

## OOP Guidance for Skilled Worker Trainees

Type of OOP	Outcome
OOPT (Training)	<p>Where the training is still provided by NHS England, Sponsorship will not be affected, and trainees will continue to be sponsored by NHS England. NHS England will remain responsible for the trainee's day to day activities.</p> <p>If the training is provided by another organisation (i.e., devolved nation) then the sponsorship will end for the duration of the OOP.</p> <p>Where the training is outside of the UK, but still provided by NHS England, it is <b>imperative</b> that NHS England can still meet strict reporting and monitoring duties if a trainee is outside of the UK. It is also advised that any trainee considering OOPT outside of the UK reviews <b>Indefinite Leave to Remain requirements</b> should they wish to use this route in the future as there are restrictions on how long a Skilled Worker/Tier 2 sponsored individual can be outside of the UK</p>
OOPE (Experience)	<p>NHS England can maintain sponsorship where the below specific conditions are met for OOPEs, where they cannot be met, sponsorship cannot continue for the duration of the OOPE:</p> <ul style="list-style-type: none"> <li>• Part of the OOPE must count towards the training programme (recommended minimum 10%)</li> <li>• The NHS England team providing the OOPE must confirm they can maintain responsibility for the trainee's day to day activities to ensure that all relevant reporting and monitoring criteria to the UKVI can be completed.</li> <li>• The trainee and/or the NHS England team providing the OOPE should report any change of circumstances (to include, but not limited to, change of location and job title) to the National Overseas Sponsorship Team</li> <li>• The trainee cannot carry out work or activities that are outside of their certificate of sponsorship or SOC Code (2211 'Medical Practitioner')</li> <li>• The minimum salary requirements for sponsorship must still be met</li> <li>• There is a secondment agreement in place between NHS England and the employer, but the main contractual arrangements remain with the current employer</li> </ul>

	If <b>all</b> the above conditions cannot be met, NHS England will not be able to sponsor for the duration of the OOPE. The National Overseas Sponsorship Team will notify the UKVI that training has ended/paused and therefore sponsorship will be ended. When the trainee returns to training NHS England can provide a new CoS to re-sponsor them.
OOPR (Research)	NHS England will not be able to sponsor for the duration of the OOPR the trainee will often require alternative sponsor (i.e., a university) for the duration of OOPR. When the trainee returns to training NHS England will provide a new CoS to re-sponsor them.
OOPC (Career Break) *	NHS England will not be able to sponsor for the duration of the OOPC of more than 4 weeks* and will notify the UKVI that training has ended/paused and therefore sponsorship will be ended. When the trainee returns to training NHS England will provide a new CoS to re-sponsor them.
OOPP (Pause)	NHS England will not be able to sponsor for the duration of the OOPP and will notify the UKVI that training has ended/paused and therefore sponsorship will be ended. When the trainee returns to training NHS England will provide a new CoS to re-sponsor them.

### Reporting OOP to the UKVI

Where an OOP has been agreed and the above has been followed, it is critical that this information is sent to the Overseas Sponsorship Team ([sponsorship@hee.nhs.uk](mailto:sponsorship@hee.nhs.uk)) within **5 working days** of the change so that this can either be reported to the UKVI or for sponsorship to end in a timely manner.

### \*Unpaid leave during sponsorship (quoted from [Policy guidance](#))

S4.19 Unless a valid exception reason applies, you must normally stop sponsoring a worker who is absent from their sponsored work without pay, or is absent on reduced pay, for more than 4 weeks in total during either:

- if the worker is a Scale-up Worker, the period you have sponsorship responsibility for that worker
- in all other cases, in any calendar year (1 January to 31 December)

Valid exception reasons: permissible absences

S4.26 The following are permissible absences. You do not have to stop sponsoring a worker if they are absent without pay, or on reduced pay, for any of the reasons listed below (and they would not otherwise have been absent without pay, or on reduced pay, for more than 4 weeks):

- statutory maternity leave
- statutory paternity leave
- statutory parental leave
- statutory shared parental leave
- statutory adoption leave
- sick leave
- assisting with a national or international humanitarian or environmental crisis, provided you agreed to the absence for that purpose
- taking part in legally organised industrial action
- jury service
- attending court as a witness

### **Fellowships while still in training part time**

Fellowship while in training part time are not classed as OOP for the purposes of sponsorship, however the below information may be useful.

Description	Specific conditions for sponsorship
<p>Trainees remains part of the training programme. There are a number of fellowship opportunities around leadership, simulation, global health etc. and usually the trainee undertakes this as a 60/40 split.</p>	<ul style="list-style-type: none"> <li>• NHS England will remain responsible for the trainee’s day to day activities and must be able to continue to maintain reporting and monitoring duties to the UKVI via SMS               <ul style="list-style-type: none"> <li>○ To include change of location and job title if applicable</li> </ul> </li> <li>• The migrant cannot carry out work or activities that are outside of his/her certificate of sponsorship or SOC Code (2211 ‘Medical Practitioner’)</li> <li>• Minimum salary requirements for sponsorship will still be met</li> <li>• the trainee remains part of the training programme</li> <li>• The existing employer continues to pay the full-time salary</li> <li>• TIS records the trainee is in a full-time training post with a 60/40 split with hours/salary not below the threshold</li> </ul>