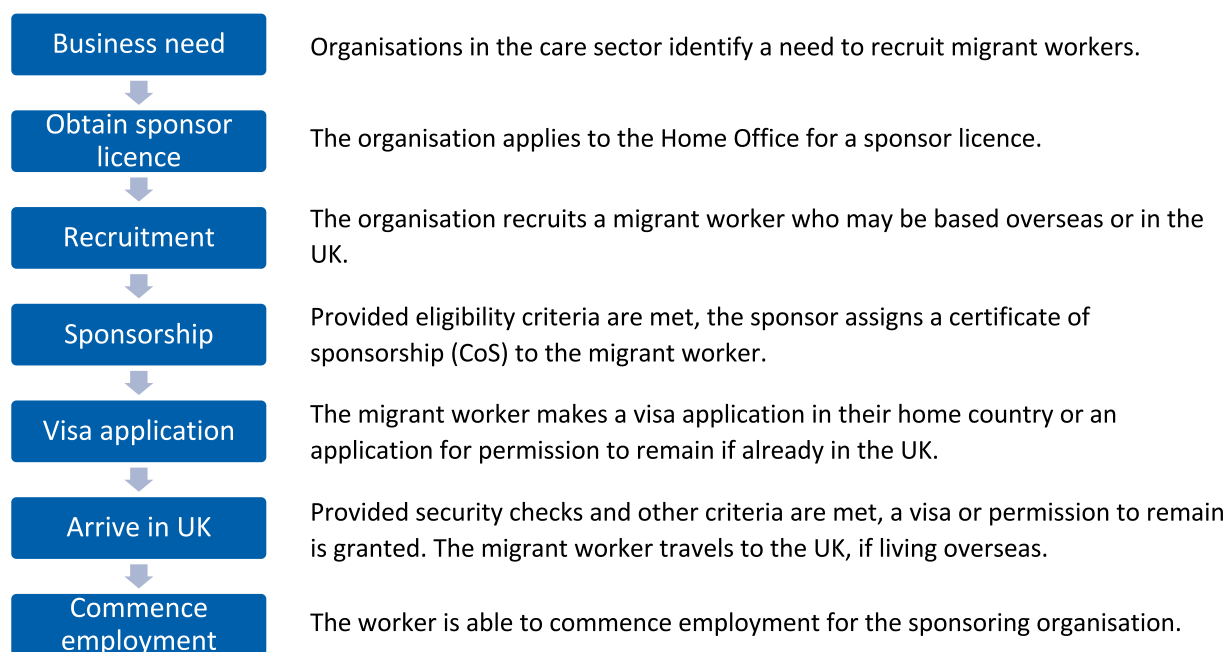
Figure 1: Grants of permission to enter/stay using Standard Occupational Classification code 6145 (care worker) or 6146 (senior care worker) between February 2022 and October 2023



Work Services Command

- 3.30** The Home Office’s Work Services Command sits within the wider Work, Study, Family and Ukraine Services section of VSI. The Work Services Command is responsible for the end-to-end processing of all work-based entry clearance and leave to remain applications, work sponsor licence applications, and compliance.
- 3.31** Overseas workers with ‘settled status’ have the right to live in the UK permanently and have no restrictions on their right to work. All other overseas workers require permission to work in the UK from the Home Office.
- 3.32** Employers who intend to employ an overseas worker without settled status need to be authorised by the Home Office to do so. This authorisation is known as a ‘sponsor licence’. The Sponsorship Licensing Team manages sponsor licence applications. Once an organisation obtains a sponsor licence from the Home Office, it becomes eligible to sponsor workers on the immigration routes to which that licence relates. These workers might be resident inside or outside the UK. Provided eligibility criteria are met, the sponsor can then assign a certificate of sponsorship (CoS) to the worker. The CoS, an electronic document, contains details of the job that has been offered to the migrant worker.
- 3.33** The Sponsorship Migrant Application Team makes decisions on Health and Care Worker visa applications. As part of the decision-making process, the caseworker checks that a CoS has been assigned to a migrant worker and that the details on the CoS match the worker and sponsor details. Figure 2 sets out the stages that a sponsor and migrant worker are required to follow to take up employment as a care worker in the UK.

Figure 2: Health and Care Worker visa application process



3.34 Sponsor compliance teams work to ensure that licensed sponsors fulfil certain responsibilities, including to act in accordance with UK employment law as relates to the payment of National Minimum Wage, holiday and sickness pay, and health and safety, and to prevent illegal working and safeguard children.

Previous ICIBI inspections

3.35 An ICIBI inspection of the immigration system as it relates to the higher education sector (October 2021 to March 2022) considered the effectiveness of the immigration routes available to students, staff, and visiting academics.³⁴ It also examined the burden of compliance for sponsors, the extent and quality of communication and engagement between the Home Office and the sector, the availability and usefulness of guidance for study and work applications, the quality and value to the sector provided by the Premium Customer Service Teams, and continuous improvement.

3.36 The inspection found that the Home Office compliance requirements were considered by stakeholders to be overly burdensome and not commensurate with the risks posed by international students. However, strong relationships which fostered collaborative working existed between the Home Office and the higher education sector.

3.37 A further sector-based inspection was conducted in 2022: ‘An inspection of the immigration system as it relates to the agricultural sector’ (May to August 2022).³⁵ This inspection examined the effectiveness of the routes available and the extent and quality of communication and engagement between the Home Office and the agricultural sector. It also assessed how the Home Office assured itself that sponsors of agricultural workers were upholding their compliance requirements, including those relating to workers’ welfare.

³⁴ ICIBI, ‘An inspection of the immigration system as it relates to the higher education sector’, October 2021 – March 2022 (published 30 June 2022), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1086952/An_inspection_of_the_immigration_system_as_it_relates_to_the_higher_education_sector_October_2021_March_2022.pdf

³⁵ ICIBI, ‘An inspection of the immigration system as it relates to the agricultural sector, May – August 2022 (published 19 December 2022), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125411/An_inspection_of_the_immigration_system_as_it_relates_to_the_agricultural_sector_May_to_August_2022.pdf

3.38 Of particular relevance to this inspection, inspectors found significant room for improvement in the areas of communication, compliance, and clarity. Communication was considered to be largely one way from the Home Office, rather than collaborative. The Home Office had not demonstrated that it had the mechanisms or capabilities in place to assure itself that scheme operators were meeting compliance requirements, and when serious concerns were raised by workers, the Home Office did not act promptly or seriously.

4. Scope

4.1 This inspection adopted a broad perspective on the interaction between the UK's immigration system and the social care sector. The inspection focused on the following areas:

- the efficiency and effectiveness of the sponsor licensing process
- the quality of services provided by the compliance teams, including the provisions in place to safeguard employees from exploitation
- the extent and quality of engagement and communication between the Home Office and the social care sector

4.2 The inspection scope did not include:

- the visa decision-making process and issuing of care sector visas
- the healthcare sector, including the National Health Service
- pay and employment conditions of staff employed in the care sector
- workforce planning or the recruitment requirements of the care sector
- the regulatory frameworks in operation in the care sector

5. Methodology

5.1 Inspectors undertook the following activities:

- reviewed open-source material, including previous relevant Independent Chief Inspector of Borders and Immigration (ICIBI) inspection reports
- on 22 August 2023, published a 'call for evidence' on the ICIBI website, seeking submissions from anyone with knowledge and experience of the Health and Care Worker visa route, specifically in relation to the social care sector
- conducted familiarisation sessions with Home Office staff, both virtually and in person, in the Work Services Command, and policy and engagement teams
- analysed 60 submissions to the 'call for evidence' from a range of stakeholders, including non-governmental organisations, devolved administrations, local authorities, academics, charities, private care organisations, trade unions, and members of the public
- conducted interviews with 32 stakeholders between August and November 2023
- in August 2023, September 2023, and November 2023, requested and analysed over 390 pieces of documentary evidence from the Home Office
- in September 2023, attended a stakeholder engagement event hosted by the Home Office for NHS Hampshire, Southampton, and the Isle of Wight
- in October 2023, accompanied Home Office compliance teams on compliance visits to sponsors in the care sector in Croydon, Leeds, and Luton
- between 30 October and 15 November 2023, conducted 51 interviews and focus groups with 88 members of staff at grades from Administrative Officer to Senior Civil Servant (Grade 5) in the following teams: sponsor licence caseworking, visa caseworking, compliance, engagement, intelligence, policy, and service management
- on 29 November 2023, presented the inspection's emerging findings to the responsible Home Office Senior Civil Servant and Grade 6 for the Work Services Command

6. Inspection findings: Communication and engagement

Introduction

- 6.1 Engagement between the Home Office and external stakeholders is divided between high-level strategic engagement, operational planning, and more reactive dialogue to address operational issues.
- 6.2 The Home Office's External Engagement Team (EET) has responsibility for engagement and communication between the Home Office and organisations that have an interest in the points-based immigration system (PBS), including those within the social care sector. The Home Office's Work Services Command also plays a direct role in this area.
- 6.3 External stakeholders raised concerns about the quality of communication and engagement between the Home Office and the social care sector. Stakeholders said that their views were often not being heard, and that their recommendations were being ignored. Concerns were also raised about the Home Office's understanding of the social care sector. Sponsors, local authorities, and trade organisations stated that there was a lack of clear and transparent information provided to migrants about UK employment rights, and on how to obtain support and advice in relation to worker exploitation. Stakeholders also felt that the number of different government and regulatory organisations involved in the oversight of the care sector diluted responsibility.

The sector's view of engagement

- 6.4 A public 'call for evidence' was issued on the ICIBI website on 22 August 2023 and sought feedback from stakeholders on five key themes, including communication and engagement between the social care sector and the Home Office. Further details of the ICIBI's call for evidence are contained in Annex A.
- 6.5 Of the 60 responses received by the ICIBI, 27 submissions described communication and engagement between the social care sector and the Home Office as being of concern. Stakeholders raised similar concerns during interviews with inspectors.
- 6.6 Many considered Home Office communication and engagement to be "inconsistent", "ineffective", "poor", "needing improvement", and less proactive than that of some other government departments (OGDs). A trade association said that Home Office communication with care workers could be "dismissive" or even "derogatory". Several submissions explained that some care workers might be inhibited from contacting the Home Office due to their immigration status and a fear of being removed from the UK, and that this might have impacted effective communication.
- 6.7 One trade organisation commented that it was "not aware of any specific communication for social care". Instead, it felt obligated to actively monitor the Visa, Status and Information (VSI) website for any changes to policy.

- 6.8** Local authorities reported issues with the Home Office not telling them when a new sponsor licence was issued, suspended, or revoked, and that they would often only find out if the provider contacted them. This lack of notice restricted their ability to do spot checks to ensure workers were being paid and supported appropriately, and that those being cared for were safe. One local authority referenced an occasion when the Home Office suspended the licences of three sponsors and revoked the licence of another in its area, but only told the authority about three of these. This, it stated, left “53 people ... without a care package”.
- 6.9** Stakeholders considered that there was a lack of clear and transparent information provided to migrants about UK employment rights, legitimate and illegitimate fees, and how to obtain support and advice in relation to worker exploitation. One stakeholder stated: “There is no requirement to inform people of their worker’s rights before they come to the UK. The whole area is plagued with a lack of data.” Unions, charities, and trade organisations stated that this lack of information was leaving migrants vulnerable to exploitation by unscrupulous employers. Both stakeholders and Home Office staff highlighted that there was a need for a basic and easy to understand ‘migrant’s guide to UK employment rights’.
- 6.10** Stakeholders raised concerns about the Home Office’s understanding of the sector and identified a lack of “knowledge and experience” about adult social care. An example was provided of Home Office officials repeatedly stating that all care workers were directly employed by local authorities, which is not the case. Concerns were also raised about the complexity of guidance and processes, which led to misunderstandings and delays in the care worker and sponsor licensing application processes. Customer service levels were described as “ineffective” and “inconsistent”, with timescales for receiving responses to queries reported as being variable.
- 6.11** In contrast, trade associations were pleased that they had been able to access a series of recent Home Office webinars, including one specifically developed for home carers. Another reported they were happy that the hours of VSI’s customer support helpline had been extended.
- 6.12** One submission stated that the administration and oversight of the care sector was made more complex by the number of different government and regulatory organisations involved (e.g., the Home Office, the Foreign, Commonwealth & Development Office, DHSC, the Care Quality Commission (CQC), and the Gangmasters and Labour Abuse Authority (GLAA)), and that they had concerns that the current multi-agency approach diluted responsibilities. A local authority acknowledged that, while recent engagement between the Home Office and its organisation had improved, more information about licence holders in its area was still needed.
- 6.13** Significantly, several stakeholders with expert knowledge of the care sector had contacted the Home Office, offering to work with the department to find solutions to the risks identified. However, this contact had not resulted in any long-term engagement. One local authority had offered to share information that could support the Home Office in its decision making, such as care sector vacancy numbers, pay levels, and numbers of staff leaving the care sector. Another stakeholder that had offered its expertise told inspectors that the Home Office had emailed to thank it, but did not accept the offer of assistance or explain why it had been rejected.³⁶
- 6.14** The views of the care sector echoed those expressed by external stakeholders in the ICIBI report ‘An inspection of the immigration system as it relates to the agricultural sector’,

³⁶ The Home Office, in its factual accuracy response, stated that the “Home Office have asked for data on vacancy numbers (specifically regionally but also in relation to individual sponsors) on multiple occasions via a variety of different channels to support this assessment, and been told it simply isn’t available. This was also something we promoted when DHSC were proposing a clearing house assessment.”

published on 19 December 2022.³⁷ The report found that “there was a stark contrast between the [agricultural] sector and the Home Office perception of the strength of their communication and engagement, suggesting the relationship currently is not as effective as it could be”. The report made one recommendation in relation to communication and engagement, calling for the publication of a roadmap outlining the aims, terms of reference, and frequency of routine communication and proactive engagement. The Home Office accepted this recommendation, and on 5 May 2023 advised the ICIBI that it had been implemented.

The Home Office’s stakeholder engagement

6.15 The main channels of communication and engagement between the Home Office and the social care sector are set out in Figure 3 below:

Figure 3: Key points of engagement between the Home Office and the social care sector

Engagement type	Remit	Attendees	Frequency
Adult social care meetings and roundtables	To discuss ethical recruitment, safeguarding, and compliance to identify which partners are best placed to take these issues forward	Meetings – Home Office and DHSC Roundtables – Home Office, DHSC, OGDs, and care sector representatives	Monthly
Outreach events, webinars, and other meetings Hosted by EET, DHSC, and Skills for Care	To create awareness of the points-based system and any upcoming changes To create better understanding of the care worker route	Home Office, DHSC, OGDs, care sector employers and representatives	Ad hoc
Employer Advisory Group Chaired by Future Borders and Immigration System (FBIS)	To discuss the future of international recruitment To gain the advice and views of attendees To support the Home Office in transforming the legal migration system	Home Office and employers in the UK and their representative bodies, including the Scottish Social Services Council, Skills for Care, and Social Care Wales	Quarterly
Legal Migration User Experience Advisory Group	To discuss the impacts of future legal migration on users and especially vulnerable migrants	Home Office, users of the UK immigration system, and those supporting applicants through the immigration system	Quarterly

37 ICIBI, ‘An inspection of the immigration system as it relates to the agricultural sector’, (published 19 December 2022), pp. 5-6.

Adult social care meetings and roundtables

- 6.16** The Work Services Command has engaged formally with DHSC via meetings and more broadly with the social care sector via monthly ‘roundtables’. The meetings and roundtables are led by DHSC. The first meeting between the Home Office and DHSC where safeguarding concerns in relation to the care worker route were raised took place in March 2022. The first roundtable took place on 13 July 2023.
- 6.17** Home Office staff told inspectors that, on reflection, there had been a need to engage at an earlier stage to learn “as much as we can about the sector and recruitment process from the off”. There was also an acknowledgment that staff had initially lacked accurate knowledge of the care sector.
- 6.18** The roundtables were established to meet the need for wider engagement, address ethical recruitment issues in the adult social care sector (ASC), discuss areas of concern such as safeguarding and compliance, and identify the roundtable partner best placed to take these issues forward.
- 6.19** Inspectors reviewed the agenda for the inaugural roundtable. The agenda listed two papers written by DHSC on the ‘International recruitment journey and current enforcement landscape’ and ‘Further areas for cross-sectoral action and collaboration to redress un-ethical practice’. Inspectors were provided with copies of both papers. DHSC’s paper on ‘cross-sectoral action’ proposed new tactics for combating unethical practice in the care sector, such as improving VSI data collection to identify emerging safeguarding trends. The paper proposed that this data could then be shared with sector bodies so that they could better identify and report unethical recruiters. In response to stakeholder feedback, the DHSC paper also included a recommendation for care workers to be made aware of their UK employment rights prior to their arrival in the UK.
- 6.20** It was evident from the briefing paper ‘Ethical Recruitment Concerns in ASC’ and the minutes from the roundtable, that DHSC and the Home Office had different priorities and objectives at times. The Home Office’s focus was primarily on maintaining the integrity of the immigration system, while DHSC was concerned with the efficient licensing of care providers and filling vacant care worker posts.
- 6.21** Inspectors requested copies of subsequent roundtable minutes and action points resulting from these meetings, but these were not provided.
- 6.22** While early engagement took place between the Home Office, DHSC, and OGDs in relation to the addition of care workers, it took a further five months for the Home Office to engage with a small number of external stakeholders. By January 2023, some 11 months after the care worker route had been added to the Shortage Occupation List, the Home Office had started to engage more widely with external stakeholders. This engagement was mainly led by the DHSC. Inspectors considered that the Home Office had relied too heavily on DHSC for its understanding of and contact with the care sector and would have benefited from direct and earlier contact with a wide range of external stakeholders.³⁸

³⁸ The Home Office, in its factual accuracy response, stated: “The work services team responsible for handling visa applications in the care sector were switched over to the Ukraine visa work, and not operating BAU work services roles, so engagement took place at the earliest possible opportunity against a backdrop of operational recovery.”

Outreach events, webinars, and other meetings

- 6.23** The Home Office's EET is part of the Strategic Engagement and Delivery Unit and sits within the Home Office's FBIS command. EET's role is to create awareness of the PBS, including sponsorship processes and any new visa routes. The team engages formally with the social care sector by running and participating in 'outreach' events and webinars, and via the Home Office's established advisory groups. EET also works with OGDs and devolved administrations. Staff in EET told inspectors: "Our engagement is strategic but also reactive. We will come up with a strategy on how we can tell as many people as possible if something new comes in."
- 6.24** The Home Office stated that EET had led or participated in ten events delivered to the care sector between January and May 2022, which were attended by over 3,200 stakeholders. A further 13 events were held between July 2022 and June 2023, which involved over 2,000 stakeholders.
- 6.25** Inspectors attended a PBS event on 19 September 2023. The event consisted of a series of presentations by DHSC and OGDs, followed by a brief question and answer session. Inspectors noted that the majority of questions raised by attendees related to clarification of the sponsor licensing process.
- 6.26** The Home Office provided inspectors with examples of webinars and other meetings attended by the Work Services Command between July 2022 and October 2023. These included meetings with the Association of Directors of Adult Social Services (ADASS), the GLAA, and a small number of external stakeholders. Discussions at these meetings included updates on individual care homes, ongoing intelligence operations, and sponsor compliance. As with the adult social care meetings and roundtables discussed earlier, inspectors considered that engagement with external stakeholders should have taken place sooner, as this would have informed strategic and operational planning for the care worker route at the earliest point.
- 6.27** The Home Office attended two cross-government meetings held on 27 October and 24 November 2023. These meetings were described by the Home Office as the '[Department for Labour Market Enforcement] strategic co-ordination group'. The meetings were also attended by representatives from HM Revenue & Customs, the Department for Work and Pensions, the Health and Safety Executive, the Employment Agency Standards Inspectorate (EAS), the National Crime Agency (NCA), and the GLAA.
- 6.28** Inspectors received the minutes of the November meeting, which had focused on labour market enforcement relating to car washes, the construction industry, and the care sector. The care sector was considered a priority for EAS and the GLAA. The recorded contribution from the NCA showed that it was focused on influencing the direction of policing in relation to organised crime gangs operating within the care sector. During the meeting, the Home Office had raised concerns that its responsibilities were being broadened to include areas previously falling to other departments and agencies. The minutes and associated action points demonstrated that there was a lack of clarity on who 'owned' responsibility for the administration and oversight of the social care sector, including safeguarding responsibilities.
- 6.29** While the Home Office considered that it had carried out extensive engagement and that there was evidence of a number of formal events attended by the department, this was largely for the purpose of advising organisations about the points-based system and the addition of care workers to the Health and Care Worker visa route. There was less evidence of the

communication and learning being a two-way process. In response to inspectors' findings and feedback from stakeholders, one senior manager said that "there is no one [government department, agency, or care sector] entity" responsible for engagement with the care sector.

Home Office advisory groups

- 6.30** EET also conducts higher-level strategic engagement with other government departments and the social care sector via the Employer Advisory Group (EAG) and the Legal Migration User Experience Advisory Group (UEAG). The EAG is chaired by the FBIS command and engages a range of employers in the UK, and their representative bodies. The remit of the EAG is to discuss the future of international recruitment and gain sector input into the transformation of the legal migration system.
- 6.31** The UEAG was established in 2023, with the aim of bringing together a broad range of external organisations and individuals with lived experience of the UK immigration system and those who support them, including charities, legal practitioners, and non-governmental organisations. The remit of UEAG is to focus on the impacts of future legal migration on users and especially vulnerable migrants. There was limited feedback from external stakeholders on the effectiveness or otherwise of the current Home Office advisory groups.

Home Office guidance and feedback loops

- 6.32** In November 2022, the Home Office collaborated with the DHSC on the development of a more 'user-friendly' factsheet titled 'Becoming a visa sponsor: A help sheet for adult social care providers'. This factsheet was subsequently published on the Skills for Care (SfC) website's international recruitment webpage.³⁹ The contact details provided at the end of the factsheet are for the Home Office's Business Helpdesk email address and Teleperformance's 'Sponsorship, employer and education helpline'.⁴⁰ Inspectors considered this to be a good example of joint working between the Home Office, DHSC, and SfC.
- 6.33** In addition to Home Office guidance on applying for a visa or sponsor licence under the PBS, the Home Office issued specific 'Health and Care visa: guidance for applicants' on 15 December 2022.⁴¹ This contains information for sponsors and covers all healthcare Standard Occupational Classification codes, including 6145 (care workers and home carers) and 6146 (senior care workers).
- 6.34** The Home Office provided inspectors with other examples of guidance developed by either the Home Office, or by the Home Office in collaboration with the DHSC. These included the Home Office's factsheet 'Sponsor Compliance: Frequently Asked Questions', developed in response to stakeholder feedback and published in April 2023, and DHSC's 'International Recruitment Toolkit for Social Care', designed as a 'user-friendly' guide to completing a sponsor licence application, developed during April and May 2023, and subsequently published by DHSC on the website [skillsforcare.org.uk](https://www.skillsforcare.org.uk). Some stakeholders reported that they found the factsheet and toolkit easier to understand than the original guidance.
- 6.35** When inspectors asked a senior civil servant to comment on the concerns raised by stakeholders about the complexity of the Home Office's visa and sponsor licensing guidance,

³⁹ DHSC, 'Becoming a visa sponsor: A help sheet for adult social care providers' (undated), <https://www.skillsforcare.org.uk/Recruitment-support/International-recruitment/International-recruitment.aspx#BecomingaVisasponsorhelpsheetforadultsocialcareproviders>

⁴⁰ Teleperformance provides a helpline for customers on behalf of the Home Office.

⁴¹ Home Office, 'Health and Care visa: guidance for applicants' (published 15 February 2022), <https://www.gov.uk/government/publications/health-and-care-visa-guidance-for-applicants>

they stated that the guidance published “on GOV.UK is aimed at the reading age of a nine-year-old” and so “with the English language requirement of the route, that is sufficient”. However, a senior manager stated: “If the guidance was good, we would not need to do engagement as the guidance would speak for itself. If English is not your first language, it is not easy, but it has got better.”

- 6.36** The Home Office responded to stakeholder claims that they were not being notified when a sponsor licence was suspended or revoked by saying that the current ‘Register of licensed sponsors: workers’ effectively does this, as those organisations “who are suspended or revoked do not appear on the register”.⁴² However, there is no ability to filter the register by local authority, and navigating over 94,000 entries using a basic Excel spreadsheet is not an easy task.
- 6.37** In addition, since October 2022 the Home Office has emailed DHSC, the CQC, ADASS, and local authorities when a decision to suspend or revoke a sponsor licence has been made. This email is intended to assist these partners to track the number of sponsors currently in the sector. Prompt updates on sponsor licence suspensions and revocations are vitally important to local authorities, which need to make alternative arrangements for the continued delivery of care packages. In response to the notification, the parties may request an extension to the time usually taken to notify sponsored workers about the decision. At the time of the inspection, three such requests had been received, all of which were approved.
- 6.38** Inspectors also received evidence in the form of an email circulated on 9 August 2023 by a Home Office compliance and correspondence manager. This email reminded all compliance staff of the need to notify the listed stakeholders on every occasion a decision to suspend or revoke a licence was made. The need for the email suggested that the agreed process was not consistently being followed. Also, a Home Office manager explained that “it had been hard to navigate who to speak to” when referring safeguarding concerns to the relevant local authority. Inspectors thought these examples demonstrated that engagement between the Home Office and some local authorities could be further improved.
- 6.39** There was evidence of positive joint working between the Home Office, DHSC, and OGDs to produce guidance that more effectively met the needs of the sector. However, inspectors considered that the different views of the Home Office and social care sector on the clarity of Home Office guidance demonstrated a need for further improvements. Early engagement with the wider social care sector, coupled with more effective feedback loops, would have helped the Home Office understand these concerns at an earlier stage. Inspectors also identified a need for improvements to data inputting accuracy, and for the register of licensed sponsors to be updated more promptly.

Summary

- 6.40** Inspectors noted that there was a marked contrast between the Home Office’s and the social care sector’s view of the quality of Home Office communication and engagement. The Home Office provided examples of what it described as ‘two-way’ communication and engagement, such as EET’s frequently asked questions document. However, many in the sector felt the Home Office ‘told’ the care sector what it should do, rather than actively listening to the sector’s needs and concerns.

⁴² Home Office, ‘Register of Worker and Temporary Worker licensed sponsors’ (last updated 3 January 2023), <https://www.gov.uk/government/publications/register-of-licensed-sponsors-workers>

- 6.41** Several stakeholders with expert knowledge of the care sector had contacted the Home Office to offer their services. However, this had not resulted in any long-term engagement. Early engagement with the sector would have helped to quickly identify issues, risks, and potential mitigations associated with the care sector. This would also have informed strategic and operational planning for the care worker route at the earliest point. Inspectors noted, however, that the Home Office’s understanding of the sector had grown incrementally since February 2022.
- 6.42** The Home Office is not tasked with enforcing UK employment law, and some stakeholders accepted that this role was primarily the responsibility of other government departments and agencies. However, inspectors felt there was a significant (if limited) educational role the Home Office could play in this regard. Inspectors identified a lack of clarity on who ‘owned’ responsibility for the administration and oversight of the care sector, including safeguarding responsibilities. Stakeholders expressed concern that the number of different government and regulatory organisations involved in the oversight of the care sector diluted responsibilities.

7. Inspection findings: Pre-licence casework

Introduction

- 7.1 The Home Office’s ‘Workers and Temporary Workers – guidance for sponsors part 1: apply for a licence’ provides guidance to organisations seeking a sponsor licence.⁴³ This guidance also describes how licence applications will be processed by the Home Office.
- 7.2 External stakeholders expressed concern that the guidance was complex, difficult to navigate, and placed excessive obligations upon sponsors. Particular difficulties were reported by small and medium-sized enterprises (SMEs).
- 7.3 More generally, both external stakeholders and Home Office staff reported concerns that non-compliant or illegitimate sponsors obtained licences too easily. Some Home Office managers felt that this was due to the lack of grounds on which to refuse a licence application. However, even where specific requirements do exist in the guidance (such as a prohibition on workers being supplied by agencies to third parties or sponsors’ key personnel not having criminal convictions), inspectors saw evidence that sponsors were not being held to these in practice.

Sponsor guidance

- 7.4 The Home Office’s ‘Workers and Temporary Workers – guidance for sponsors part 1: apply for a licence’ explains that organisations can elect to make a standard or priority application for a licence, and must pay the appropriate fee based on the size of their organisation and the level of service they desire. The service options for sponsor licence applications are set out in Figure 4 below:

Figure 4: Service options for sponsor licence applications

Service type	Service standard	Fee
Standard	40 working days	Small companies or charities: ⁴⁴ £536
		All other companies: £1,476
Priority	10 working days	All companies applying in eligible routes: £500

- 7.5 The Home Office currently restricts the number of applications for the priority service to 30 per working day, which is decided on a ‘first come, first served’ basis.⁴⁵

43 Home Office, ‘Workers and Temporary Workers – guidance for sponsors part 1: apply for a licence’ (updated 22 August 2022), <https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-1-apply-for-a-licence>

44 Defined as sole traders with 50 or fewer employees, ‘small companies’ as defined by the Companies Act 2006, and registered charities.

45 Home Office, ‘Pre-licence priority service guidance’ (updated 3 April 2022), <https://www.gov.uk/government/publications/pre-licence-priority-service-guidance>

- 7.6** When making an application, a sponsoring organisation must justify its need for a licence and explain how the licence will be used. It must also submit evidence in support of its application to show it is legally operating or trading in the UK. In most cases, prospective sponsors must submit a minimum of four documents. Examples include: proof of registration with a relevant regulator or oversight body (if applicable), proof of registration as self-employed with HM Revenue & Customs (HMRC), the most recent self-assessment tax return provided to HMRC, proof of registration as an employer with HMRC for National Insurance purposes, proof of ownership or lease of business premises, and the latest corporate bank statement.
- 7.7** Once the licence application has been submitted, the organisation must also provide a signed declaration form ('submission sheet') confirming the accuracy of the information supplied. If all required documents have been submitted, the application is passed to a caseworker for assessment. Where mandatory documents are not provided or a submission sheet has not been signed, a caseworker may reject an application. In addition to providing payment, documents, and a signed submission sheet, the Home Office must be satisfied the organisation has demonstrated that it has "human resource and recruitment systems" in place that are adequate for the recruitment of sponsored workers.⁴⁶
- 7.8** The sponsoring organisation or business must nominate an 'Authorising Officer' and 'Key Contact' as part of its application. The Authorising Officer is responsible for ensuring that a sponsor remains compliant with the terms of its licence. The Key Contact is the main point of contact between the sponsor and the Visa, Status and Information directorate. The organisation must also identify a 'Level 1 User', who is responsible for carrying out its day-to-day sponsorship activities using the sponsorship management system (SMS). Once granted a licence, the sponsor can nominate additional Level 1 and 'Level 2 Users'. Level 2 Users are provided with access to the SMS but have fewer permissions than Level 1 Users. Together, these individuals are referred to by the Home Office as 'key personnel'. While the Authorising Officer and Key Contact must be paid staff members or office holders of the organisation, Level 1 and Level 2 Users can be individuals from outside the organisation who act on its behalf. Most commonly, these would be legal representatives. It is also possible for one person to hold more than one, or all, of these key personnel positions. However, all sponsors must have at least one Level 1 User who is an employee, an owner, or a director of the organisation, and (subject to limited exceptions) is a 'settled worker'.
- 7.9** As outlined in the sponsor guidance, key personnel nominated by an organisation should be resident in the UK and should not have any unspent criminal convictions. In addition, they must not have been refused a sponsor licence in the past six months or be subject to bankruptcy proceedings.⁴⁷ The guidance requires those applying for a licence to be "honest, dependable, [and] reliable".
- 7.10** Once a licence has been granted, the sponsor must assign a certificate of sponsorship (CoS) to each worker it intends to sponsor. The CoS, an electronic document, contains details of the job that has been offered to the migrant worker and may be 'defined' or 'undefined'. Defined CoS are used to sponsor workers applying for an entry clearance from outside the UK, while undefined CoS are for workers who are applying for leave to remain in the country. Further information regarding the processing of CoS applications is provided in chapter 8.

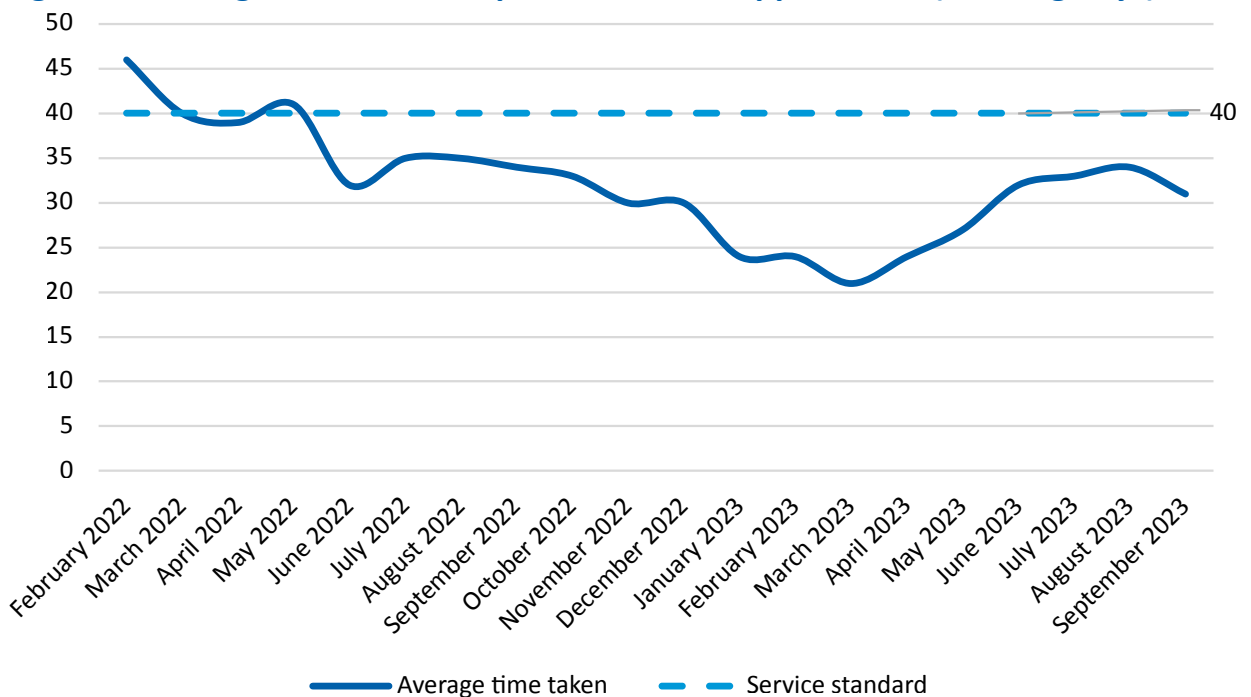
⁴⁶ Home Office, 'Guidance for sponsors part 1', p. 42.

⁴⁷ Home Office, 'Guidance for sponsors part 1', pp. 31-32.

Licence application data

- 7.11** In September 2023, the Home Office submitted a paper to the Migration Advisory Committee (MAC) in which it outlined its “increasing and serious concerns surrounding abuse” relating to care work roles. The department noted that, while it had “only recently started to capture data and records” in relation to these specific roles, its concerns were “exacerbated by the pace of sponsor registration and migrant recruitment” in the social care sector.
- 7.12** A register of sponsors is published on GOV.UK and contains details of any organisation that holds a licence to sponsor workers on work-related immigration routes. As of 30 November 2023, the register of sponsors published on GOV.UK contained details of 94,704 organisations licensed to sponsor workers on work-related immigration routes.⁴⁸ Home Office data showed that 11,614 sponsor licence applications had been received from organisations self-declaring that they operate in the ‘Human Health and Social Work Activities’ sector between the beginning of February 2022 and the end of October 2023. This is an average of 553 applications per month.
- 7.13** In the first two months following the addition of care workers and home carers to the Shortage Occupation List (SOL) in February 2022, the Home Office received a higher than average number of licence applications from organisations in the ‘Human Health and Social Work Activities’ sector (657 and 663 applications in February and March 2022 respectively).
- 7.14** With the exception of February and May 2022, the Home Office has remained within the 40-day service standard for processing licence applications, as shown in Figure 5. The average number of working days taken to process a sponsor licence from February 2022 to October 2023 was 32.

Figure 5: Average time taken to process licence applications (working days)



⁴⁸ Home Office, ‘Register of Worker and Temporary Worker licensed sponsors’ (updated 3 January 2024), <https://www.gov.uk/government/publications/register-of-licensed-sponsors-workers>

7.15 As outlined in Figure 6, decisions have been made on 11,243 (96.8%) of the licence applications, with 371 awaiting a decision. The majority of licences (74.4%) have been granted. However, as the data indicates, over a fifth (22.2%) of applications on which a decision has been made have been rejected.

Figure 6: Decision outcomes of sponsor licence applications made by organisations from the ‘Human Health and Social Work Activities’ sector between February 2022 and October 2023

Outcome	Number	Percentage of total decisions
Granted	8,371	74.4%
Rejected	2,495	22.2%
Refused	168	1.5%
Other ⁴⁹	209	1.9%
Total decided	11,243	100%

7.16 Applications may be rejected where, for example, a mandatory document is not supplied, the submission sheet provided with an application is not signed, or the incorrect fee is paid. Inspectors considered that such administrative issues might reflect the concerns over the complexity of guidance raised by sponsors.

Staffing and structure

7.17 Processing applications for sponsor licences is the responsibility of the Work Sponsorship team within the Work Services Command. The team is staffed by 113 Administrative Officers (AOs), 70 Executive Officers (EOs), eight Higher Executive Officers (HEOs), two Senior Executive Officers (SEOs), and a Grade 7 Assistant Director who has responsibility for both sponsor licensing and migrant casework.

7.18 The significant surge in the number of organisations applying for sponsor licences has necessitated an increase in headcount. Between August 2022 and October 2023, 63 additional staff (31 AOs and 32 EOs) were recruited into Work Sponsorship.

7.19 While pre-licence caseworkers make decisions on licence applications from employers in all industries, they told inspectors that a large and increasing proportion of their time was spent on assessing applications made by organisations in the social care sector. A member of staff described social care as the “single biggest sector” they were dealing with.

7.20 Within Work Sponsorship, AOs are primarily responsible for making decisions on applications while EOs provide line management, training, mentoring, and quality assurance, as well as responding to pre-action protocols that challenge refusals of licence applications. Not all AOs are trained to complete refusal decisions, however, and AOs can refer a case to an EO if it appears to be complex.

7.21 In addition to the increase in resource, operational managers highlighted the new structured training programme that has been implemented for sponsor pre-licence caseworkers.

⁴⁹ ‘Other’ denotes applications which have been withdrawn. A withdrawn case refers to applications which have been withdrawn by the organisation that the application refers to.

Managers were proud of this training, which was described as “impeccable”. Prior to the introduction of this new approach, caseworkers were trained primarily through ‘on the job’ mentoring provided by peers on a one-to-one basis. This new classroom-based provision features example applications, including one in social care, as well as a period of shadowing visa application caseworkers. The training is followed by a period of mentoring, upon completion of which a new starter is ‘signed off’ to process applications independently. New starters are expected to achieve the standard target of 3.5 decisions per day, and to have these decisions passed through quality assurance, before being signed off. Pre-licence caseworkers who are fully signed off continue to undergo quality assurance checks: every refusal and at least 45% of a caseworker’s grants are sampled.

- 7.22** Once trained, caseworkers can obtain support from a ‘duty’ EO who monitors a team-wide Microsoft Teams chat. Caseworkers spoke positively about this facility, which allows them to receive timely advice from colleagues that is publicly available to the entire team. One AO caseworker described the chat as helping team members to establish that they were “all working to the same standard”. AO caseworker targets had recently been reduced from four decisions per day to 3.5, to reflect the large number and greater complexity of steps required to satisfactorily assess applications from sponsors in the social care sector. EOs suggested that wide variance existed in the ability of their AO colleagues to consistently meet these targets.
- 7.23** Despite evident pressures on them, caseworkers were highly positive about both the visibility of senior management and the quality of support they offered. Leaders were described as having “gone out of their way” to engage with and make themselves visible to operational staff and to be “always around” to provide assistance.

Stakeholder feedback on sponsor licensing

- 7.24** Sponsor licensing was raised as an area of concern by half (30) of the stakeholders who responded to this inspection’s call for evidence. Of particular concern, stakeholders reported that the licence application process was not sufficiently robust to reliably identify organisations that intend to abuse the system. An academic with knowledge of immigration in the care sector expressed a belief that pre-licence checks were minimal and only sought to establish the legal existence of an organisation and its registered address.
- 7.25** Similarly, stakeholders expressed concern that requirements for organisations to be registered with any relevant regulator were not being properly implemented in the care sector. Multiple stakeholders recommended that, instead of a general requirement to register with any relevant regulator, the Home Office should specifically require sponsors in the care sector to be registered with the Care Quality Commission (CQC) or a devolved equivalent. They considered that this would limit the ability of domiciliary care agencies, which provide care to clients in their homes, often on a casual basis, to obtain workers without subjecting themselves to inspection and regulation.
- 7.26** On 4 December 2023, while this inspection was ongoing, the Home Secretary announced that all sponsors seeking to employ migrant workers in the social care sector in England would be required to register with the CQC.⁵⁰
- 7.27** In any case, some stakeholders suggested that this requirement could be circumvented. A care sector workforce organisation identified the potential for a care provider to register

⁵⁰ They Work For You, ‘Legal Migration – in the House of Commons at 4:31 pm on 4 December 2023’ (accessed 3 January 2024), <https://www.theyworkforyou.com/debates/?id=2023-12-04c.41.0&s=speaker%3A25376#g41.1>

with the CQC and then subsequently make this registration dormant. Once a registration is made dormant, the provider is not subject to inspection or any other regulation by the CQC. However, the dormant status of this registration is not made clear on the public register of providers held on the CQC's website. The CQC shared this concern regarding sponsors with dormant registrations obtaining licences and CoS. It claimed that it had provided the Home Office with details of 80 such dormant registrants, but no action was taken.

- 7.28** Looking beyond the care sector, another stakeholder expressed concern at the overall rate of growth in the number of organisations with licences to sponsor migrants on the Skilled Worker route. It suggested that there was “a fundamental flaw” in the Home Office’s processing of licence applications and wondered how the Home Office could effectively monitor sponsors when it was granting thousands of licences each month.
- 7.29** Stakeholders also raised concerns about the licence application process, which they considered to be slow and not representing value for money relative to the fees paid. Echoing these concerns, a care provider organisation felt that paying for the priority service was necessary as “they were desperate to get staff in”, but did not agree that “you should have to pay more to avoid delay”.
- 7.30** Further issues were raised in relation to guidance for sponsors, which was considered difficult to navigate and understand, lengthy, and unclear. One organisation reported that it took “days” to digest the information contained within the documents. A large organisation representing care providers called upon the Home Office to produce a document complementing existing guidance that would be more intelligible to SMEs providing care. In the absence of such additional guidance, a number of agencies, including local and devolved governments and social care sector bodies, have issued their own guidance for employers recruiting or considering recruiting internationally.⁵¹
- 7.31** Concerns were also expressed about the frequency of changes to the sponsor guidance, which inhibited organisations from making long-term recruitment plans. Other stakeholders told inspectors that smaller organisations in particular experienced difficulty in using the sponsor guidance owing to pressure on their time and resources. This has resulted in many organisations engaging legal representatives to assist them with the recruitment process. While this might smooth the recruitment process for SMEs, it also adds an additional cost for those employers and can create a barrier to international recruitment.

Processing of sponsor licence applications

- 7.32** Caseworkers from the Work Sponsorship team informed inspectors that the documents most commonly provided by organisations to demonstrate suitability for being granted a sponsor licence are: company accounts, proof of lease of premises, and a self-assessment tax return.
- 7.33** Inspectors had concerns about how closely this evidence is checked by Home Office caseworkers. In one particularly concerning example, the Home Office provided inspectors with details of a registered address in London that had been used by multiple sponsors in their licence application. While the exact number is not known, information using a “case search” showed that there were “16 pages of sponsors” using the same address. Notes provided to inspectors suggested that the address was “for Companies House/HMRC purposes for post

⁵¹ Local Government Authority, ‘Overseas recruitment bite-size guide for social care providers in England’ (accessed 3 January 2024), <https://www.local.gov.uk/our-support/partners-care-and-health/care-and-health-improvement/adult-social-care-workforce/overseas-recruitment>

to be sent ... [t]here are no office premises for staff to be based [at]”.⁵² Many of the companies using this address were described as “posing a significant risk to immigration control, issuing large numbers of CoS” to workers who are “being encountered all over the UK” while others are “simply unaccounted for”. Evidence provided to inspectors included comments from a senior member of staff who suggested areas within the sponsor guidance under which applying organisations using such addresses could have been refused at the licensing stage.

7.34 In addition to considering documentary evidence, caseworkers carry out mandatory checks on both organisations and their key personnel through various records and systems. These include the Police National Computer (PNC) database, WICU (a Home Office system holding immigration records), Home Office intelligence repositories, and the insolvency register. Checks are also made against records on the Companies House website. However, inspectors were concerned about the thoroughness of these checks after examining case notes made by the sponsor licensing team which showed that licences were being issued when the outcome of the checks should have prevented this.

Company A

7.35 One example concerned a company, Company A, that was issued a sponsor licence with zero CoS allocation in December 2020.⁵³ In granting the organisation’s application for a licence, the caseworker described Company A as a “[l]ow risk sponsor given previous immigration employment history”. Case notes seen by inspectors confirmed that WICU and PNC checks were completed at the time of consideration of the licence application. Company A received 197 CoS before its licence was suspended in September 2022 for failing to comply with SMS reporting and record-keeping duties, weaknesses in its systems which failed to prevent risks to immigration control, and supplying workers it had sponsored to a third party as labour.

7.36 The director of Company A applied for a fresh licence in relation to a new business in October 2023. Further information contained in an internal email sent by a Home Office manager in November 2023 noted that the company’s Authorising Officer, who also served as its Level 1 User of the SMS, did in fact have a PNC record. This record showed a seven-year custodial sentence received for misconduct in a public office. The person’s offence related to abusing their position as a Home Office employee by illegally facilitating the entry of a large number of migrants. In light of the PNC evidence, the manager suggested that even if “a straight ... refusal” were not possible, the new organisation should at least be visited before a decision was made on its application. As of December 2023, the new organisation does not appear to have been granted a licence.

7.37 Despite such apparent mistakes in granting licences, caseworkers did not share stakeholders’ views that sponsor guidance and process requirements are difficult to understand. Some caseworkers did, however, suggest that the guidance was often misinterpreted by organisations. This, they reported, commonly led to payment of incorrect fee amounts and to the provision of incorrect supporting documentation, or other application errors, contributing to the high rate at which sponsor licence applications are rejected. A senior Home Office manager reported that they had spoken to policy colleagues about updating the sponsor guidance to make it clearer. However, as of December 2023 this action had not been taken forward.

⁵² Companies House is a government agency that maintains the register of companies in the UK, <https://www.gov.uk/government/organisations/companies-house>

⁵³ The name of the company has been anonymised.

Regulation of the social care sector

- 7.38** While some Home Office staff believed that the complexity of the sponsor guidance was overstated, inspectors identified where potential confusion may have arisen. For example, Appendix A to the guidance specifies that “nursing or care homes and similar businesses ... must normally be inspected by Ofsted or the Care Quality Commission or the equivalent bodies in Scotland, Wales or Northern Ireland”.⁵⁴ The regulatory position of domiciliary care agencies, however, which provide care services to people in their own homes or in ‘supported living’ environments, is less straightforward. Such organisations are required to register with the CQC or a devolved equivalent only where they provide ‘personal care’. On its own website, the CQC describes personal care as including “things like washing, bathing or cleaning themselves, getting dressed or going to the toilet”.⁵⁵ In correspondence with the Home Office, the CQC has confirmed that organisations whose employees only provide “assistance with domestic tasks such as laundry, shopping, cooking, companionship and so on” have no requirement to register with them. The Standard Occupational Classification (SOC) code for care workers and home carers, meanwhile, as defined by the Universities and Colleges Admissions Service, describes these workers broadly as those who “attend to the personal needs and comforts of the elderly and the infirm with care and support needs”, making no reference to personal care specifically.⁵⁶ An applying organisation or sponsor could therefore plausibly claim that it is not subject to regulation by the CQC but nevertheless has a legitimate need to recruit against the care worker SOC code.
- 7.39** A Home Office senior manager expressed frustration at what they saw as the CQC’s unwillingness to provide the department with tailored or case-specific advice about whether certain applying organisations, or classes of such organisations, should be regarded as subject to CQC regulation. They complained about the CQC’s tendency to “spit guidance back at us, which is not particularly helpful”. As noted above, ministers have now obviated this issue by requiring that all sponsors in the care sector be regulated by the CQC. However, this has occurred some 22 months after the addition of care roles to the SOC and, evidently, only after a considerable amount of frustration being experienced by both the Home Office and regulators.
- 7.40** In the absence of such a requirement prior to the ministerial change cited in paragraph 7.26, and owing to the lack of a regulatory regime that applies to it universally, the Home Office has found processing the pre- and post-licence applications made by domiciliary care agencies, and in general ensuring their compliance with sponsorship requirements, challenging. While one senior manager emphasised that checking CQC registration is “just one part of our process” since applying organisations “still have to meet other criteria”, sponsor pre-licence caseworkers reported that the lack of a regulatory regime for domiciliary care providers presented problems. One AO caseworker suggested that “it has got more complicated on domiciliary care as they are not regulated”. An EO caseworker, meanwhile, observed that questions about whether or not a care provider required proof of registration with a regulator were the most common type of query referred to them by AOs.
- 7.41** Caseworkers rely on various forms of evidence in assessing the applications of care organisations that are not subject to regulation. One caseworker suggested that “there isn’t a system in place” to establish whether or not any given agency was likely to have a

⁵⁴ Home Office, ‘Sponsor guidance appendix A: supporting documents for sponsor applications’ (updated 9 October 2023), p. 10, <https://www.gov.uk/government/publications/supporting-documents-for-sponsor-applications-appendix-a>

⁵⁵ Care Quality Commission, ‘Personal care’, accessed 3 January 2024, <https://www.cqc.org.uk/guidance-providers/registration/personal-care>

⁵⁶ Universities and Colleges Admissions Service, “Health, social, and child care services”, <https://www.ucas.com/explore/career-path/1.2?assessmentId=ad77c9a99b974f7dbcf41b48872bcd77%2F1000>

genuine need for work and to be able to comply with the terms of its licence. Another said that domiciliary care is “too big a thing” and that “it’s too difficult to make checks on them”. AO caseworkers also reported that part of their assessment is to judge whether a company “website look[s] professional”. Another caseworker suggested that an organisation’s website “should be like an open book”. Caseworkers did not suggest, however, that any written or otherwise agreed criteria by which to assess a company website existed. Likewise, caseworkers reported that they often consult the records regarding an organisation’s history and finances that can be found on the Companies House website. However, the sponsor guidance does not require a company to have a website, nor does it set out detailed financial requirements for an organisation to be granted a licence. While the diligence of caseworkers is to be commended, it is not clear how likely it is that such research, which can be complex and time-consuming, will contribute significantly to any decision they might make on an application.

Home Office understanding of the social care sector

- 7.42** A Home Office senior civil servant acknowledged that it was “fair” to suggest the difficulty presented by domiciliary agencies had not been anticipated and that that “side of the sector has been a developing picture for us”. Reflecting this, several Home Office managers told inspectors that since October 2023 the department had begun to request that social care sponsors demonstrate their need for workers by supplying evidence of contracts they have in place with local authorities for the provision of care. Such requests for extra evidence had previously been made only in cases where concerns existed and with the consent of an EO. An operational manager suggested that the team’s capacity to make requests for further evidence was limited because of pressures on time and resources. Social care organisations are now required as standard to provide such contracts when applying both for a sponsor licence and for CoS. Senior managers told inspectors in November 2023 that this process was “embedding” and “in its infancy”. EO caseworkers suggested that they were “still learning” the new process, while their AO colleagues had not made any decisions that involved assessing the validity or content of a local authority contract.
- 7.43** While resource pressures might have contributed to a previous inability to request and check contracts to supply care, a senior manager explained that evidence of contracts was not required prior to October 2023 owing to a misunderstanding on the part of the Home Office about how social care is commissioned. Prior to October 2023, the Home Office believed that being placed on a local authority framework or ‘dynamic agreement’ was sufficient to guarantee that a provider would receive care work and therefore have a need for workers. Senior managers told inspectors that the department had recently developed an understanding that such frameworks are “speculative” and that only a contract to provide care for a local authority demonstrates an active need for workers. A Home Office senior manager also referred to a general belief in the department that, since there is a significant need for workers in the social care sector, applications for CoS related to that sector were inherently likely to be genuine. Inspectors noted that, given that the requirement for sponsors to provide local authority contracts as evidence of their need for workers was introduced no earlier than October 2023, these misconceptions about the sector persisted for some 20 months after the addition of care roles to the SOL. In any case, at the time of this inspection, this new process was not sufficiently mature for inspectors to be able to assess its impact.
- 7.44** The question of CQC regulation had presented challenges to the Home Office even where it was accepted that a given organisation was subject to regulation. Prior to 2023, caseworkers had accepted physical registration documents as likely to be genuine and so did not routinely

check the CQC's online register. However, a pre-licence caseworker informed inspectors that in recent months the Home Office had begun to check the registration of an applying organisation on the CQC website, which holds a record of all providers registered with the regulator.

Powers to refuse a sponsor licence

- 7.45** Home Office staff and managers told inspectors that the requirements and criteria outlined in the sponsor guidance were not sufficiently stringent to enable refusal of licence applications, even where significant concerns about an organisation existed. This is illustrated by the example of Company B, provided below. One senior manager presented this to inspectors as reflecting a deliberate strategy of using a light touch approach at licence application stage with an intention to apply more scrutiny once sponsors make their licences effective by sponsoring workers. However, when asked whether this approach was appropriate for a sector like social care, which contains a large number of small organisations that lack experience in international recruitment, they acknowledged that it was not. Contrary to this view, however, a senior civil servant said that they “would not recognise” a description of the sponsor licence approach as one of granting first and asking questions later.
- 7.46** Another senior manager characterised the sponsor guidance as “flexible and enabling”, primarily serving the function of supporting legitimate sponsors in recruiting overseas workers following the end of free movement into the UK for EU citizens. However, they suggested that this means the Home Office “does not always have the powers where it might want to refuse”.
- 7.47** Senior managers implied that, prior to the care worker role being added to the SOL, the guidance's enabling function was appropriate because the Skilled Worker route was primarily used by large, well-run sponsors with experience of international recruitment to sponsor migrants with high levels of formal qualifications. However, one senior manager suggested that the addition of care worker roles to the SOL had turned Skilled Work from the most compliant to the least compliant immigration route “overnight”.
- 7.48** The apparent difficulty of refusing sponsor licence applications was also something referred to by operational managers and staff. AO caseworkers suggested that their role involved making “a value judgement” and that they sometimes granted sponsor licences despite having concerns about an organisation. Given the apparent difficulty of refusing applications, caseworkers relied on their concerns being followed up by other teams. One AO remarked that caseworkers “can't make the [refusal] decision on pre-licence when we have these doubts, we can say what our concerns are and the compliance officers can go out and make the checks for us”.

Company B

- 7.49** The Home Office provided inspectors with details of a case that involved fraudulent behaviour in relation to CQC registration. In this instance, an organisation submitted a sponsor licence application on 11 April 2023 supported by two forged CQC registration documents in the name of a legitimate care provider, Company B.⁵⁷ The documents contained an address, telephone number, and registered manager that differed from those listed for Company B on the CQC's website. Online checks on the address provided on the fraudulent application revealed that it contained “no trace of a residential care home”. A forged bank statement was also submitted that listed transactions which post-dated the date of issue. Nevertheless, this application for

⁵⁷ The name of the company has been anonymised.

a sponsor licence was granted. More than two months after the licence was granted, Border Force officers made the Work Sponsorship team aware of their concerns about the legitimacy of arriving migrant workers claiming to be sponsored by Company B.

- 7.50** A senior operational manager within Work Sponsorship subsequently investigated the issue and found that Company B had never had or sought a sponsor licence. The manager quickly suspended the licence. However, by this time the fraudulently obtained sponsor licence had been used to secure 275 CoS, all of them defined (obtained with the intention to sponsor workers resident overseas). Of these CoS, 181 had been assigned to workers, “none of whom have arrived to undertake genuine roles”. All 275 CoS had been issued for workers supposedly intending to be employed at a 21-bedroom care home. On multiple occasions, the licence had been used to apply for more than one batch of defined CoS on a single day. The Home Office manager commented on the “number of red flags at application stage and beyond that warrant further investigation”. They expressed surprise that the “volume and consistency” of defined CoS applications did not attract further scrutiny or onward referral. While emphasising that they were not seeking to play “a ‘blame game’”, and acknowledging that “[Service Level Agreements] are extremely tight”, the manager identified the fraudulent use of Company B’s credentials as “a good example of a case where things can and have gone seriously wrong”. Worryingly, the member of staff identified this as the fourth case “they had had to process like it in a week”.
- 7.51** The following month, the Home Office identified another care sponsor that had submitted a forged CQC registration certificate. In this case, the ‘provider’ named on the certificate was not present on the CQC’s online register. The sponsor’s licence was quickly suspended once this issue was identified. However, it had already been granted 639 defined CoS at the time of suspension.
- 7.52** As noted, even where an organisation submitting an application holds a legitimate registration with the CQC, stakeholders suggested that this registration can easily be made dormant without the Home Office’s knowledge. The CQC informed inspectors that it has shared with the Home Office details of providers that have made their registrations dormant. However, this process has not yet been formalised and a senior Home Office manager informed inspectors that a data-sharing agreement between the department and the CQC was being drafted as of November 2023. The staff member identified this as a potential “quick win” but, given the Home Office’s long-standing awareness of social care as a high-risk sector, it is concerning that an agreement has not been arrived at sooner.
- 7.53** In any case, even where a care provider is registered with the CQC, it does not follow that it has been inspected or, therefore, that the nature, quality, or extent of the services it provides have received expert assessment. Furthermore, the sponsor guidance does not contain any requirement that a social care employer must have been inspected before it obtains a sponsor licence.

Pre-licence compliance checks

- 7.54** Where a caseworker has serious concerns about an organisation applying for a licence, they can request a ‘pre-licence’ compliance visit by compliance officers. Prior to the COVID-19 pandemic, these visits were mandatory. However, restrictions on in-person visits, as well as the rapid growth in sponsor licence applications, resulted in the adoption of a risk-based approach to determine which organisations are visited. Coinciding with this, the Home Office introduced ‘digital compliance checks’ in March 2023 where a virtual interview is carried out, replacing

the need for an in-person visit. Digital checks were considered to provide a quicker and less resource intensive method to ensure compliance.

- 7.55** While they provide some additional scrutiny, operational staff told inspectors that digital compliance checks were limited in their effectiveness. A pre-licence caseworker characterised them as less thorough than physical visits and so less likely to lead to a refusal of a licence. Another member of staff described digital checks as “not as rigorous” and as involving the risk that concerns are not picked up. Likewise, compliance officers noted that some important checks cannot be undertaken remotely, such as document forgery checks or an examination of premises.
- 7.56** Even in instances where a pre-licence visit or digital check does take place, however, Home Office staff expressed concerns that the findings of a check are unlikely to produce sufficient grounds for refusal. This could be demotivating for compliance officers, particularly when they are later tasked to visit the same organisation at post-licence stage. A compliance officer provided a recent example of this where they had conducted a post-licence visit to a sponsor that the pre-licence caseworker had previously recommended for refusal of a licence. However, the organisation was granted a licence despite being “obviously an agency” engaging in third-party working.
- 7.57** Inspectors found that tasking an organisation for a remote or physical compliance check added significantly to the timescales for processing a licence application. The Home Office provided evidence to inspectors showing that, as of December 2023, 388 organisations’ applications were awaiting a decision subject to a digital or physical compliance check being conducted. The average time for which these checks have been outstanding was, as of December 2023, 59 days for a digital compliance check and 89 days for a physical pre-licence compliance visit.

Mitigation of licence abuse

- 7.58** Many Home Office staff members reported that it is challenging to evidence concerns about an organisation sufficiently to support a refusal decision. Where concerns exist but a licence is not refused, caseworkers rely upon a variety of approaches to mitigate risks. For example, a caseworker might include directions for improvement in the letter granting the organisation a sponsor licence. An organisation that appears to be a recruitment agency, for example, might be reminded in its grant letter of the prohibition on third-party working.
- 7.59** Caseworkers informed inspectors that, until November 2023, a common approach to managing the risk presented by sponsors of concern was to grant them a licence but with an allocation of zero CoS. However, owing to a sense among operational managers that this was being done too often, and because of how time intensive this was for post-licence caseworkers, the allocation of zero CoS occurs (as of November 2023) only exceptionally and with HEO approval. Nevertheless, granting a licence with an allocation of only one or two undefined CoS remains a common method of mitigating the risk presented by sponsors of concern.
- 7.60** Inspectors observed a caseworker process a sponsor licence application in October 2023. The caseworker highlighted several concerns about the organisation that had made the application. For example: its website could not be accessed; it had not provided any written justification for the number of CoS requested (five); and, although registered with the CQC, it had not yet been inspected. The caseworker granted the organisation a licence, albeit with only one CoS based on the concerns identified. They explained that they would have sought approval to grant with

zero CoS had they not been satisfied that the organisation had at least some genuine vacancies to recruit to.

- 7.61** Regardless of whether they have any specific concerns about an organisation, a caseworker is required to seek HEO approval if granting an initial annual allocation of undefined CoS greater than five to a sponsor in the social care sector. This is significantly smaller than the threshold for HEO approval in relation to employers in all other sectors, which is 20. An organisation is also generally not issued an allocation of CoS that is equal to or greater than 10% of its overall staffing level at the time of its application.
- 7.62** Caseworkers had previously had the option of placing an ‘intelligence marker’ on a sponsor’s record if they had concerns. Sponsors subject to such a marker are not eligible to have their annual allocation of undefined CoS renewed automatically. This acted as a risk factor in determining whether a sponsor is tasked for a compliance visit. However, an operational manager informed inspectors in November 2023 that caseworkers had been instructed to stop using these markers.
- 7.63** While the limited availability of resources means that not all sponsors of concern can be tasked for a pre-licence compliance visit, sponsor licence caseworkers can refer a sponsor for a post-licence visit as a means to investigate concerns at a later stage. One caseworker suggested that they did this frequently, particularly in instances where a social care sponsor was registered with, but had not yet been inspected by, the CQC. However, the effectiveness of this approach is limited by resourcing in the compliance teams, which will be discussed in chapter 10.
- 7.64** Home Office staff and managers therefore shared a belief that not enough had been done to prevent potentially non-compliant sponsors from obtaining licences. In view of this, as expressed in a submission made by the Home Office to ministers on 10 November 2023, the department is seeking “to bear down on applications for sponsor licences or Certificates of Sponsorship where we consider them, on the balance of probabilities, to be non-genuine”. Inspectors considered that this is a delayed response to concerns that, by the department’s own account, are long standing. Moreover, inspectors were not told that the submission had, as of December 2023, received any response from ministers. Inspectors were not therefore able to assess any effect the changed approach might have had on Home Office operations.
- 7.65** Some Home Office managers told inspectors that the department already had adequate powers to refuse licences but that it lacked the confidence to refuse applications and “could be braver in decisions up front”. They noted that the guidance states the Home Office will “take compliance action when it is considered that a sponsor ... poses a risk to immigration control”, and suggested that this provision could be regarded as giving the department significant powers to refuse and revoke licences.⁵⁸
- 7.66** Indeed, the Home Office acknowledged in its September 2023 paper to the MAC the apparent weakness of the sponsor guidance is not the only factor enabling non-compliant or unscrupulous organisations to obtain licences. The document highlighted the impact of the increased volume of applications on the quality of application processing, as the Work Sponsorship team was required to work at pace. It stated: “The challenging volumes of applications means things are being missed at the checking stage. Restructuring and increasing resources has taken place but total demand cannot be sufficiently met due to the scale of health and care applications.”

58 Home Office, ‘Guidance for sponsors part 1’, p. 15.

- 7.67** Furthermore, even where an organisation is refused a licence, it is in most cases able to apply again after a six-month ‘cooling-off period’. This differs from the 12-month period applied to sponsors who have their licences revoked. The period is also longer in the event that an organisation, or one of its personnel, has received a civil penalty or criminal conviction.⁵⁹ The shorter period applied to most organisations refused a licence was a source of frustration for some staff, who felt that it fails to provide a deterrent and could, when combined with resource pressure and the generally low rate of application refusal, enable a high-risk organisation to be licensed.
- 7.68** Home Office staff provided inspectors with several reasons for the low rate at which applicants for sponsor licences are refused. In general, the sponsor licence application process was characterised as, whether by design or because of practical limitations, involving only a light touch. Moreover, many in the department evidently believe that, while this lighter touch approach to sponsor licensing might be applicable to most sectors that recruit skilled workers, it is of questionable effectiveness when applied to social care, a sector that now accounts for the majority of recruitment on that route.
- 7.69** The practical effect of this has been to increase and complicate the workload of other teams in the Work Services Command. One pre-licence application caseworker acknowledged that they were “hoping others are picking it up and assessing what’s there”, for example when processing migrant visa applications, in relation to sponsors about whom they had concerns. The degree to which other teams are in fact picking up on these concerns, and their feelings about whether it should properly be their responsibility to do so, will be explored in subsequent chapters.

Summary

- 7.70** Despite the significant responsibility attached to a sponsor licence, a relatively light touch approach is, by the Home Office’s admission, applied to applications for these licences. When coupled with the high volume of recruitment by social care sponsors and the apparently high level of both deliberate and unintentional non-compliance by sponsors in that sector, the effect is to place significant strain upon other parts of the Work Services Command, such as post-licence sponsor casework, visa casework, and sponsor compliance. Broadly, managers and operational staff in other areas do not consider that the pre-licence application process is effective in identifying and actioning sponsors of concern or preventing abuse of the Skilled Worker route.
- 7.71** To address such concerns, the Home Office has introduced recent measures to strengthen the sponsor licence application process. These include increasing evidential requirements, such as the requirement for organisations to provide proof that they have contracts in place to provide care, and checking the CQC’s online register to corroborate documentary evidence supplied by organisations. The Home Office has also informed ministers of its intention to “bear down” at application stage upon organisations that seem unlikely to comply with the requirements of a licence. These new approaches have been introduced too recently for inspectors to meaningfully assess their impact. Furthermore, inspectors were concerned that such fundamental and apparently straightforward changes were introduced 20 months after the addition of care roles to the Health and Care Worker visa route, despite the Home Office’s acute and long-standing concerns regarding the care sector.

⁵⁹ Home Office, ‘Guidance for sponsors part 1’, pp. 49-52.

8. Inspection findings: Post-licence casework

Introduction

- 8.1** Once it obtains a licence, a sponsor is able to recruit through the Skilled Worker route and also has various administrative responsibilities to the Home Office. These responsibilities are outlined in two Home Office guidance documents: ‘Workers and Temporary Workers: guidance for sponsors part 2: sponsor a worker – general information’ and ‘Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance’.⁶⁰ Duties described in these guidance documents include the checking of a worker’s right to work in the UK and the retention of evidence documenting that right. Sponsors are also required to inform the Home Office of any changes to a sponsored worker’s salary or duties and of any worker absences. Likewise, sponsors are expected to notify the Home Office of any changes to their business, including changes to key personnel, mergers or acquisitions, and insolvency or dissolution.⁶¹
- 8.2** Once an organisation receives a licence, it can obtain certificates of sponsorship (CoS) to sponsor individual workers. In applying for a CoS, a sponsor must demonstrate its need for workers and provide details of the duties a worker will perform and the salary they will be paid. Functions relating to CoS processing therefore provide a significant opportunity to monitor and control the flow of labour through the Skilled Worker route.
- 8.3** However, stakeholders reported concerns that the process of applying for a CoS is onerous, and that difficulties are exacerbated by the unhelpfulness of the sponsorship management system (SMS) through which applications are made. Stakeholders felt that the Home Office was not consistently ensuring the timely issuing of CoS to legitimate providers or preventing CoS being issued to non-compliant sponsors. Sharing these concerns, several staff outside the teams responsible for sponsor casework expressed a belief that post-licence casework was not providing effective oversight of the way licences are being used once granted.

Certificates of sponsorship

- 8.4** The Home Office charges sponsors a fee to assign a CoS. The fee for a Skilled Worker CoS is currently £239 (£199 prior to 4 October 2023).⁶² Sponsors are also required to pay an Immigration Skills Charge (ISC) in relation to each sponsored worker. The ISC costs differ for ‘small’ or ‘large’ organisations. Small organisations must pay £364 for the initial 12-month period during which they sponsor a given worker, as well as £182 for each additional six months covered by the worker’s CoS. Large organisations must pay £1,000 for the worker’s first 12 months in sponsored employment and £500 for each subsequent six-month period.

60 Home Office, ‘Workers and Temporary Workers: guidance for sponsors part 2: sponsor a worker – general information’ (updated 17 July 2023), <https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker>; Home Office, ‘Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance’ (updated 13 April 2023), <https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance>

61 Home Office, ‘Guidance for sponsors part 3’, pp. 20-30.

62 Home Office, ‘Home Office immigration and nationality fees: 25 October 2023’ (updated 22 November 2023), <https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-25-october-2023>

- 8.5** Separate application processes exist for each type of CoS. As described in chapter 7, a sponsor generally applies for and is granted an annual allocation of undefined CoS as part of its application for a sponsor licence. Any CoS that are unused at the end of that year do not roll over to the following year. Similar to an application for a sponsor licence, various sponsor post-licence casework functions, including applying for additional undefined CoS or renewing an annual allocation of undefined CoS, can be made on a priority basis. The Home Office aims to process priority requests within five working days of application, whereas the Service Level Agreement for a standard application is 18 weeks. The cost of a priority post-licence application is £200 per service requested. Up to 60 priority requests can be actioned on any given working day and are processed on a ‘first come, first served’ basis.⁶³
- 8.6** Allocations of undefined CoS can be automatically renewed at the end of a sponsor’s ‘CoS year’ if the sponsor meets certain conditions and does not seek an increase in the size of its allocation. These conditions include that a sponsor is A-rated and has not been flagged with an intelligence marker.⁶⁴ As of October 2023, the Home Office had automated yearly CoS allocation renewals for over 64,000 sponsors. This represents 68% of the 94,704 licensed sponsors for work-related routes as of 30 November 2023.
- 8.7** Defined CoS are not subject to an annual allocation but are applied for, individually or in batches, as required by sponsors and are allocated in respect of a specific worker. Applications for defined CoS are not automated for any sponsor, regardless of the sector it operates in. The Home Office aims to process applications for defined CoS within one working day.
- 8.8** Applying for a CoS, whether defined or undefined, requires a sponsor to provide details of the Standard Occupational Classification (SOC) code for the role, the duties associated with it, the salary to be paid, whether the role is on the Shortage Occupation List (SOL), where the role will be based, and other details.⁶⁵ The coherence and credibility of this information is, as will be described below, assessed both by automated processes and manually as part of a caseworker’s decision-making process.
- 8.9** Having a CoS, whether defined or undefined, assigned to them does not guarantee a worker legal permission to enter or remain in the UK. Rather, the worker must apply separately to obtain the appropriate permission to enter or remain in the country within three months of the CoS being assigned.⁶⁶

The structure of Work Sponsorship

- 8.10** Processing CoS applications, as well as other sponsor licence casework functions, is the responsibility of the Home Office’s Work Sponsorship team. Responsibility for sponsor post-licence casework functions is divided across four teams, each led by a Higher Executive Officer (HEO). These teams’ workstreams include undefined CoS applications, defined CoS applications, other post-licence casework functions, and priority casework and training. Post-licence sponsor casework functions unrelated to the processing of CoS applications include changing sponsors’ key personnel; registering mergers, acquisitions, and the transfer of staff under Transfer of

⁶³ Home Office, ‘Worker and Temporary Worker priority change of circumstance service’.

⁶⁴ An A-rated licence is given when a licence is approved and the Home Office is satisfied that the sponsor is meeting its duties and obligations as a licensed sponsor.

⁶⁵ Home Office, ‘Sponsor guidance appendix A: supporting documents for sponsor applications’, p. 7.

⁶⁶ Home Office, ‘Workers and Temporary Workers: sponsor a skilled worker’ (updated 17 July 2023), <https://www.gov.uk/government/publications/workers-and-temporary-workers-sponsor-a-skilled-worker/workers-and-temporary-workers-sponsor-a-skilled-worker-accessible>

Undertakings (Protection of Employment) regulations; changing or adding sponsor addresses; and other administrative activities.

- 8.11** The expansion of the Work Sponsorship team since August 2022 was described in chapter 7. In relation specifically to post-licence casework, a Home Office operational manager suggested to inspectors that the size of the team processing defined CoS applications has doubled or tripled since the policy changes affecting international recruitment into the social care sector were introduced.

Stakeholder views on post-licence sponsor casework

- 8.12** As with many other transactions related to international recruitment, stakeholders expressed concern about the cost of accessing CoS, particularly given the increase in fees in October 2023. Addressing the cumulative costs across all aspects of international recruitment, one body representing care providers reflected that recruiting migrant workers was not a “cheap option”.
- 8.13** Multiple large sector organisations reported finding the CoS application process excessively time-consuming and “quite cumbersome”. Two such bodies suggested that applications for additional undefined CoS could take up to three months to process. As will be described below, this is consistent with the Home Office’s own evidence about timescales for processing undefined CoS applications. Another organisation suggested that delays in the process could place care recipients at risk because the timescales to recruit new carers are excessive.
- 8.14** One care provider said that, despite making requests promptly at 9:00am, it had never succeeded in making one of the first 60 requests of the day that are eligible for the priority service standard. Despite the Home Office working to what it regarded as unsatisfactory timescales, this provider reported that the department itself sometimes made requests for additional information from the applicant with tight and inflexible deadlines. It should be noted, however, that a legal firm representing care providers recruiting internationally described the CoS application process as “timely”.
- 8.15** Beyond the requirements to gain and use CoS, stakeholders drew attention to what they regarded as the generally onerous obligations placed upon sponsors. One body representing social care providers described the complexity of requirements as a prevalent concern among its member organisations. An academic focusing on healthcare workforce issues reported to inspectors that one social care employer they knew of had not recruited workers for six months after obtaining a licence because it was “overwhelmed” by the Home Office’s requirements. Further, a local authority suggested that the complexity of the obligations placed upon licensed sponsors was leading some sponsors to miss or misunderstand requirements and therefore to become accidentally non-compliant.
- 8.16** Several stakeholders expressed dissatisfaction with the SMS software sponsors are required to use when applying for CoS and carrying out administrative tasks related to their licence. One sector body informed inspectors that it recommended that care providers engage a legal representative to undertake tasks on the SMS on its behalf. A local authority, meanwhile, described the SMS as “challenging” to deal with, while a care provider characterised it as “clunky and badly organised”, in some cases requiring users to enter the same information repeatedly. Multiple large organisations representing social care providers expressed concern that the error messages generated by the SMS are not clear or helpful.

- 8.17** Some stakeholders further suggested that, where applications for CoS are successfully submitted, established providers often do not receive the quantity of CoS they request. For example, one organisation representing social care providers described feeling frustrated that many sponsors were having to “beg” even for small numbers of CoS. Another such body believed that many legitimate providers were not being given access to a sufficient number of CoS and were having to apply for certificates in small batches to ensure success.
- 8.18** Some stakeholders further contrasted their experiences with the apparent ability of new or illegitimate providers to obtain large numbers of CoS in short periods of time. One body representing social care providers suggested that such large-scale, fast-paced recruitment could occur despite a sponsor not having sufficient work to offer the workers it was recruiting. Another large organisation reported concerns about the rate at which some new providers were obtaining CoS. The stakeholder drew attention to the “destabilising” effects this has on local social care markets.
- 8.19** Of particular concern to stakeholders was the potential for sponsors to recruit workers in violation of the terms of the sponsor guidance. For instance, a care sector regulator expressed concerns that recruitment agencies are obtaining CoS to sponsor care workers who are then being supplied to third-party care providers. As noted in chapter 7, supplying sponsored workers to third-party organisations would contravene the Home Office’s sponsor guidance. Nevertheless, senior managers within the Department for Health and Social Care (DHSC) shared this impression that such third-party recruitment was common.
- 8.20** Several stakeholders expressed concerns about the robustness of the Home Office’s decision making with respect to the issuing of CoS. A particular source of frustration for many providers and local authorities was the perceived failure of the Home Office to draw on the expertise of the social care sector in determining the legitimacy of sponsors and their applications for CoS. One local authority suggested that the Home Office received “no input or engagement” from local authorities in making decisions about the issuing of licences or of CoS.
- 8.21** A prominent care sector organisation suggested that detailed knowledge of the care sector would be valuable in deciding applications for CoS. One large body representing care providers noted that it “does not understand” the evidence or criteria applied by the Home Office in distinguishing legitimate from illegitimate care providers, and did not sense that much work was done to match the number of CoS issued to local requirements for care workers. Another such stakeholder commented that the Home Office did not appear to require “robust” evidence to justify issuing CoS. The DHSC agreed with this view, judging that the decisions made on CoS applications “are probably more dependent on vacancies in the sector [rather than] the ability of the provider to support the workers”.
- 8.22** A large metropolitan local authority suggested that these difficulties could be remedied by introducing a requirement that the proportion of any provider’s social care workforce recruited internationally should not exceed 10%.

The process of applying for certificates of sponsorship

- 8.23** Separate Home Office teams, each under the leadership of an HEO, process applications for undefined and defined CoS. Defined CoS, used to recruit workers resident outside the UK, can be applied for individually or in batches. A sponsor can apply for CoS at any time, provided it maintains an A rating. Applications for such CoS initially undergo an automated verification process. This process identifies any basic errors in a defined CoS application. Such errors might

include missing information, an incorrect SOC code being entered, a SOC code being wrongly identified as a Shortage Occupation, incorrect salary information being inputted, a listed salary below the relevant threshold, and similar mistakes and omissions. Where such errors are identified, a caseworker seeks further information from the sponsor. Once a defined CoS application completes this verification process without error, it can be granted immediately if “straightforward” or otherwise passed to an EO caseworker for further investigation.

- 8.24** An organisation ordinarily applies for an initial annual allocation of undefined CoS when making its application for a sponsor licence. In support of its request, an organisation must provide a written justification and evidence of its size, organisational structure, and present staffing needs. The employer may also provide information regarding its finances and corporate history. Following an assessment of the sponsor’s evidence, a caseworker might then grant the requested allocation in full or in part or refuse it.
- 8.25** The sponsor guidance does not, however, require a sponsor to submit any documentary evidence in support of an application for a defined CoS or an additional allocation of undefined CoS.⁶⁷ Rather, the guidance informs sponsors that their CoS applications will be considered with reference to “relevant factors”, such as:
- “• any agents you will use to recruit workers and whether they have been linked to immigration abuse in the past
 - your previous record in dealing with us, including under the current sponsorship arrangements [and] previous ... arrangements
 - the number of workers employed at your organisation
 - the kind of business you conduct
 - the extent of the business you conduct
 - the length of time you have been trading”⁶⁸
- 8.26** There are several types of evidence that might be submitted in support of a defined CoS application or that might be requested by a caseworker in making a decision on such an application. These include organisational hierarchy charts, employment contracts, and evidence of company finances. A caseworker might also use Google Maps and Google Earth to determine the nature and size of a business’s premises and as part of an assessment of the sponsor’s credibility.
- 8.27** The Home Office has recently begun to request that social care organisations submit evidence that they have contracts in place to provide care. Such evidence may be requested when processing a licence or a CoS application. While these changes in evidential requirements for CoS applications are too recent for inspectors to assess their effectiveness, post-licence caseworkers reported that this change has made processing CoS applications more complex and time-consuming. While AO caseworkers deciding applications for defined CoS were previously expected to process 19 applications per day, they informed inspectors that these targets are being treated more flexibly owing to the new processes. EO caseworkers reported a sense in their team that the greater scrutiny required by social care applications made targets for deciding CoS applications unachievable. They further reflected that it is “always difficult” to reliably assess precisely how many CoS a social care sponsor might need. AO caseworkers

67 Home Office, ‘Guidance for sponsors part 2’; Home Office, ‘SMS guide 12: restricted certificates of sponsorship’ (6 February 2023), <https://www.gov.uk/government/publications/restricted-certificate-of-sponsorship-sms-guide-12>

68 Home Office, ‘Guidance for sponsors part 2’, pp 17-18.

estimated that around 80% of their workload now comprised these more complex social care applications.

- 8.28** Aside from the increasing complexity of work caused by changes to process, AO caseworkers, reflecting the stakeholder views described above, also drew attention to the difficulty sponsors experience in understanding and navigating Home Office guidance. In particular, caseworkers remarked that sponsor guidance was not in “plain English” and contained a great deal of “jargon”. While they felt comfortable in using the guidance themselves, they considered that making the guidance more user-friendly for sponsors would in turn help them to increase output by ensuring that sponsors provide adequate justifications and appropriate evidence at the earliest available opportunity. Mirroring a further stakeholder concern, AO caseworkers expressed dissatisfaction with the primary IT system, Metastorm, through which their work on sponsor licences is conducted. Caseworkers described Metastorm as “not very sophisticated” and having “a lot of issues”. Caseworkers understood that post-licence sponsor casework functions would eventually be transferred to the Home Office’s new web-based caseworking system, Atlas, but they were not aware of delivery timescales.
- 8.29** Despite these concerns about the usability of sponsor guidance and the quality of Metastorm, both AO and EO caseworkers were generally positive about their work. They felt appropriately trained and supported to perform effectively. Managers were described as “massively good” in the support they offered, and in one case as the best manager an AO caseworker had ever had. The work was described as “interesting” and morale across the function as generally good, albeit made “slightly worse” by the challenges and complexity brought by CoS applications for social care roles.
- 8.30** The Home Office has drawn attention to the fact that defined CoS applications continue to be processed at pace: 97.5% of defined CoS applications are processed within one day of submission. The remaining CoS were, as of September 2023, being processed within the service standard of 20 days. The time taken to process applications for batches of undefined CoS additional to a sponsor’s yearly allocation is, as stakeholders observed, much longer at on average 13 weeks. Nevertheless, this processing time is within the service standard of 18 weeks.
- 8.31** To the extent that the Home Office has processed CoS applications quickly or within service standards, however, there is the possibility that this has come at the expense of decision quality. An operational manager told inspectors that care providers’ contracts with local authorities had not previously been routinely requested because of pressures on time and resource across Work Sponsorship. Similarly, a senior manager informed inspectors that, even if an employment contract supplied by a sponsor explicitly evidenced third-party working, caseworkers might not have the time to identify this if the relevant clause were “buried” in a lengthy contract. Both a flawed understanding of the care sector and pressures on time and resource, therefore, have limited the effectiveness of CoS application processes in preventing abuse of immigration routes and safeguarding migrants prior to their entry into the UK.

Post-licence sponsor caseworking and compliance

- 8.32** Despite the limitations of the CoS application process, the Home Office nevertheless sees post-licence sponsor casework functions as having an important part to play in ensuring sponsors remain compliant. This function is particularly significant owing to the high rate at which sponsor licences are granted. The Home Office describes the defined CoS application process as “an important part of [its] compliance strategy, specifically on the question of

genuine vacancy”. A senior manager described the CoS application stage as “a second line of defence” against abuse of the route.

- 8.33** Another senior manager, however, said that any view of the processing of CoS applications as part of the compliance function must be a new development, as previously there was a belief that “there was not the time or guidance to say we will do compliance” at CoS application stage. Furthermore, they suggested, the process by which CoS applications were decided was “built on trust” and “being abused”. The Home Office also acknowledges that work on sponsor licences, visa applications, and sponsor compliance is segmented, with “no direct link” and a “lack of joined-up data [that] makes the identification of non-compliance challenging”.

Company C

- 8.34** The opportunities presented by the CoS and visa application processes to undertake compliance work, but also the limitations of these processes in practice, can be illustrated by an account of the care provider Company C.⁶⁹ Details of Company C were provided to inspectors as part of an evidence request. Company C was assigned 1,234 CoS between March 2022 and May 2023. It used 1,014 of these to sponsor workers. The Home Office provided data to inspectors in December 2023 suggesting that Company C had been assigned more CoS for the care worker and home carer SOC code than any other sponsor or former sponsor.
- 8.35** According to the Companies House website, Company C was incorporated in 2015.⁷⁰ The company applied for a Skilled Worker sponsorship licence shortly after care roles were added to the SOL, claiming that its licence was “for the purpose of having support workers for supported living homes which involves looking after individuals with special needs and learning/physical disabilities”. The licence was granted in March 2022, albeit with zero CoS being issued to the provider. At that time, Home Office systems listed Company C as having four employees. The provider was described by a Home Office caseworker in the case notes for the application as a “low-risk sponsor given previous immigration employment history”, with “no pre-licence visit required”.
- 8.36** The day after its licence was granted, Company C applied for an additional in-year undefined CoS allocation of 20. However, this request was refused because the migrants identified by the provider to be sponsored with these CoS were resident outside the UK. The Home Office therefore issued Company C a letter explaining the difference between defined and undefined CoS. Thereafter, between May and October 2022, Company C gradually expanded its annual allocation of undefined CoS from zero to 233 through 16 separate applications for increases of between six and 45 CoS each time. Nine of these applications were granted in full, four were partially granted, two were refused, and one was withdrawn by Company C before a decision was made on it.
- 8.37** In making CoS applications, sponsors are required to provide a justification for needing more CoS. Justifications provided by Company C were never more than one sentence in length, and included entries such as “we need more care workers”. The case notes for some of these applications described these justifications as “sufficient”. In other cases, the same or similar justifications were described as “vague”, “insufficient”, or even “abysmal”. Nevertheless, even where such notes were made, Company C’s CoS applications were generally fully or partially granted. On three occasions, the company was asked to substantiate its applications with

⁶⁹ The identity of this company has been anonymised.

⁷⁰ The company’s date of incorporation was established by inspectors by using the Companies House website. A reference to the specific page consulted has not been provided in order to protect the company’s anonymity.

further documentation. In each case, the sponsor provided an organisational hierarchy chart. The case notes for these applications suggest that the document “checks out”. The requests were granted in full.

- 8.38** On 22 August 2022, Company C made an application to further increase its undefined CoS allocation by 25. The extent of its justification for this application was to claim that “we need more carers”. The request was partially granted, with five further CoS issued, but the decision letter informed the sponsor that its justification was “insufficient”. On 8 September 2022, one week after that application was partially granted, Company C requested 25 further CoS. Again, the extent of its justification was to assert that “we need more carers”. This application was granted in full. The following day, with its undefined CoS allocation at 144, Company C requested 25 further CoS on the basis that “we are in need of more carers”. This application was refused. The decision letter drew attention to the company’s failure to adequately justify its CoS requests. The caseworker also referred Company C to the Sponsorship Assurance and Investigation Team (SAIT) in the Compliance command, noting that it had “rapidly increased [its] allocation in a very short period of time and seems to submit a new In Year request on a weekly basis”.
- 8.39** It is not clear what action, if any, this referral led to. Subsequently, Company C’s CoS applications were accompanied by more specific justifications. For example, an application of 14 October 2022 suggested that “[w]e are in need of more carers especially with our new contracts in places such as Potters Bar and Kent”. There is no record to suggest that these contracts were provided. In any case, that application, for 35 CoS, was granted, as was a subsequent request for 45 further CoS later in the month.
- 8.40** On 2 November 2022, Company C applied for 40 further undefined CoS, referring to its need to “fulfil the requirements of [a] new package we obtained with” another care agency. When requested to provide a contract for this work, Company C acknowledged that no agreement had in fact yet been finalised. It did however provide contractual evidence of a similar agreement it had with another agency. This contract provided evidence that Company C was engaging in third-party working. Because of this, the sponsor was again referred to the SAIT. Thereafter, Company C did not receive any further increase to its undefined CoS allocation. Nevertheless, the sponsor’s record was not subject to any intelligence marker prior to January 2023.
- 8.41** Moreover, before and after its second referral to the SAIT, Company C was able to regularly obtain defined CoS to sponsor workers residing outside the UK. Information supplied by the Home Office suggests that 487 care workers who arrived in the UK between December 2022 and August 2023 were sponsored by Company C.
- 8.42** In May 2023, the Home Office issued Company C a letter notifying the company that its sponsor licence had been suspended. In outlining this decision, the Home Office relied on five main factors. Firstly, the letter suggested that the two premises Company C had registered with the Home Office appeared, from “open-source checks”, to be a residence and a unit on an industrial estate. Given this, the Home Office identified “concerns as to [the firm’s] need for the number of sponsored workers” it had obtained. Moreover, the letter noted, all but one of the workers Company C had sponsored had a registered work address that was not listed on the business’s sponsor licence or its Care Quality Commission (CQC) registration. Furthermore, the letter quoted from Company C’s website, noting its claim that it was “providing recruitment ... services” and suggesting that this constituted evidence of third-party working. The Home Office further noted that, at the time it applied for its licence and in subsequent CoS

applications, Company C had claimed to be engaging staff to deploy in residential care homes. Since, the Home Office reasoned, neither the provider's own website nor its CQC registration made any reference to operating care homes, these staff must have been supplied to another provider on a third-party basis. Finally, the letter identified three migrants sponsored by Company C who had either been refused leave in the UK or had entered on a visa sponsored by a provider other than Company C. Company C's apparent failure to inform the Home Office of these changes in migrant statuses therefore placed it in breach of a further aspect of the sponsor guidance. Company C's licence was revoked in July 2023. The company subsequently challenged this decision through a pre-action protocol letter but was denied permission to proceed to judicial review. As the judge's decision outlining that denial makes clear, Company C did not dispute the Home Office's core contention that the sponsor had supplied workers to other employers on a third-party basis. Nevertheless, Home Office staff regarded this victory as "a really good decision for us" and "great stuff".

- 8.43** Inspectors noted that at least four of the factors relied upon in the suspension letter – the nature of Company C's premises as determined by open-source checks, its assignment of workers to addresses not associated with its business, its description of its services on its website and on the CQC register, and its stated purpose for obtaining workers – would have been known or available to the Home Office at the time Company C was issued a sponsor licence or at the time of its many CoS applications. Nevertheless, the company was able to sponsor over 1,200 care employees over a period of just 15 months.
- 8.44** Although not referenced in the suspension or revocation letters issued to Company C, the Home Office evidently had other concerns about the sponsor. In its paper of September 2023 to the Migration Advisory Committee outlining its concerns about abuse of the Skilled Worker route by non-compliant care sponsors, the Home Office noted that a migrant had arrived in the UK on an unspecified date with an invitation letter from Company C. Checks on the letter showed that the person who had supposedly signed it had resigned from Company C two years earlier. The company's website was found to be "very basic" and all of the contact details listed on it were "redundant". The Home Office contacted the CQC about Company C and was advised that its residential facilities had been dormant since September 2021 and were "no longer providing any services".
- 8.45** During an inspection focus group, one AO visa caseworker made a spontaneous reference to Company C. The sponsor was evidently well-known to other caseworkers. One caseworker referred to evidence on the Companies House website suggesting that Company C had few fixed assets and little income, and the lack of any documentation to demonstrate its possession of care contracts or its ability to pay workers and meet immigration fees. Caseworkers described the company as a "dodgy sponsor" and suggested they had highlighted the sponsor "multiple times" before any action was taken against it. Although caseworkers suggested the situation was in general improving, they regarded slow action against sponsors of concern as "still an issue". One caseworker felt that out-of-country visa caseworkers were not taken seriously when raising such concerns because they are of a junior grade.
- 8.46** An operational manager, meanwhile, informed inspectors that taking action against third-party working was particularly challenging. They suggested that, although recruitment agencies are entitled to sponsor workers, in many cases "you can tell they will third party them out". The member of staff said the Home Office should do more to revoke licences in such cases since, by the time compliance action is taken, "the numbers are massive".

- 8.47** When asked how sponsors could continue to hold a licence and sponsor workers despite contravening basic requirements of the sponsor guidance, a Home Office senior manager told inspectors that “smarter” sponsors would apply for CoS in small batches to escape scrutiny, but that those batches “add up” over time. Inspectors noted that this is a rather rudimentary, but evidently effective, method of circumventing Home Office scrutiny.

Summary

- 8.48** The post-licence casework function has a significant role to play in enabling the efficient flow of workers to legitimate employers, preventing abuse of sponsor licences, and ensuring that vacancies recruited to are legitimate and conform to relevant role and salary requirements. However, inspectors found that the CoS application process in reality played a limited role in identifying potentially non-compliant sponsors and ensuring that all vacancies recruited to were legitimate. The Home Office has drawn attention to the ‘enabling’ function of sponsor guidance and its emphasis on allowing employers to recruit workers; inspectors found that even clear contraventions of the guidance by sponsors making frequent CoS applications can go unaddressed for many months. Pressures of time on an extremely high-volume route and lack of clear feedback loops between the multiple teams with an interest in compliance appear to have frustrated action.
- 8.49** The Home Office has, albeit belatedly, improved its understanding of the care sector. This better understanding has led to the introduction of evidentiary requirements at both pre- and post-licence stage that better reflect how work is obtained by sponsors in the care sector. However, these changes have not been timely. Revoking the licence of a sponsor that has assigned several hundred, or over 1,000, CoS might bring the benefit of withdrawing the ability of a large non-compliant sponsor to recruit potentially vulnerable migrant workers. But bringing compliance action at only that late stage leads to disruption and uncertainty both for the many workers left without an employer and for the care recipients potentially left without care.

9. Inspection findings: Safeguarding

Introduction

- 9.1 The lack of safeguarding of migrant workers in the social care sector was the most commonly reported concern of stakeholders responding to the ICIBI call for evidence. In particular, stakeholders reported issues such as debt bondage, labour exploitation, and physical and sexual abuse of migrant workers. Furthermore, evidence was provided of a significant increase in modern slavery cases, which suggested that the Health and Care Worker visa route and migrant workers were being exploited by unscrupulous employers and recruitment agencies.
- 9.2 Staff across the Work Services Command were aware of the safeguarding concerns raised by stakeholders. Policy advisors and operational managers identified the risks associated with introducing a lower level of skill into the Skilled Worker route, but there was little evidence of any mitigations or monitoring being put in place when the route was launched.
- 9.3 Over time, the Home Office has taken steps to tackle the exploitation of migrant workers and abuse of the visa route by unscrupulous employers through the introduction of a dedicated safeguarding team, increased powers for decision makers, and changes to documentary requirements. Visa caseworkers reported identifying cases of modern slavery on a daily basis. However, the high volume of work and resource constraints have impacted the Home Office's effectiveness in tackling rogue operators involved in the recruitment and employment of care workers. Progress has also been slow in forming strategic relationships with the myriad of agencies with responsibilities for safeguarding in the care sector, further exacerbating efforts to safeguard vulnerable people.

Visa application caseworking

- 9.4 The processing of visa applications is not within the scope of this inspection. However, there is a connection between visa caseworking processes and the licensing and compliance functions of the Home Office. Indeed, visa caseworkers informed inspectors that establishing the legitimacy of sponsors in the social care sector had become a large part of their work since care workers were added to the Shortage Occupation List.
- 9.5 One AO caseworker told inspectors that until late 2022, when care workers began to make up a large proportion of Skilled Work applicants, visa caseworkers "didn't care so much" about the employer that was sponsoring a worker. Similarly, caseworkers said that they "have to look at the sponsors as well as the applicants" in social care, whereas this is "quite rare" in other sectors.
- 9.6 Caseworkers told inspectors that they had noticed, for example, a pattern of employers that were sponsoring large numbers of workers but, from information supplied on the Companies House website, appeared to be new companies or companies that had recently changed hands, with few assets. These concerns led to the creation of a new process in August 2023,

in which AO visa caseworkers could refer sponsors of concern to an EO. Both AO and EO visa caseworkers had also begun to request further evidence from applicants where they had concerns, including employment contracts and bank statements. EO caseworkers noted that, owing to the “big concerns” they had about some sponsors, they had requested more evidence directly from sponsors rather than routing requests through pre- or post-licence sponsor caseworkers. Caseworkers can fill out a ‘sponsor of concern’ form when identifying sponsors who might not be legitimate or compliant. Completed sponsor of concern forms are sent to the Work Sponsorship team and the information from the forms is collated on an Excel spreadsheet. From this spreadsheet, trends are identified. Caseworkers told inspectors that once a concern about a sponsor had been highlighted “multiple” times it should be picked up and that, with enough concern, a suspension or revocation might take place, although this remained a higher management decision. One caseworker said they were filling out approximately six sponsor of concern forms each day.

- 9.7** Although caseworkers evidently take pride in their willingness to investigate concerns further, they said that scrutiny of sponsors should be the responsibility of pre- or post-licence sponsor caseworkers. One AO caseworker reflected that they had “assumed that somebody in sponsorship has done their job when giving them their licence in the first place ... it should not be on [visa] caseworkers to do these kinds of thorough checks of sponsors”. An EO caseworker suggested, however, that the sponsor guidance did not give pre-licence caseworkers strong powers to refuse applications, requiring visa caseworkers to scrutinise sponsors after they obtained a licence. EO caseworkers suggested that these checks should be done before an application gets to them, as it distracts them from assessing applications. Similarly, an operational manager agreed that processes at sponsor pre-licence stage “needed to be tightened up”.
- 9.8** Inspectors observed an EO caseworker assessing a Health and Care Worker visa application. The caseworker quickly identified concerns about both the applicant and the sponsor. The applicant had submitted an English language test certificate from a provider that was not approved by the Home Office to issue such certificates. The sponsor’s website contained placeholder ‘lorem ipsum’ text. Its Companies House entry showed a recent change of director and listed a Standard Industrial Classification (SIC) code related to real estate.⁷¹ The sponsor had been issued only one previous CoS and, while it was listed as ‘used’ on the Home Office’s ‘CoS checker’ system, the migrant to whom it had been assigned did not appear to have entered the country. The caseworker carried out a detailed examination of records related to the two migrants and the company’s director on the Home Office’s Central Referencing System.⁷² The caseworker looked, for example, at the details of the parents of each individual, seeking to establish whether the company might be engaging in ‘facilitation’ by establishing a sham company to enable the migration of family members to the UK. Inspectors were impressed by the diligence and determination of the caseworker, but noted that this was a complex and time-consuming process. The caseworker was unable to complete work on the case during the hour for which inspectors observed their work.
- 9.9** An AO caseworker told inspectors that the need for such scrutiny was due to the apparent lack of thorough checking at pre-licence stage, which reflected “pressure on them to get these grants out the door”. This in turn placed pressure on visa application caseworkers. Likewise, an EO visa caseworker suggested that decision makers had to grant applications despite

71 Standard Industrial Classifications are five-digit classification codes defined by the Office of National Statistics and used in collecting and presenting statistical data related to economic activity. Individuals who register a company are required to provide at least one SIC code that identifies the nature of the company’s activities and to maintain an accurate list of SIC codes relevant to those activities on the Companies House website.

72 The Central Referencing System holds information on applications for leave to enter the UK

“apprehension” about the credibility or legitimacy of an applicant. An operational manager acknowledged that the processing times for visa applications on this route had increased and, as of November 2023, the team was only just within service standard.

- 9.10** AO caseworkers further noted that despite the extra scrutiny of sponsors they were undertaking, their targets (up to 50 decisions per day for out-of-country applications) had not been reduced and were being applied inflexibly by some line managers. Similarly, EO caseworkers felt that their targets could only be met by “missing” steps.
- 9.11** However, EO caseworkers told inspectors that they felt the situation had improved. One caseworker suggested that over the last three months or so HEOs in visa caseworking “had got a lot better” at raising concerns with Work Sponsorship. Another EO caseworker suggested that managers in their area had escalated or referred concerns about sponsors that had ultimately led to the revocation of sponsor licences. An operational manager shared the view that working relationships and feedback loops between visa caseworkers and sponsorship functions had improved.
- 9.12** The recruitment of untrained, inexperienced, or otherwise unsuitable migrant care workers could also pose safeguarding risks to care recipients. As senior managers recognised, the visa caseworking process therefore provides an important opportunity to prevent, mitigate, and respond to labour exploitation and modern slavery.

Modern slavery

- 9.13** Caseworkers and managers recognise that non-legitimate and non-compliant sponsors pose a significant safeguarding risk to migrant workers, especially as a worker’s permission to live and work in the UK is so closely tied to their sponsor. The potential for care providers to sponsor visa applicants despite not having work for carers to do and for exploitative employers to obtain and keep sponsor licences were major concerns for stakeholders. Migrants without the work, and therefore the salary, promised to them were placed at risk of serious hardship or destitution. Other migrants recruited into social care have been coerced into performing long overtime shifts, required to meet large and unexpected costs related to their employment, housed in inadequate accommodation, and faced exploitation in other forms.
- 9.14** Issues of exploitation in domiciliary care settings were a particular concern for the Home Office and stakeholders. Members of the public and charities provided inspectors with numerous examples of care workers who had been treated unfairly by their employers. Some had no guarantee of work or insufficient hours to meet the salary requirements set out by the Shortage Occupation List (£20,480 or £10.75 per hour, whichever is higher). This was supported by one submission that reported that, from a survey of 300 domiciliary workers, 75% of respondents were being paid less than the National Minimum Wage. Others advised that they were only paid for time where they were caring for individuals and not for travel or wait times, which resulted in them working long days.
- 9.15** In addition to the issues with pay and working hours, stakeholders reported incidents of insufficient holidays and breaks, harassment, intimidation, bullying, racial and pregnancy-based discrimination, sexual and psychological abuse, and threats of violence from employers across the sector. Numerous examples and case studies were provided to inspectors setting out the significant hardship faced by care workers in domiciliary care.

- 9.16** A Home Office operational manager suggested that visa caseworkers are “very good at identifying” both modern slavery and safeguarding concerns. Cases in which such concerns exist are, like other types of complex case, referred to and worked by EO caseworkers. Indeed, EO caseworkers suggested that they identify potential signs of modern slavery “on a daily basis”.
- 9.17** Despite this, visa caseworkers said they had little basis on which to refuse an application where exploitation and modern slavery concerns existed. An operational manager agreed that historically such applicants were hardly ever referred for interview owing to generalised impressions about the scale and urgency of the care sector’s need for workers.
- 9.18** To address concerns, a new rule was introduced on 7 August 2023 to the Skilled Worker immigration route, requiring a caseworker to be satisfied that an applicant:
- “• genuinely intends to undertake the role described on the certificate of sponsorship (CoS)
 - is capable of undertaking the role described on the CoS
 - does not intend to undertake employment other than in the role for which they are being sponsored, or as otherwise permitted within the conditions of grant”⁷³
- 9.19** In order to assess whether or not this rule is met, caseworkers may take into account the applicant’s:
- “• knowledge of the role
 - relevant experience of the skills needed to do the role
 - knowledge of the sponsor in the UK
 - explanation of how they were recruited [and]
 - any other relevant information”
- 9.20** Multiple Home Office senior managers suggested that the Work Services Command’s senior leadership had “driven” this new rule. One suggested that colleagues in Policy had to be “lobbied” for its introduction, while another suggested that the command had to “fight for six months” to get the change agreed. By contrast, senior policy managers suggested that such requirements had always been a feature of the Skilled Worker route and the change of August 2023 amounted only to a “clarification”.
- 9.21** The Home Office operationalised the new rule in part by establishing a ‘Genuineness Team’ to receive referrals from caseworkers of possible non-genuine applications. If it accepts the referral, the Genuineness Team can interview the applicant concerned and make a decision on the ‘genuineness’ of the application or refer it back to caseworkers. This team exists alongside the Interview Team, which conducts interviews unrelated to the ‘genuine intentions’ rule when a caseworker requires more information from an applicant. Concerns commonly referred to the Genuineness Team include applicants sponsored by employers who have obtained large numbers of CoS, possible document forgery or fraudulence, doubts about an applicant’s English language skill, potential facilitation of migration by family members who do not intend to work in social care, or modern slavery.
- 9.22** The Genuineness Team conducts between 15 and 20 interviews of Skilled Worker applicants each week and the Interview Team conducts a further 15 to 20 interviews. Interviews are

⁷³ Home Office, ‘Skilled Worker caseworker guidance, version 9.0’, p. 43, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176076/Skilled_worker.pdf

conducted remotely using Microsoft Teams. Interview questions commonly relate to the circumstances of the applicant’s recruitment into the role; the applicant’s knowledge of the nature and location of the role and employer they are being recruited for; knowledge of basic information related to a healthcare role (such as the UK’s emergency telephone number); and knowledge of basic healthcare or caretaking duties, such as responding to a fall or taking a person’s temperature. The interview transcript is then in most cases provided to a caseworker who makes the final decision on the application.

- 9.23** Visa caseworkers spoke positively about the introduction of this rule, which enabled them to refuse applicants who were not genuine and to more readily identify and act on safeguarding concerns. The rule was described as “a really positive change” that has had a “significant impact”. Another caseworker suggested it was now “really easy” to justify a refusal decision where concerns existed about an application. An HEO manager suggested that 80% to 85% of genuineness interviews led to a visa application being refused. Another manager surmised that the high rate of refusals following an interview suggested that the right cases were being referred.
- 9.24** Caseworkers and managers did, however, note some limitations in the interview process. One caseworker observed that interviewers were “at the mercy of the individual” being interviewed, including how well the applicant had prepared for the interview and how much they were willing to disclose. Caseworkers suggested that debt bondage concerns were particularly difficult to evidence, because migrants are aware that the revocation of a sponsor’s licence for this or any other reason will lead to the curtailment of the migrant’s own visa. A manager expressed concerns that interview scripts were being shared with prospective migrants and that interviewees were potentially being coached by sponsors or legal representatives.
- 9.25** A senior manager claimed that the new rule had led to an increasing rate of refusal for visa applications made by migrants seeking to work in the care sector. They also noted that the grant rate in the social care sector was significantly lower than the equivalent rate of about 95% in other sectors. Data provided to inspectors, shown in Figure 7, covering the period from April 2023 to the end of October 2023, indicates a very recent increase in the rate of refusal. However, the grant rate has remained fairly static.

Figure 7: Visa application outcomes for care sector roles from April to October 2023

Month of decision	Application outcome (%)		
	Grant	Refusal	Other
April 2023	90.6	3.6	5.8
May 2023	87.7	7.4	4.9
June 2023	87.7	4.7	7.6
July 2023	90.9	3.8	5.3
August 2023	90	4.3	5.7
September 2023	89	4.9	6.1
October 2023	89.9	8.4	1.7

- 9.26** While inspectors heard that the introduction of this rule was effective for operational staff as it enabled them to identify and refuse applications of concern, it had only recently been introduced, and had not yet been properly tested. Moreover, the output of the Genuineness Team (15 to 20 interviews per week) was significantly lower than the number of applications referred to the team each week, which was estimated by a caseworker who had conducted interviews to be “hundreds”. Caseworkers reported that they chose which applications to refer based on an understanding that they “can’t send every single person down that route” because of a lack of resource. Instead, caseworkers had to “pick [their] fights”. HEO managers informed inspectors of plans to train more caseworkers to conduct interviews and to give them end-to-end responsibility for working a case with ‘genuineness’ concerns, including both interviewing and decision making, although they did not provide timescales for these plans.
- 9.27** Aside from a need to increase resource, one HEO manager suggested that there remained scope to further tighten the rules to address issues of modern slavery and labour exploitation that exist within the Health and Care Worker route. The manager suggested that the pressure to enable a large and steady flow of workers into the social care sector, which has high demand, continued to inhibit effective scrutiny of applications. Another operational manager said that caseworkers could do more to refuse applications on the basis that they were non-genuine if the Home Office had better data from the sector regarding the volume and geographic distribution of social care vacancies.
- 9.28** Visa caseworkers also noted the lack of formal feedback loops between caseworkers and the Interview and Genuineness teams. Such loops would strengthen caseworkers’ understanding of which applicants to refer. One caseworker did, however, report that they had been informally tasked with recording in Excel the number of cases referred for a genuineness interview, their outcomes, and any trends in this information.

Identification of safeguarding concerns

- 9.29** The introduction, however belatedly, of a ‘genuine intentions’ rule into the Skilled Worker route appeared to have given caseworkers increased powers to refuse visa applications. These powers allowed the Home Office to take steps to address modern slavery and other forms of exploitation of migrant workers in the social care sector. Such concerns are not, however, the only safeguarding risks that exist in relation to international recruitment into social care.
- 9.30** Visa caseworkers noted that safeguarding issues related to familial relationships arose “all the time” in relation to social care applications. Specific issues mentioned by caseworkers included non-genuine parent-child relationships, overseas adoptions, and facial scarification of children.⁷⁴ Inspectors found that visa caseworkers were knowledgeable about safeguarding issues and took their associated responsibilities seriously, while their managers were confident in their teams’ ability to identify potential safeguarding issues.
- 9.31** All visa caseworkers receive mandatory e-learning related to safeguarding. In practice, however, caseworkers said that the emails and presentations they received relating to their safeguarding responsibilities were more useful.
- 9.32** One manager said that having a dedicated training team was an advantage, but that training still “could be better”. They suggested that gaps in training were likely to be filled by post-

⁷⁴ Facial scarification is a practice in which cuts are made to the faces of children for the purpose of displaying membership of a particular tribe or clan, as a sign of beauty, or as a form of initiation into adulthood.

training advice or by peer support on an *ad hoc* basis. The Home Office provided inspectors with PowerPoint slides presented during an all-staff Work Services Command call in August 2023. The slides referred to an “[i]ncreased identification of child safeguarding concerns/sham marriage packages/sham sponsors” as a “delivery priority”. The presentation identified five separate safeguarding concerns that caseworkers should be aware of. These related to fraudulent claims regarding parental and spousal relationships and facial scarification of Nigerian children.

- 9.33** When identifying a safeguarding threat, caseworkers were encouraged to refer to the Work Services Command’s safeguarding team. This team can issue refusals on safeguarding grounds under Section 55 of the Borders, Citizenship and Immigration Act 2009 and has responsibility for identifying trends in safeguarding risks. The team undertakes interviews with children to support application decisions and identify and probe safeguarding risks. It has received specific training for this aspect of its role.
- 9.34** In many cases, an applicant’s claimed family relationships will be supported by documentary evidence, including birth certificates, marriage certificates, or records of adoption. Where caseworkers had concerns regarding the genuineness of this evidence, they could refer the documents to the Enrichment Team for verification. The Enrichment Team works across work and study routes but in practice devotes most of its resources to the latter due to the comparatively high volume of applications. The team has faced a number of challenges in verifying documents, including issuers not responding to requests for verification or demanding payment to fulfil these requests. Given these limitations, staff explained that it was difficult to refuse cases solely because of concerns about the genuineness of documents. Owing to constraints on the team’s resources, caseworkers reported referring cases to the Enrichment Team only “sparingly” and suggested that the outcomes they received from it were “a mixed bag”. Caseworkers noted that they themselves could look for obvious signs of document fraud, such as use of software to doctor images or the presence of corrective fluid.
- 9.35** While factors such as the Enrichment Team’s limitations evidently affected the Home Office’s day-to-day response to safeguarding issues, areas for strategic and structural improvement also existed. Operational managers told inspectors that the command was “still looking at” its safeguarding structures and acknowledged that “blind spots” existed in its ability to identify concerns. They identified the potential benefit of engaging more frequently with social services, in order to prepare more timely responses to emerging safeguarding issues and ensure that Home Office referrals enable successful local authority interventions.

Summary

- 9.36** As preceding chapters have outlined, the Home Office and other stakeholders have significant concerns about exploitation and the general welfare of both international recruits into social care and their dependants. The Home Office responded to these concerns by expanding the size of its visa caseworking resource that is dedicated to safeguarding and by producing training and guidance on specific safeguarding and exploitation issues. Caseworkers therefore felt confident about identifying and appropriately referring risks. However, the fast pace of work required of caseworkers and the resource constraints within support functions such as the Enrichment Team presented the possibility that not all concerns were identified, particularly while overall application volumes remained high.

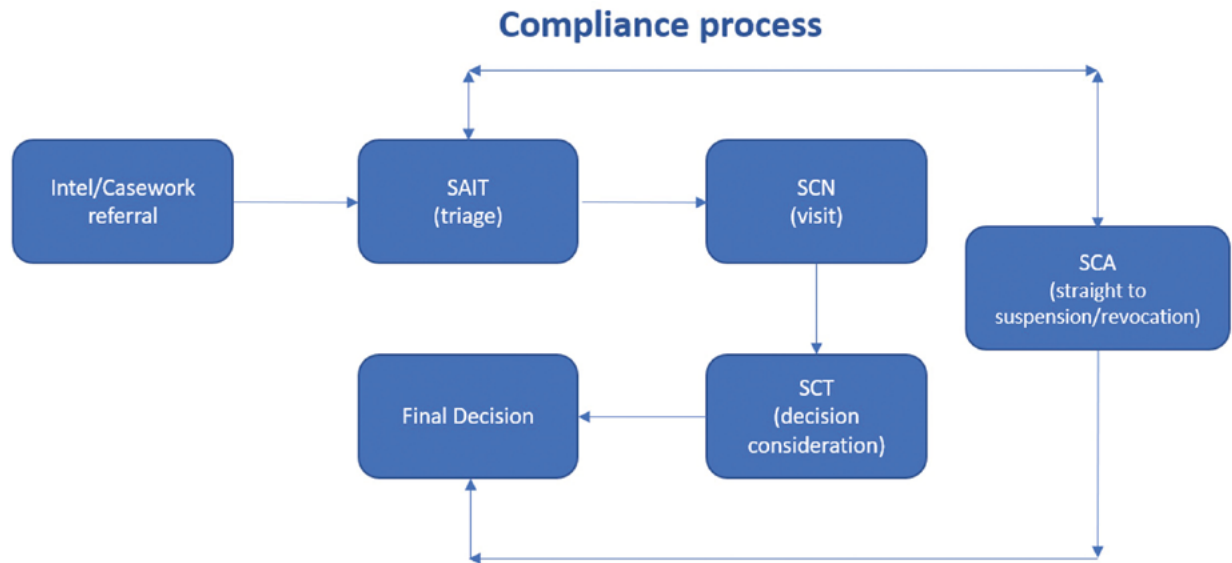
9.37 At a strategic level, meanwhile, Home Office managers acknowledged that work remains to be done in forming effective relationships both internally and with external stakeholders, and in general to place the department on a proactive rather than reactive footing in responding to emerging threats.

10. Inspection findings: Sponsor compliance

Introduction

- 10.1** Ensuring that sponsors are fulfilling the requirements of their licence falls to the compliance teams within the Home Office’s Work Services Command. While inspectors found the teams working on compliance to be motivated and enthusiastic, their performance and productivity were significantly impacted by a lack of resources. These findings were reflected by stakeholders, who told inspectors that the Home Office’s compliance resources had failed to keep pace with the significant increase in the number of sponsors holding licences.
- 10.2** The lack of an effective workflow tool to track the progress of a sponsor’s case through the various stages of compliance, and the need to ‘throttle’ areas of work to help manage individual teams’ workload, further contributed to the challenges faced by compliance teams.
- 10.3** The compliance functions within the Work Services Command fall to four teams:
- Sponsorship Assurance and Investigation Team (SAIT)
 - Sponsor Compliance Network (SCN)
 - Sponsor Compliance Casework Team (SCT)
 - Sponsor Compliance Assurance (SCA) Team
- 10.4** Previously sitting within separate commands, the SAIT, SCN and SCT were brought together in October 2022 under the leadership of one senior manager, allowing for an ‘end-to end’ ownership of operations. Further changes in August 2023 saw the creation of a new team, the SCA Team, which was established to make quick decisions on sponsors of particular concern.
- 10.5** While the majority of the compliance teams are located in Sheffield, the SCN comprises a network of staff based across the UK. Figure 8 shows the compliance workflow model.

Figure 8: Compliance workflow model



Guidance and sponsor duties

10.6 The Home Office's 'Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance' sets out the compliance requirements for employers of migrant workers.⁷⁵ Sponsors are advised that, when a licence is granted, significant trust is placed in them and with that trust comes a responsibility to act in accordance with immigration law and wider UK law (such as employment law), and to avoid behaviour that is not conducive to the public good.

10.7 Home Office guidance sets out sponsorship duties, which include:

- reporting – sponsors must report certain information or events to the Home Office using the online sponsorship management system (SMS), within the time limit set (for example, if a migrant worker has left the sponsor's employment)
- record keeping – sponsors are required to keep certain records and documents and make them available to Home Office staff on request; examples include evidence that the sponsor has checked each of the sponsored workers has the legal right to work in the UK and that they hold full up-to-date contact details for all sponsored workers
- complying with immigration laws – sponsors must ensure that they comply with the immigration laws, including assigning a certificate of sponsorship (CoS) where there is a genuine vacancy, disclosure of CoS assigned to any family members, and only allowing workers to undertake the roles permitted by the conditions of their stay
- complying with UK law – sponsors must comply with UK law, including payment of the National Minimum Wage, adherence to the Working Time Regulations, and registration with a statutory body where appropriate
- not engaging in certain behaviours or actions that are not conducive to the public good – these behaviours and actions include fostering hatred, glorifying terrorism, and discrimination

⁷⁵ Home Office, 'Guidance for sponsors part 3'.

- 10.8** In return, the Home Office considers that it has a duty to ensure all sponsors discharge their responsibilities by continually monitoring sponsors' compliance and taking action against those who:
- “• pose, or may pose, a threat to immigration control
 - breach their sponsorship duties, or otherwise fail to comply with the Immigration Rules or Worker and Temporary Worker sponsor guidance
 - are convicted of criminal offences or issued with certain civil penalties (such as those for employing illegal workers)
 - have engaged or are engaging in behaviour or actions that are not conducive to the public good”⁷⁶
- 10.9** The guidance states that the Home Office has a range of measures to make sure that it enforces sponsors' duties and identifies dishonest, incompetent, or otherwise inappropriate sponsors early on. Examples of the measures that may be undertaken include asking for additional documents, visiting a sponsor, or conducting a digital compliance check. In addition, the Home Office states that it will make regular checks with HM Revenue & Customs (HMRC) to ensure sponsors are paying their workers appropriately and in line with the Immigration Rules and sponsor guidance.⁷⁷
- 10.10** Where sponsors are found to be in breach of their duties, action may be taken, which may result in a reduction of their CoS allocation, downgrading of their licence to a B rating, or a licence suspension or revocation.

Stakeholder feedback on compliance

- 10.11** Stakeholders raised concerns about the Home Office's ability to effectively monitor sponsor compliance, given the significant growth in the number of licensed sponsors. As discussed in chapter 9, the most common concern raised in response to the call for evidence was safeguarding, with a significant number of stakeholders identifying the limited compliance resource as a contributor to the issues faced by workers. One summarised the position, stating:
- “It is clear ... to us that the Home Office compliance requirements on sponsors [are] not effective. In particular, those on the route are facing significant levels of exploitation and feel that they have no ability to raise their concerns. Employers are using the threat of terminating employment, leading to the removal of people from the country, to prevent them coming forward. The lack of routine, comprehensive, checks by the Home Office ... is consistently raised as an issue.”
- 10.12** Stakeholders recognise that the issues faced by care workers are not wholly the responsibility of the Home Office, as the sector and other industry regulators must share the load. Home Office staff were in agreement with these views and pointed to some of the challenges they considered difficult to monitor through compliance activities. For example, employment contracts for migrant workers could be withdrawn and replaced with newer ones, offering less favourable terms following the migrant workers' arrival in the UK. There was a shared understanding among senior management that issues relating to pay and mistreatment of workers were not the sole responsibility of the Home Office. Staff told inspectors that, in

⁷⁶ Home Office, 'Guidance for sponsors part 3', C7.3.

⁷⁷ Home Office, 'Guidance for sponsors part 3', C7.7.

such circumstances, information and allegations about abuse of workers were being shared with other organisations, such as the Gangmasters and Labour Abuse Authority.

- 10.13** However, many stakeholders felt that more could be done in line with the ‘Workers and Temporary Workers’ guidance. Questions were raised as to the number of checks carried out by compliance teams with HMRC, given that so many workers reported they were not offered sufficient hours and therefore received reduced pay.
- 10.14** The Home Office acknowledged that proposals to make regular checks with HMRC in line with sponsor guidance had not come to fruition due to differences in the data captured by both parties. A pilot for a new ‘salary check’ feature with HMRC, launched in 2021, aimed to compare the salary specified by the employer on the CoS with HMRC data to check if the worker was employed and, if so, what their taxable income was for the previous three months. However, the pilot revealed that the matching process was not accurate, as HMRC data was based on taxable income, which may include overtime, allowances, and bonuses and exclude non-taxable deductions such as pension contributions. The salary the sponsor specifies on the CoS, meanwhile, is the guaranteed gross salary, which does not include additional payments.
- 10.15** Following an evaluation of the pilot in July 2022, senior leaders agreed that the tool would not be used in the short to medium term as the results alone were not sufficiently reliable indicators of non-compliance. Further discussions were taking place between the Home Office and HMRC to find solutions to the issues, with an aim to deliver the new system in Quarter four of 2024.

Sponsorship Assurance and Investigation Team

- 10.16** The Sponsorship Assurance and Investigation Team (SAIT) sits at the front end of the compliance function. The team receives all allegations and intelligence relating to sponsors across all sponsored work routes. The team is staffed by 11 Administrative Officers (AOs), four Executive Officers (EOs), one Higher Executive Officer (HEO), and one Senior Executive Officer (SEO).
- 10.17** Referrals are submitted to the SAIT via a dedicated email inbox. The intention is for all cases to come directly from intelligence, but this does not always happen in practice, meaning SAIT staff have to ‘push back’ on cases coming directly from visa decision makers and other sources.
- 10.18** Details from the referral are transferred to a ‘Referral Assessment Form’ (RAF) and AO caseworkers use a scoring matrix to triage and determine any follow-up action. Caseworkers are first required to rate the type and severity of the allegation against the sponsor on a scale of one to five. If the initial assessment attracts a score of four or five, the case is directed to a manager for ‘priority assessment’. Guidance notes within the form indicate that a score of five would be appropriate if there are allegations relating to national security, while a score of four should be applied to any allegations concerning public safety, safeguarding (for children or vulnerable adults), trafficking, or criminality.
- 10.19** The form provides further guidance for allegations where scores of one to three are appropriate. Examples of these allegations include care sector/nurse issues, third-party recruitment concerns, genuine vacancy concerns, pay/hours worked, unsubstantiated allegations from members of the public, and high CoS usage. Thereafter, the caseworker is required to consider and score a series of items, which assess if:

- the sponsor has a current licence
- the sponsor is currently employing migrants
- there are any outstanding applications for leave to enter, leave to remain, or indefinite leave to remain associated with the sponsor
- there has already been a compliance visit to the sponsor
- there is a risk or intelligence concern
- any pre-licence markers are recorded on the system
- there are any previous referrals to the SAIT

10.20 Points scored in relation to each of these items are added up to give an overall score (the maximum being 23), which determines any follow-up action. This may be to task the details on to the SCN for a compliance officer (CO) visit, in which case it would be entered into the ‘outstanding tasking workbook’ or the details would be added to an ‘assurance tasking workbook’. The assurance tasking workbook contains sponsors that are not “deemed of sufficient concern to task”, but may be visited if COs are visiting a ‘tasked’ sponsor in the same postcode. Staff told inspectors that this provided an intelligence-led approach for COs rather than them taking details from a list at random. Figure 9 provides details of the necessary action to be taken based on the RAF rating.

Figure 9: Follow-up action for SAIT cases

Action	Total score
Add to assurance tasking workbook	0-5
Consult EO before listing for tasking	6-7
Add to outstanding tasking workbook	8-23

10.21 Guidance notes on the form were clear and staff demonstrated a good understanding of the process. However, there were some discrepancies over the overall score which would prompt a visit by the SCN. While the form indicated this to be eight or over and caseworkers concurred with this, senior managers suggested that a score of 12 or more would be needed for a visit to take place. The disparity perhaps reflected proposed changes, which have yet to be cascaded down to staff within the team. This need for a higher score was supported by views from senior management, who suggested “we need to move away from” everyone needing a visit.

Workflow

10.22 Inspectors reviewed the SAIT workflow register, an Excel spreadsheet which contained details of referrals that had been forwarded to the team between 1 January 2023 and 31 October 2023. While the ambition was to receive referrals only from intelligence, the column marked ‘sender/source of referral’ indicated over 300 different referral sources. A number of entries were duplicated due to poor data recording, but the information suggested that details of sponsors were referred from a wide range of sources, both within and outside the Home Office.

10.23 Of the 4,898 cases logged for the period, 2,461 (50%) were categorised as ‘Human Health and Social Work Activities’. Of these 2,461 cases, the highest volume of cases, 1,447 (59%), were marked ‘assured’, meaning that they had been added to the assurance workbook, and

834 (34%) were 'to be tasked' and were awaiting a CO visit. A full breakdown of cases and their outcomes can be seen in Figure 10.

Figure 10: Sponsors in 'Human Health and Social Work Activities' referred to SAIT between 1 January 2023 and 31 October 2023

Outcome of referral	Number
Assured	1,447
To be tasked	834
Escalated/referred to Single Point of Contact	50
Referred to SCA	43
Assured: forwarded to SCN/SCT	36
Straight to suspension	36
Returned to sender	15
Total	2,461

- 10.24** Senior management acknowledged the growing list of sponsors awaiting tasking action and said that there was a need to “recalibrate” operations as the team was “producing visits that we will never go on”.
- 10.25** Staff told inspectors that they were expected to process 80 to 100 sponsor cases per month for tasking on to the SCN. The aspiration was for this to be increased to 200, but the highest volume the team had achieved to date was 120. The target of 80 to 100 taskings was not being met as the team was not operating in “business as usual” mode. Staff identified the main reason they were not meeting targets as resourcing levels in teams further on in the compliance process, the SCN and the SCT. This was summarised by one team member as: “The main pinch point is SCT as it has such a backlog. That stops us from tasking, they don’t want and can’t handle any more cases being tasked because they then get reports they can’t deal with. This has led to SCN saying they can only accept 5 referrals per week.”
- 10.26** Since July 2023, four to five ‘priority’ or ‘urgent’ sponsor cases per week (20 to 25 per month) have been referred to the SCN for visits. Home Office staff explained to inspectors that urgent sponsor cases were those that related to special operations, such as Operation (Op) ODINITE, or where serious safeguarding concerns had been raised.

Operation ODINITE

- 10.27** Op ODINITE was a cross-department intelligence-gathering operation between the Visa, Status and Information (VSI) directorate and Border Force that ran from 1 September to 31 October 2023. The operation was developed in response to referrals made by Border Force to VSI. These referrals related to care worker and senior care worker visa holders encountered by Border Force officers when arriving in the UK. The referrals described a wide range of concerns, including safeguarding, the genuineness of the worker’s sponsor, the genuineness of the relationship between the worker and their dependants, forged documents, and levels of English language skill.

10.28 A manager in VSI told inspectors: “We wanted to take care worker roles off the Shortage Occupation List. To get a threat assessment, we tasked the intelligence analyst to gather the evidence on the threat, and we worked with Border Force as they were seeing lots of issues.”

10.29 The Home Office had not completed an evaluation of Op ODINITE as of November 2023.

Referral outcomes

10.30 Inspectors found that a significant number of SAIT referrals were for sponsors where a licence had been granted despite concerns about their application. Typically, this would be where the caseworker had granted a licence and referred the details to the SAIT as a ‘sponsor of concern’. Whereas sponsors of concern might previously have merited a compliance visit before a licence was granted, limitations on resources and restrictions of guidance meant that there was now an approach of issuing a licence and referring the details on to the compliance teams for checks to be made. This was to allow for CoS to be issued and migrant workers employed. Staff told inspectors that “if we visited the sponsor too early after they had registered for a licence, we reasoned that there would not be enough evidence for a refusal to stand up to administrative review or judicial review if the sponsor hadn’t had time to establish their business and recruit and train staff”.

10.31 While this approach may reinforce the Home Office’s ability to carry out rigorous compliance checks, it does not allay the concerns of stakeholders, particularly where employers are in breach of their responsibilities. It may also result in a worker falling into destitution and potential hardship if any visits are not conducted for a considerable period of time.

10.32 Where further action is required following the assessment of a case, details may be passed on to the SCN for a compliance officer visit or to the SCA Team to allow for a quick decision to be taken without the need for a visit.

Sponsor Compliance Network

10.33 The primary function of the SCN is to conduct compliance visits to sponsors to assess and gather evidence on their ability to meet their duties in line with sponsorship guidance.

10.34 The SCN is staffed by five AOs, 54 EOs, 12 HEOs, and two SEOs, located in regional offices throughout the UK. Compliance visits are carried out by COs, who are EOs, but may be accompanied on visits by HEOs.

10.35 A reorganisation of the network, due to staff shortages, resulted in a reduction from three to two commands, one of which has responsibility for London and the South East, and the other the rest of the UK. The change in commands and staff shortages meant that staff were travelling considerable distances to undertake sponsor visits. In one of the most extreme examples, staff reported that a visit had been conducted in Inverness by an officer based in Southwest England.

10.36 The requirement that COs perform visits over a wide geographical area has also affected the type of visits they choose to undertake. While COs might prefer to make an ‘unannounced visit’ – in which a sponsor is given no prior warning that Home Office officials will be visiting their premises – this was not deemed practical where officers were required to travel long distances. Staff felt that such visits had the potential to “waste ... resource” if the key personnel or sponsored migrants were not available to be interviewed when a CO arrived unannounced.

Managers responsible for the tasking of visits told inspectors that, to avoid the wasting of resources, they would change the visit to an ‘announced visit’.

Sponsor Compliance Network performance

10.37 COs are expected to complete six compliance actions per week. Each action carries a set number of points. One point is awarded for a pre-licence visit, 1.5 for a post-licence visit, one point for a pre-licence report, and 1.5 for a post-licence report. However, staff told inspectors that targets were not being met due to the reduction of resources and lack of experienced staff, as less experienced staff required more time to complete tasks. They further reflected that targets had “fallen off the radar”. These views were supported by managers, who considered the targets to be unrealistic based on current resourcing levels.

Compliance visits

10.38 The tasking package sent from the SAIT is first received by the Operational Support Team (OST), which is part of the SCN. The OST logs the tasking, risk assesses the proposed visit, conducts pre-visit checks, and forwards the package to the appropriate SCN team. The allocation of work is based on the geographical location of the visit and current workloads in SCN teams. When the tasking package is received by the relevant SCN team, it is allocated to a CO to prepare for a sponsor visit.

10.39 The Home Office’s training material describes the objective of a compliance visit as to “prevent abuse of the sponsor system, promptly capture patterns of migrant’s behaviour that may cause concern, address weaknesses in sponsor’s systems that have the potential to result in non-compliance, and monitor compliance with the Immigration Rules”.

10.40 The CO’s role is made up of five distinct stages as follows: researcher, interviewer/investigator, assessor, note taker and report writer. The researcher duty takes place ahead of a compliance visit. This involves COs reviewing and understanding the reason for the visit, understanding the relevant sections of the sponsor guidance, obtaining any additional information they require in order to assess if the sponsor is complying, and planning how the visit will be conducted.

10.41 Inspectors accompanied COs on three separate compliance visits to sponsors in the care sector in Croydon, Leeds, and Luton in October 2023. During these visits, inspectors observed COs interviewing sponsors and migrant workers, and interrogating sponsors’ records in line with the requirements set out in the sponsor guidance. Inspectors found the COs to be professional, knowledgeable, alive to the safeguarding risks currently faced in the care sector, and confident when interviewing sponsors. The observations demonstrated the clear benefits of conducting in-person visits. However there are significant limitations on the Home Office’s capacity to do so given the increasing number of sponsors holding licences and the practice of issuing licences and CoS and referring on sponsors of concern.

10.42 Inspectors found that there was a disconnect between the views of the officers ‘on the ground’ and senior leaders in relation to current operating models. While SCN staff believed that more resources to increase sponsor visits would lead to a tighter system of control, senior leaders considered that different changes were needed for the Home Office to be more efficient and effective in monitoring sponsors. For example, they said that staff should be “using the guidance better” and understanding that “not every case requires a visit”. Senior managers favoured a digital compliance check, as it led “to quicker decision making”, but there were limitations to these checks as described in chapter 7. Another senior manager suggested that

visits were not an efficient use of resources when the evidence in a case was sufficient to move straight to a decision to suspend or revoke a licence.

Compliance visit report

10.43 Following a compliance visit, COs use a standard template to record a detailed account of their visit, providing information about the sponsor visited, the personnel interviewed, and any checks that have been conducted on the sponsor and sponsored workers. In addition, the CO makes an assessment on five key areas in line with the sponsor's duties:

- monitoring immigration status (including the right to work)
- maintaining worker contact details
- record keeping and recruitment practices
- migrant tracking and monitoring
- general sponsor duties

10.44 For each one of the five duties, the CO records if the sponsor has 'met' or 'not met' its sponsorship obligations. Inspectors reviewed a sample of compliance visit reports. While repetitive in some areas, the reports were clearly presented and provided a detailed account of the CO's findings, making good use of the evidence gathered on the visits.

10.45 The reports, once completed, are sent by the CO to their line manager for a quality check and authorisation before onward submission to the SCT.

Visits performance data

10.46 Data provided by the Home Office indicated that 2,157 visits had been conducted by COs between 1 August 2022 and 31 July 2023. Of this total, 388 (18%) visits were to employers in the health and social care sector. Figure 11 provides details of the visit outcomes.

Figure 11: Compliance visits between 1 August 2022 and 31 July 2023

Visit outcome	Number of visits	% of total
Met	68	18%
Not met	272	70%
Still in progress	48	12%

10.47 Entries recorded as 'still in progress' referred to cases where a visit had been conducted, but the CO report had not been completed. When this cohort of cases was removed from the overall figures, 80% of visits concluded that the sponsor had 'not met' its sponsorship duties. However, this constituted the findings of the CO, and may not reflect the final decision taken against the sponsor, which is the responsibility of the SCT.

Sponsor Compliance Casework Team

10.48 Once compliance action has been undertaken by the SCN, the CO's report is forwarded on to the SCT for consideration. The team also manages all other post-licence casework, other than the 'quick wins' that are forwarded to the SCA Team.

- 10.49** The team is staffed by four AOs, 23 EOs, five HEOs (two of whom were on secondment to the SCA Team), and one SEO. Staff consider all case types across the work and temporary work visa routes, but they estimated that 80% to 90% of their current workload relates to the social care sector. Work in this area was considered to be “more complex” due to the volume of cases and the number of migrant workers within organisations in the care sector.
- 10.50** AOs manage the workflow for the team, and once a case is accepted it is added to a work in progress (WiP) spreadsheet for allocation to a caseworker. At the time of the inspection, 166 cases were contained in the WiP, of which 97 related to the care sector. While the more experienced AOs assisted with casework, this function was primarily undertaken by EOs and HEOs. There was some overlap in the duties carried out by both grades, but the more complex and high profile cases were allocated to an HEO.
- 10.51** Sponsorship compliance casework functions include consideration of the COs’ reports or other referral details, responding to any representations, and making a decision on the case. Where sponsors are in breach of their sponsor duties, there are a range of options that may be taken by the caseworker. These actions include reducing a sponsor’s CoS allocation, downgrading its licence to a B rating, or suspending or revoking the licence. A sponsor’s licence may be downgraded to a B rating where the breach is relatively minor and the company is willing and able to correct any issues. An action plan may be drawn up with the sponsor to agree actions required. Where the breach is more serious and the sponsor is no longer able to meet the requirements for holding the licence, it poses a serious threat to immigration control, or has engaged in actions that are not conducive to the public good, the SCT may decide to suspend or revoke the sponsor’s licence.
- 10.52** Where a caseworker decides to suspend a licence, they will notify the sponsor in writing. The sponsor then has 20 working days to consider and respond to the points raised in the notification. In its response, the sponsor may set out mitigating arguments and supply documentary evidence to address the points raised by the Home Office. On receipt of the sponsor’s correspondence, the Home Office will review the information and make a final decision within 20 working days.
- 10.53** Alternatively, if the caseworker is satisfied that the sponsor is not in breach, the licence is maintained and no further action is necessary.
- 10.54** The Home Office provided inspectors with an Excel spreadsheet containing details of all cases received on the SCT between 1 November 2022 and 31 October 2023. The document contained 372 cases that were recorded as being in the ‘Human Health and Social Work Activities’ sector. From the sample of 372 cases, 322 (86%) had an outcome and a further 50 (14%) were awaiting a decision. Of the cohort of 322 cases, 98 (30%) had resulted in a licence being revoked and 32 (10%) had been suspended. A total of 41 cases in this sector were awaiting allocation to a caseworker, the oldest of which had been received on the team on 17 July 2023 following a sponsor visit on 20 June 2023.
- 10.55** From the initial referral to the SAIT to the final decision taken by the SCT, there are a number of activities and processes to be undertaken. In each area, time is taken to review and prepare for any activity and a series of comprehensive reports and notification letters are drafted. Inspectors found the end-to-end process to be time-consuming and noted a duplication of efforts, which added to the time spent on tasks by individual teams. Of most concern to inspectors is that sponsors retain their licence throughout the time they are being investigated by compliance teams until the point that a licence is suspended.

Sponsorship Compliance Casework Team performance

- 10.56** Staff were clear about what was expected of them, they demonstrated a good knowledge of their work, and there was a focus on quality over quantity of output. While there was a 'soft target' of four cases per week, staff were not bound to this as they preferred to get "better decisions" by taking more time. It was evident from interviews with staff that the focus on quality was generated by a fear of losing any follow-up challenges on judicial review. However, staff informed inspectors that they had not lost a judicial review case since 2018.
- 10.57** In general, cases were selected in date order from the workbook and there was a six-month Service Level Agreement from the date of the compliance visit for staff to make a decision. At the time of the inspection, staff told inspectors that 90% of decisions were being made on the day or day after the six months.
- 10.58** Senior management acknowledged that the SCT was holding casework up earlier in the compliance process, but that this was largely due to the type of cases coming into the team. Staff told inspectors they had "never seen this kind of abuse", which they described as "on another level" and "really complex". Senior leaders were aware of the blockages in the system and saw the establishment of the new SCA Team as a means to make quicker decisions on cases which demonstrated higher levels of abuse.

Sponsor Compliance Assurance Team

- 10.59** In response to the significant compliance demands placed on the Home Office by the addition of care workers to the Skilled Worker route, the SCA Team was established in August 2023.
- 10.60** The team is staffed by nine EOs, two HEOs, and one SEO. The EOs were all recruited into the Home Office in August 2023, and the management team was redeployed from existing teams within the command.
- 10.61** The SCA Team was established to take quick compliance action on sponsors who may pose a serious threat to immigration control. These may be sponsors who have requested:
- excessive numbers of CoS
 - CoS for questionable job roles, in comparison to the size and sector of their business
- 10.62** Describing the issue that led to the team being created, one member of staff explained that at least 65 companies were identified to have requested or been assigned an excessive number of defined CoS or CoS for sectors that were not appropriate to their business sector, such as IT firms asking for care workers. Further, staff told inspectors that the type of cases that would be passed to the team were those where it was obvious that there was some kind of fraud, or the company "just does not exist". Confirmation that the right cases were being routed to the team was seen to be that a lot of the companies that had been contacted with notification warnings of licence suspension action made no response. This allowed the team to take quick action, moving promptly to suspend a licence outside the formal compliance process of visits and referrals to the SCT. While this reinforced the Home Office's actions in directing resource into a process which could reduce time and money by targeting sponsors of concern, a more robust system of managing the allocation of licences would eliminate the need for such a team.

Sponsor Compliance Assurance Team performance

- 10.63** Staff told inspectors that the team was still being developed and was considered to be “work in progress”. It was clear from interviews with staff across the Compliance command that processes had not yet been fully mapped out and there were some areas of confusion in terms of case ownership and hand-offs. One senior manager summarised the SCA Team’s current position by observing that, as it is a new team, “they are all agency workers who have no sponsor experience”. They said: “There is a lack of clarity of what they do. It seems they do quick wins. If a sponsor comes back with evidence, they don’t think it is for them to deal with. I am not sure of the exact process involved. It should work in theory.”
- 10.64** The Home Office provided inspectors with a high-level process map, which showed that cases were referred from the SAIT to the SCA Team. A notification warning of licence suspension would then be sent and the case would proceed to a revocation, unless “substantial/complex representations were received”. In these circumstances, the case would be referred back to the SAIT for review and to assess whether a sponsor visit is required.
- 10.65** The Home Office provided inspectors with a workbook that recorded cases concluded by the SCA Team. However, a number of data entries within the workbook were incomplete and it was difficult to assess the period of time covered. The workbook categorised employers by sector and indicated that there were four ‘concluded’ cases in the Human Health and Social Work Activities sector. Of these four cases, two had resulted in sponsor licences being revoked and the other two had been directed to other teams for a compliance visit to be undertaken. Four entries were noted as Op ODINITE cases, although only one was in the Human Health and Social Work Activities’ sector; the other three were marked as ‘information and communications’, ‘accommodation and food services’, and ‘other service activities’.
- 10.66** A further workbook was provided, which detailed ‘live’ cases within the team. Of the 113 cases contained in the workbook, 39 were in the Human Health and Social Work Activities’ sector, all of which were marked as Op ODINITE cases. The majority of cases (35) had been marked as having notice of a suspension, indicating that quick action was being taken. Of some concern to inspectors was that a total of 5,492 CoS had been marked as allocated to the 39 companies of concern.

Work Cancellations and Curtailment Team

- 10.67** When a decision has been made to revoke a sponsor’s licence, the case is referred to the Work Cancellations and Curtailment Team (WCCT) within the Work Services Command so that consideration can be given to the cancellation of the permission to enter or remain of any sponsored workers employed by that sponsor.⁷⁸ If the Home Office believes that the sponsored worker “was actively and knowingly involved in the reasons for the revocation of the licence”, the worker’s remaining permission will be cancelled, meaning that they will have to leave the UK immediately.⁷⁹ If it considers that the worker was not actively or knowingly involved, the Home Office will cancel the worker’s permission so that they have 60 calendar days left. If the worker, at the time that the Home Office considers cancellation action, has no more than 60 days’ permission remaining, it will not lead to a cancellation of the worker’s permission. In either case, the worker is required to leave the UK if at the end of the 60 days they have not made an application for permission to stay in the UK.⁸⁰

⁷⁸ <https://www.legislation.gov.uk/ukpga/1971/77/section/3>

⁷⁹ Home Office, ‘Guidance for sponsors part 3’, p. 51.

⁸⁰ Home Office, ‘Guidance for sponsors part 3’, p. 51.

- 10.68** While the 60-day limit was a particular concern raised by many stakeholders, the Home Office was taking seven months, on average, from the time the WCCT received the case from the SCT to a decision being made. The WiP for the team was around 110,000 cases, although staff told inspectors that this was expected to reduce to around 60,000 once a data cleanse had taken place.
- 10.69** Inspectors asked the Home Office to provide data on the number of people who had entered the UK to work in the social care sector who had had their permission to remain in the UK cancelled between 1 February 2022 and 31 October 2023. The Home Office was unable to provide cancellation data specific to this sector. Data was, however, provided for all Skilled Worker cancellation decisions. This showed that 6,539 cases had been cancelled in this period. All but two of these cases were cancelled between March and October 2023. The data showed that between February 2022 and February 2023 only two individuals had their leave cancelled. The Home Office explained that this area of work was “deprioritised” to deal with the impact of COVID-19 and “crisis activity such as Ukraine”. However, plans were being developed to “now re-prioritise” and “to bring this queue of work back down to frictional levels”.

Resourcing across the Compliance command

- 10.70** The increase in workloads following the addition of care workers and home carers to the Health and Care Worker visa route has had a considerable impact on staff across the Compliance command. In contrast to the sponsor licensing and caseworking teams, staffing levels across the three functions, the SAIT, the SCN, and the SCT, have remained fairly static, with the highest proportion of new recruits being diverted to the SCA Team. There was a clear sense of frustration about resourcing among staff, many of whom felt that Compliance was seen as less of a priority as it was not an income-generating team.
- 10.71** Staff in the SCN described resource levels as “totally decimated” due to a high turnover of COs and a lack of recruitment, impacting on their operational effectiveness. The reduction in staff was also placing additional demands on the more experienced workers, who were required to mentor newer members of staff while meeting the demands of complex casework levels in the social care sector. Similar issues relating to resources were reported in the ICIBI’s 2022 ‘Inspection of the immigration system as it relates to the agricultural sector’. This inspection found that the SCN was “underfunded and understaffed”. SCN staff reported that they were operating at around 50% of their capacity, leading to them feeling “swamped”.
- 10.72** This view is supported by data on recruitment of staff into the Work Services Command since the introduction of care workers to the Health and Care Worker visa route. From February 2022 to October 2023, a total of 493 new staff were recruited at AO to SEO grade across the command. Of this number, five (1%) were assigned to the SAIT and ten (2%) to the newly formed SCA Team. Data on SCN staff was not provided.
- 10.73** In spite of the challenges faced, inspectors found staff to be positive, professional, and knowledgeable. They felt supported by their peers and managers, and many spoke positively about their Grade 7 leader, who was “visible” and “receptive to feedback”.
- 10.74** There were however some concerns that staff in the SCN did not feel connected to other colleagues in the Work Services Command teams in Sheffield. This was described as a “them and us” culture and summarised by one manager as follows:

“There is a gap between the empire of Sheffield and the rest of the compliance network. It’s divisive. If you are outside Sheffield, you are not considered an integral part of the business”.

- 10.75** Senior leaders recognised the challenges of integrating teams spread across a wide geographical area. The move to unite the three compliance functions, the SAIT, SCN, and SCT, under one command was seen as a positive step, but there was limited awareness of the new initiatives, such as digital compliance and the SCA Team. This was particularly noted in conversations with staff in the SCN.

Summary

- 10.76** Of significant concern to stakeholders and staff working within the compliance function was the availability of resource to monitor the ever-increasing register of licensed sponsors. Staffing levels have not kept pace with the substantial growth in the number of sponsors and the complexity of cases was placing a considerable strain on resources. In particular, staff shortages in the SCN have had a negative impact on the ability to train newer members of staff, and teams were not working efficiently, evidenced by the significant distances travelled to undertake visits.
- 10.77** Bringing the three teams, the SAIT, SCN, and SCT, together has led to a more joined-up approach in compliance. However, more could be done to increase understanding of the roles of each of the teams and to raise awareness of the newer functions carried out by the Digital Compliance Team and SCA Team. While the introduction of the SCA Team may in time help to alleviate workloads across the command, it was too early to assess the impact that the new team was having.
- 10.78** Throughout the command, inspectors heard that staff were not meeting team or individual benchmarks and operational outputs were being ‘throttled’ due to the caseworking function not being able to meet the demands of work. However, the teams were not working to any official benchmarks and there was a particularly cautious approach to legal challenge. The reliance on Excel spreadsheets at a team level indicated a lack of suitable tools to manage overall workflow. The absence of a suitable workflow tool meant that managers lacked an overall view of operational throughput and so struggled to identify pinch points and to monitor outputs across compliance teams. While a new workflow tool has been commissioned, it is not expected to be operational until the end of 2024 Quarter 1.

Annex A: The ICIBI’s ‘call for evidence’

A public ‘call for evidence’ was issued on the ICIBI website on 22 August 2023. The call for evidence explained that the ICIBI was seeking feedback from stakeholders on the interaction between the UK’s immigration system and the social care sector. Specifically, respondents were invited to comment on:

- the effectiveness and efficiency of the Health and Care Worker visa route
- the extent and quality of communication and engagement between the Home Office and the social care sector
- the current suitability of the Home Office’s licensing system for Health and Care Worker visa sponsorship
- the effectiveness of the Home Office’s compliance requirements on sponsors, including how these safeguard employees from exploitation
- the Home Office’s progress towards delivery of its transformation plan, ‘The UK’s points-based immigration system sponsorship roadmap’, and the effectiveness of any implemented changes⁸¹

In total, 60 responses were received to the call for evidence.⁸² A breakdown of respondent types is illustrated in Figure 12.

Figure 12: Call for evidence respondent type

Type of respondent	Number
Charity	17
Member of the public	12
Business	9
Local authority	9
Legal	2
Independent regulator	2
Trade union	2
Academic body	2
Non-governmental organisation	2
Trade association	2
Professional body	1
Total	60

81 HM Government, ‘The UK’s Points-Based Immigration System Sponsorship Roadmap’ (August 2021), [New Plan for Immigration: Legal Migration and Border Control \(publishing.service.gov.uk\)](#)

82 There were actually 61, though one response was mistakenly related to a previous ICIBI inspection.

The key concerns raised were:

- modern slavery/debt bondage and related safeguarding issues
- the sponsor licensing process, especially in relation to ensuring those given sponsor licences are legitimate employers
- the Home Office’s communication and engagement with stakeholders
- the quality and effectiveness of sponsor compliance checks

The top ten concerns raised by stakeholders are illustrated in Figure 13.

Figure 13: Top ten concerns raised by stakeholders

Key themes	Number
Modern slavery/debt bondage concerns	32
Sponsor licensing	30
Engagement	27
Quality of sponsor compliance checks	21
Ethical recruitment concerns	20
Fees/costs	16
Guidance	14
Processing	14
Delays	13
Data issues	10

Annex B: Role and remit of the Independent Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf. The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions and in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (unfounded claim)
- the law about discrimination in the exercise of functions, including reliance on paragraph 17 of Schedule 3 to the Equality Act 2010 (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints; and
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.
- In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within eight weeks of receipt, subject to both Houses of Parliament being in session.

Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

Annex C: ICIBI 'expectations'

Background and explanatory documents are easy to understand and use (e.g. statements of intent (both ministerial and managerial), impact assessments, legislation, policies, guidance, instructions, strategies, business plans, intranet and GOV.UK pages, posters, leaflets etc.)

- They are written in plain, unambiguous English (with foreign language versions available, where appropriate)
- They are kept up to date
- They are readily accessible to anyone who needs to rely on them (with online signposting and links, wherever possible)

Processes are simple to follow and transparent

- They are IT-enabled and include input formatting to prevent users from making data entry errors
- Mandatory requirements, including the nature and extent of evidence required to support applications and claims, are clearly defined
- The potential for blockages and delays is designed out, wherever possible
- They are resourced to meet time and quality standards (including legal requirements, Service Level Agreements, published targets)

Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent

- Individuals understand their role, responsibilities, accountabilities and powers
- Everyone receives the training they need for their current role and for their professional development, plus regular feedback on their performance
- Individuals and teams have the tools, support and leadership they need to perform efficiently, effectively and lawfully
- Everyone is making full use of their powers and capabilities, including to prevent, detect, investigate and, where appropriate, prosecute offences
- The workplace culture ensures that individuals feel able to raise concerns and issues without fear of the consequences

Decisions and actions are ‘right first time’

- They are demonstrably evidence-based or, where appropriate, intelligence-led
- They are made in accordance with relevant legislation and guidance
- They are reasonable (in light of the available evidence) and consistent
- They are recorded and communicated accurately, in the required format and detail, and can be readily retrieved (with due regard to data protection requirements)

Errors are identified, acknowledged and promptly ‘put right’

- Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective
- Complaints are handled efficiently, effectively and consistently
- Lessons are learned and shared, including from administrative reviews and litigation
- There is a commitment to continuous improvement, including by the prompt implementation of recommendations from reviews, inspections and audits

Each immigration, asylum, nationality or customs function has a Home Office (Borders, Immigration and Citizenship System) ‘owner’

The BICS ‘owner’ is accountable for:

- implementation of relevant policies and processes
- performance (informed by routine collection and analysis of Management Information (MI) and data, and monitoring of agreed targets/deliverables/budgets)
- resourcing (including workforce planning and capability development, including knowledge and information management)
- managing risks (including maintaining a Risk Register)
- communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies
- effective monitoring and management of relevant contracted out services
- stakeholder engagement (including customers, applicants, claimants and their representatives)

Acknowledgements

The inspection team is grateful to the Home Office for its co-operation and assistance during this inspection and for the contributions from the staff who participated. We are also grateful to the stakeholders who contributed.

Inspection team members

Lead Inspector: Posy Hartstone

Project Manager: Jed Fazakerley

Inspector: Matt Adlam

Inspector: Julie Dugdale

Inspector: Chris Evans

978-1-5286-4704-5
E03074515