

**MANAGEMENT AND ADMINISTRATION OF TIER 2 SPONSORSHIP:  
MEDICAL AND DENTAL TRAINEES REQUIRING SPONSORSHIP IN  
ENGLAND FROM AUGUST 2015**

**STANDARD OPERATING PROCEDURE FOR  
HEALTH EDUCATION ENGLAND**

**Parties to the SOP and Lead Contacts**

**The Parties:**

- (1a) Health Education England Tier 2 Sponsor  
Via
- (1b) Health Education West Midlands (the Lead LETB)  
Lead Contact: Lyndie Jones, Manager Tier 2  
Email and telephone: [tier2@wm.hee.nhs.uk](mailto:tier2@wm.hee.nhs.uk) 0121 695 2540  
Signature .....
- (2) Health Education ..... (the Local LETB)  
Lead Contact: .....  
[name and job title]  
Email and telephone: .....  
Signature .....
- (3) ..... (the Employer)  
[NHS Trust or other employing body]  
Lead Contact: .....  
[name and job title]  
Email and telephone: .....  
Signature .....

**DATE:** ..... 201.....

## Introduction

This Standard Operating Procedure (SOP) sets out the Tier 2 sponsorship arrangements within Health Education England “HEE” for all medical and dental trainees in England sponsored under the Tier 2 immigration category “**Tier 2 sponsored trainees**”. Whilst all LETBs are part of HEE, this SOP treats them as separate parties to emphasise the respective responsibilities of each.

## Background

- Under the points based immigration system introduced by the Home Office in November 2008, some non-EEA citizens require Tier 2 sponsorship to undertake medical or dental training in England and therefore fall into the Tier 2 category.
- HEE (acting through a lead Local Education & Training Board (LETB)) will sponsor all medical and dental trainees in England requiring Tier 2 sponsor from August 2015. Health Education West Midlands (HEWM) has been appointed to act as the Lead LETB.
- HEE will, via the Lead LETB, sponsor all Tier 2 sponsored trainees whether recruited through national or local recruitment processes.
- HEE, via the Lead LETB, will keep records, and monitor and report on its Tier 2 sponsored trainees in accordance with its obligations under relevant Home Office rules and guidance under the terms of this SOP.
- HEWM will be the Lead LETB under this SOP. As such, it will undertake the role of the Tier 2 sponsor on behalf of HEE, for all Tier 2 sponsored trainees of all other LETBs in England from August 2015 on the understanding that all parties comply with the terms of this SOP in order that HEE can comply with UK Visa & Immigration’s requirements of being a Tier 2 sponsor.

## Scope of the SOP

This SOP sets out the terms of HEE’s agreement to be the Tier 2 sponsor for all Tier 2 sponsored trainees in England and the scope of obligations and responsibilities of all Parties to the SOP in order to ensure HEE’s compliance with the Tier 2 sponsorship duties set out by UK Visas and Immigration.

## Failure to Adhere to the SOP

The Parties understand that they each have a role in ensuring HEE is able to comply with its Tier 2 sponsorship duties and that if they fail to fulfil that role, HEE may lose its sponsorship licence. This would jeopardise the position of all Tier 2 sponsored trainees.

If a Party fails to comply with its obligations under this SOP, HEE may undertake an audit of that party’s relevant systems and / or require it to demonstrate an improvement in a specified area.

### **Exclusions from the SOP**

- The appointment process to the relevant training programme for Tier 2 sponsored trainees is not the responsibility of HEE centrally or through HEWM. It is carried out by the recruiting LETB and it is that organisation's responsibility to demonstrate that the Resident Labour Market Test has been satisfied.
- Whilst HEE proposes to take over sponsorship of all Tier 2 sponsored trainees, this will take place once processes have been approved, (timescales to be confirmed by HEWM). Until such time as specific confirmation is given by HEWM on behalf of HEE that it will transfer any specified sponsored trainees to HEE sponsorship, LETBs need to ensure that they maintain their own existing sponsorship arrangements and licence for their existing sponsored trainees.

### **Joint Responsibility**

- HEE will have responsibilities as a sponsor for Tier 2 sponsored trainees which it cannot fulfil without the assistance of the Local LETB and the Employer.
- HEE, the Local LETB and the Employer all have joint responsibility for ensuring robust systems are in place for record keeping and monitoring and reporting in relation to Tier 2 sponsored trainees. With HEE's intended procurement of an England wide Workforce Information System, transfer of information on Tier 2 sponsored trainees will become more fluid. In the meantime, all parties need to ensure that record keeping and the flow of information under existing arrangements is undertaken conscientiously and timeously and certainly without breaching specified timeframes.

### **Co-Operating with UK Visa & Immigration**

- The Parties agree to cooperate with any proper and reasonable requests for information, any audit requirements or requests for access to premises from UK Visa & Immigration, and to comply with any guidance on good practice produced by UK Visa & Immigration.

### **Duration of the SOP**

- The intention is that HEE via its Lead LETB will assume the Tier 2 sponsorship role for Tier 2 sponsored trainees commencing training from August 2015 onwards. This SOP will apply from the date of this SOP and will remain in effect (subject to any amendments as specified under Monitoring and Review provisions below) until HEE is no longer required to act as Tier 2 sponsor for Tier 2 sponsored trainees for the Local LETB and / or the Employer or at all, or until the immigration route is revised by the Home Office such that this sponsorship is no longer required.

### **Exchange of Information between the Parties and Confidentiality**

- This SOP requires certain information held by the Parties to be exchanged between the Parties to enable HEE to fulfil its Tier 2 sponsorship obligations.
- The Parties will endeavour to maintain appropriate confidentiality regarding information that is proprietary to each within the context of shared working, notwithstanding their statutory obligations including under the Freedom of Information Act 2000 described below.

- These confidentiality obligations shall survive the termination of this SOP but will not apply to any information which:-
  - Was known to the receiving party prior to disclosure or
  - Was or becomes part of the public domain through no fault of the receiving party or
  - Becomes available to the receiving party by an unconnected third party with the lawful right to make such a disclosure or
  - It is required to be disclosed by law
  - Must be disclosed to meet an overriding public interest

### **Personal data of Tier 2 Sponsored Trainees (Personal Data)**

- The Parties' collection, retention, handling and use of Personal Data as specified in the Data Protection Act 1998 by the Parties shall be compliant with the requirements of the Data Protection Act 1998 at all times.
- The Parties shall at all times be responsible for ensuring that all Personal Data (including in any electronic format) is stored securely. The Parties shall take appropriate measures to ensure the security of such Personal Data and guard against unauthorised access or disclosure or loss or destruction while in its custody.
- Communication of Personal Data between the Parties by email will be between official NHS email accounts only (nhs.net or nhs.uk).
- In fulfilling this SOP, Personal Data shall not be made available to anyone other than those directly involved in providing the services described in this SOP or to the Home Office in accordance with HEE's reporting duties as a sponsor.
- HEE will be responsible and accountable with regard to the records and data held by HEE for the purposes of Tier 2 sponsorship.

### **Freedom of Information**

- The Parties acknowledge that they are subject to the requirements of the Freedom of Information Act 2000 (FOIA) and shall assist and cooperate with each other (at their own expense) to enable each to comply so far as is relevant with information disclosure requirements.
- A party receiving a request for information relating to or received from another party shall, as far as possible and where appropriate, consult the other party in considering its FOIA response. The party receiving the request remains responsible in law for responding to the request in compliance with FOIA. The Parties shall permit each other to inspect such documents or records as requested from time to time and for up to a maximum of six years after the completion of each Tier 2 sponsored trainee's training programme.

## **Equality and Diversity**

- The Parties agree to comply with the Equality Act 2010 in their dealings in respect of this SOP. For the avoidance of doubt, the Parties shall not discriminate directly or indirectly, or by way of discrimination arising from disability, victimisation or harassment, against any person because of any protected characteristic under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex and sexual orientation).
- Similarly, the Parties agree to comply with the Public Interest Disclosure Act 1998 in their dealings under this SOP. Specifically, they shall not subject to a detriment any person (whistle-blower) who makes a protected disclosure.
- If required, relevant equality and diversity monitoring information or disaggregated data will be provided.
- In accordance with the Equality Act 2010, the Parties, as public sector bodies, have a statutory duty (the 'Equality Duty') when carrying out their functions to have due regard to the need to eliminate discrimination, harassment and other conduct prohibited by the Equality Act, promote equality of opportunity between those who share a protected characteristic and those who do not, and to promote good relations between people who share a particular protected characteristic and those who do not. This duty applies in respect of all protected characteristics under the Equality Act.

## **Service Description**

- HEE via its Lead LETB will act as Tier 2 sponsor for all non-EEA citizens who require Tier 2 sponsorship to undertake medical or dental training in England throughout the course of their training programme upon agreement of this SOP.

## Services to be provided under this SOP

### Health Education England's Responsibilities as a Tier 2 sponsor for Tier 2 sponsored trainees

1. HEE will fulfil the Tier 2 sponsor responsibilities for Tier 2 sponsored trainees in England. HEE will put in place for the Parties appropriate systems and processes to meet the obligations and legal requirements of being a Tier 2 sponsor.
2. HEE, via the Lead LETB, will, where appropriate (ie where it is satisfied that all necessary tests have been met and all necessary evidence is provided), issue Certificates of Sponsorship for prospective medical and dental trainees requiring Tier 2 sponsorship in England, regardless of where the trainee will be undertaking their training. Tier 2 sponsored trainees are then required by HEE to provide certified copies <sup>1</sup>of their visa and biometric card to the Lead LETB.
3. HEE, via the Lead LETB, will liaise with the Home Office and its relevant agencies in respect of its sponsorship of the Tier 2 sponsored trainees and its role as sponsor under this SOP. It will also endeavour to meet any requirements of the Home Office in these respects.
4. HEE, via the Lead LETB, will inform Tier 2 sponsored trainees when providing their Certificate of Sponsorship that they must provide contact details to the Lead LETB (address, telephone number and mobile telephone number) and notify HEE via the Lead LETB of any change to these contact details.
5. HEE, via the Lead LETB, will keep the Local LETB lead contact fully informed of the immigration status of all Tier 2 sponsored trainees.
6. HEE requires monitoring data on each Tier 2 sponsored trainee to be submitted by the Local LETB to the Lead LETB at the start of the sponsored trainees training programme and if no reporting activity has been identified by the Trust/Employer, and then again at the beginning of each rotation during the training programme using the form provided by the Lead LETB to do so. HEE, via the Lead LETB, will liaise with the identified lead contact in the Local LETB with regard to record keeping, monitoring and reporting requirements.
7. HEE will provide information / respond to requests from the Local LETB in a timely manner.
8. HEE undertakes to:
  - a. Inform the Local LETB if there are any changes in immigration policy that may affect the services described in this SOP. These changes may be in Government policies or indeed HEE's policies.
  - b. Give realistic lead times for any requests made by HEE for information not covered in this SOP.
  - c. Report the required information and events as specified in paragraph 9 below, to the Home Office within 10 working days provided the information is received from the local LETB within 5 working days of the event occurring, to give HEE a further 5 working days to report to the Home Office.
9. Subject to paragraph 8c above, HEE will report to the Home Office within 10 working days if:

---

<sup>1</sup> A certified copy is one certified by the Employer as a true copy of the original which they have seen

- the Tier 2 sponsored trainee fails to start their training programme or does not turn up for their first day of work including the reason given by the Tier 2 sponsored trainee for non-attendance.
- the Tier 2 sponsored trainee has accrued 10 working days of unauthorised absence from work.
- the Tier 2 sponsored trainee misses 10<sup>i</sup> expected contacts<sup>2</sup> without permission.
- the sponsorship arrangement ends before the expiry of the Tier 2 certificate of sponsorship / Tier 2 visa e.g. if the Tier 2 sponsored trainee moves to an immigration category that does not require Tier 2 sponsorship.
- there are significant changes to the Tier 2 sponsored trainee's circumstances e.g. a move to less than full-time training, a reduction in salary below the established threshold, dismissal, resignation, undertaking Out of Programme activities, GMC or GDC conditions or restrictions being imposed, or otherwise dropping out of a training programme.

Where these changes affect the Tier 2 sponsored trainee's eligibility for a tier 2 visa, the Lead LETB will liaise with the Home Office, the tier 2 sponsored trainee, the Local LETB and the Employer to confirm whether the sponsorship can continue. If the Tier 2 sponsored Trainee is no longer eligible for sponsorship under this scheme but wishes to remain employed by the Employer in a non-training post, the Employer will need to satisfy itself that the RLMT is met and take necessary steps to become the individual's sponsor.

- The Tier 2 sponsored trainee's employment is affected by TUPE or a similar provision
- Any information that suggests the Tier 2 sponsored trainee is breaching the conditions of his/her permission to stay.

10. HEE will set up and maintain records as required by the Home Office under the Tier 2 sponsor licence for its Tier 2 sponsored trainees. To do so HEE will need to obtain the information and documentation from the medical trainee or Local LETB or Employer where relevant.

11. HEE will obtain and retain the documentation specified in *Appendix D* of the UK Visa & Immigration "*Tier 2 and Tier 5 of the Points Based System Guidance for Sponsors*" in accordance with the Guidance in that *Appendix D*. This Guidance can be found at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/371099/Tier\\_25\\_Sponsor\\_Guidance\\_11-14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/371099/Tier_25_Sponsor_Guidance_11-14.pdf)

It is acknowledged that the Tier 2 sponsored trainee has a personal responsibility to provide some of the information and documentation required (which is not within the scope of this document) and also that there may be an overlap in the various Parties' duties. However, it is considered preferable for information to be potentially provided more than once than risk the possibility of HEE's sponsorship duties not being met. Therefore, where relevant documentation is held by or available to the Local LETB or Employer, those Parties agree to provide it to HEE and keep it up to date whether through their monitoring data form returns or otherwise. This documentation includes:

### **Sponsorship Licence – Responsibility of HEE**

- All documents submitted as part of the application to become a licensed sponsor. These documents will be kept for the duration of the period covered by the licence.

### **Tier 2 Sponsored Trainees' Details**

---

<sup>2</sup> Expected contacts these include any instance where the Tier 2 sponsored trainee is expected to attend a rotation, lecture, tutorial, seminar or scheduled meeting in relation to their medical training programme. If the Tier 2 sponsored trainee misses an expected contact due to covering service delivery needs it should not be counted as a missed contact.

- Copy of each Tier 2 sponsored trainee's current passport pages showing all identity details (including biometric details), leave stamps, or immigration status document including their period of leave to remain (permission to stay) in the UK. This must show the migrant's entitlement to work.
- Copy of the Tier 2 sponsored trainee's UK Biometric Card.
- Where the Tier 2 sponsored trainee is a Croatian national who is subject to worker authorisation, a copy of the Purple Registration Certificate showing their entitlement to work must be retained.
- Copy of the Tier 2 sponsored trainee's National Insurance Number, unless the migrant is exempt from requiring one. For example, where applicable, copy of the migrant's NI card (or NI number notification letter from HMRC or the Department for Work and Pensions), wage slip, P45, P46, P60, P11 (employers declaration to HMRC), P14 (employers return to HMRC), P35 (employers annual return to HMRC).

### Tier 2 Sponsored Trainees' Details

- A history of the Tier 2 sponsored trainee's contact details (UK residential address, telephone number, mobile telephone number). This must always be kept up to date.
- Record of the Tier 2 sponsored trainee's absence(s) - authorised and unauthorised.
- Signed and dated copy of the contract of employment and training contract of the Tier 2 sponsored trainee.

### Appropriate Rate

- Copies of the Tier 2 sponsored trainee's payslips, clearly showing the name, NI number, tax code, any allowances paid and deductions made. **These will be retained by the Employer on behalf of HEE and copies provided to HEE upon demand.**

### Skill Level- Responsibility of

- A certified copy<sup>3</sup> of the Tier 2 sponsored trainee's medical school degree certificate and other relevant qualifications gathered at the time of recruitment to evidence skill level.
- Evidence of registration of the Tier 2 sponsored trainee with the appropriate regulatory body i.e. General Medical Council (GMC), General Dental Council (GDC)

### Evidence of meeting the Resident Labour Market Test (RLMT) – Responsibility of the Local LETB

- Recruiters, responsible for offering training posts, are also responsible for ensuring that the applicant has met the Resident Labour Market Test, where applicable. Evidence of meeting the RLMT will need to be provided to the lead LETB.
- Where the vacancy was advertised in a professional journal, a copy of the job advertisement as it appeared, clearly showing the title and date of the publication and the closing date for applications. Where the advertisement does not show the name of the organisation, a copy of a letter or invoice from the newspaper and/or journal will be required, to prove an advertisement was placed.
- Detailed job description (or equivalent, this could include the national person specification) outlining the duties and responsibilities of the post which must include the skills, qualifications and experience required for the post.
- Where the vacancy was advertised on the internet, i.e. NHS Jobs and/or Local Education and Training Board's website, a screen shot from the website hosting the advertisement, on the day the vacancy was first advertised, clearly showing the name of the website; the contents of

<sup>3</sup> A certified copy is one certified by [who will you accept certifications from?] as a true copy of the original which they have seen

the advert, the URL and the closing date for applications. If the website clearly shows the date the vacancy was first advertised, a single screen shot is adequate for the period the post is advertised.

- Where the advertisement is not on the websites mentioned above and does not show the name of the organisation, a copy of a letter or invoice from the website will be required, to prove that an advertisement was placed.
- Where the post has been advertised online through Jobcentre Plus, a screen shot from the relevant government website clearly showing all of the logo of the relevant government website hosting the job advertisement, the contents of the advert, the vacancy reference number, the date, the URL and the closing date for applications.

### **Recruitment and Selection**

- All applications short-listed for final interview in the form they were received
- The names and total number of applicants short-listed for final interview; and
- Notes from the final interviews conducted and for each EEA national who was rejected, the reasons why they were not appointable.

All information and documentation relating to a Tier 2 sponsored trainee's appointment needs to be retained by the Lead LETB for the duration of the individual Tier 2 sponsored trainee's sponsorship.

### **Non- Appendix D Information also to be Provided to the Lead LETB by the Local LETB**

Details of the training placement / rotations of the Tier 2 sponsored trainee i.e. where they are allocated.

### **Non- Appendix D Information also to be Provided to the Local and Lead LETB by the Employer**

- If a Tier 2 Sponsored trainee is signed off due to sickness absence for a period of more than one month
- If a Tier 2 sponsored trainee is given authorised leave for longer than 28 days
- Confirmation and evidence of annual checks of passport, visa and contact details

### **Local LETB's Responsibilities**

1. The Local LETB must identify an individual in its organisation who will be the lead contact for the Lead LETB and the Employer to liaise with. The Local LETB's lead contact will be responsible for liaising with employers/Trusts within their region to ensure that the Local LETB complies with this SOP and that required data is collected, recorded, kept, monitored and reported to the lead contact at the Lead LETB on behalf of HEE.
2. The Local LETB will satisfy itself that a vacancy exists at the correct level and, having done so, will provide the required documentation (refer to Appendix D Guidance) and a completed sponsorship application form to HEE in respect of each of its prospective medical and dental trainees requiring Tier 2 sponsorship.
3. The Local LETB will check that the Tier 2 sponsored trainee has the appropriate registration with the relevant regulatory body and will check annually that this registration has been renewed by the Tier 2 sponsored trainee.

4. The Local LETB must set up systems locally to ensure that any activity that contravenes the terms of the Tier 2 sponsored trainee's Tier 2 visa is reported immediately to HEE via the Lead LETB and, in any event, no later than 5 working days after the event.
5. The Local LETB will liaise with the Employer to ensure collection and reporting of monitoring and other data and the provision of relevant documentation is undertaken as required by this SOP.
6. The Local LETB will comply with the timetable provided by HEE for collection and submission of monitoring data and provide the information required to the Lead LETB by completing and submitting the form provided by the Lead LETB immediately.
7. The Local LETB must provide the Lead LETB with details of all Tier 2 sponsored trainees' rotations. Updated rotation information must be sent to the Lead LETB each time any trainee changes location/employer and no later than 10 working days after the rotation takes place.
8. The Local LETB will provide HEE with records verifying attendance at study days and authorisation of any periods of absence as and when requested.
9. The Local LETB will provide information / respond to a request for information from HEE within specified timescales and, in any event, at the earliest possible opportunity.
10. The Local LETB undertakes to report the following to HEE via the Lead LETB within 5 working days of the event occurring:
  - A Tier 2 sponsored trainee does not turn up for their first day at work, including the reason the Tier 2 sponsored trainee gives for non-attendance (e.g. a missed flight) or does not start the training programme.
  - A Tier 2 sponsored trainee has accrued 10 working days of unauthorised absence from work. The Local LETB must inform HEE within 5 working days of the 10<sup>th</sup> day of unauthorised absence.
  - A Tier 2 sponsored trainee misses 10 "expected contacts"<sup>1</sup> during their training programme without permission from their employer. The Local LETB must inform HEE within 5 working days of the 10<sup>th</sup> missed contact.
  - A Tier 2 sponsored trainee leaves the training programme or if their contract of employment ends (including where they resign or are dismissed). The Local LETB should inform HEE of the name and address of any new employer that the Tier 2 sponsored trainee has joined and in what capacity, if known. HEE will review the sponsorship arrangement as it is possible that the sponsorship will no longer be valid.
  - Changes to the particulars of employment of the Tier 2 sponsored trainee, which have an impact on the regulations under which a Certificate of Sponsorship was issued e.g. salary. In this instance HEE will review the sponsorship arrangement as it needs to ensure that the terms of the Tier 2 Certificate of Sponsorship continue to be met.
  - If the immigration status of the Tier 2 sponsored trainee changes during employment.
  - The Tier 2 sponsored trainee's employment is affected by TUPE or a similar provision
  - Any information which suggests that the Tier 2 sponsored trainee is breaching the conditions of his/her permission to stay.

11. The Local LETB will inform HEE of any changes to a Tier 2 sponsored trainee's training programme that may affect the terms of their sponsorship including, but not limited to, when :
  - A Tier 2 sponsored trainee transfers to another medical or dental training programme.
  - A Tier 2 sponsored trainee changes to flexible or part-time training. In this instance HEE will review the sponsorship arrangement as they need to ensure that the terms of the Tier 2 Certificate of Sponsorship continue to be met.
  - A Tier 2 sponsored trainee's anticipated duration of training changes (e.g. if they need to undertake remedial training at the end of their medical training or undertake a period of maternity leave etc.).
12. The Local LETB will inform HEE of any conditions or restrictions placed on a Tier 2 sponsored trainees' registration by the General Medical Council or General Dental Council upon receipt of such information from the Tier 2 sponsored trainee or the regulatory body in question, or from elsewhere.
13. The Local LETB's Lead Contact will participate in a monthly telephone conference with the Lead LETB's Lead Contact to discuss Tier 2 sponsorship arrangements including processes and any issues.

### **Employer's Responsibilities**

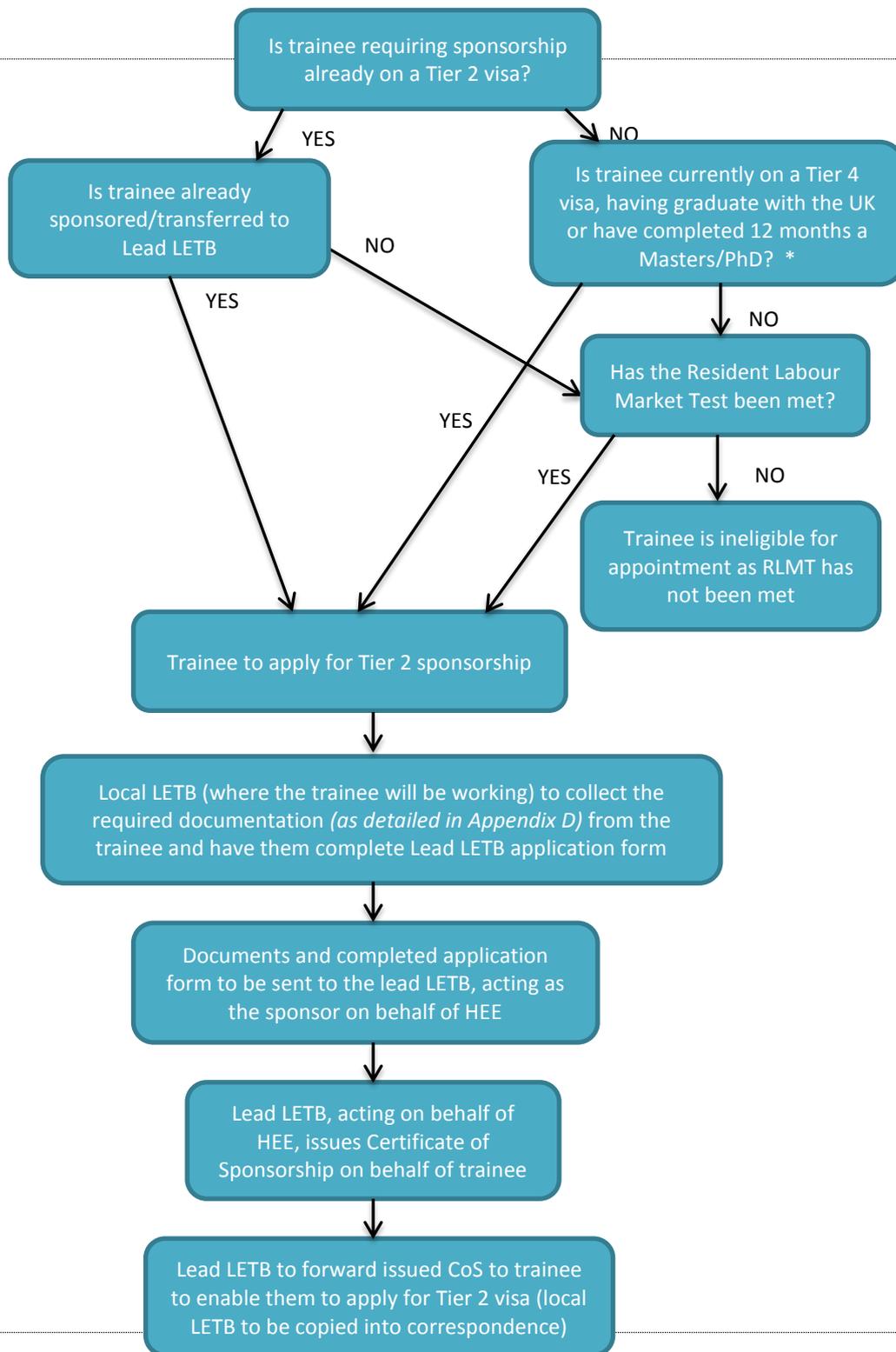
1. The Employer must identify an individual in its organisation who will be the lead contact for the Local and Lead LETBs to liaise with. The Employer's lead contact will be responsible for liaising with the Local LETB and ensuring the Employer complies with this SOP. They will also ensure that required data is collected, recorded, kept, monitored and reported to the lead contact at the Local and Lead LETBs on behalf of HEE.
2. The Employer must set up systems locally to ensure that any activity that contravenes the terms of the Tier 2 sponsored trainee's Tier 2 visa is reported immediately to HEE via the Lead LETB and to the Local LETB and, in any event, no later than 5 working days after the event.
3. The Employer will comply with the timetable provided by HEE for collection and submission of monitoring data and provide the information required to the Local and Lead LETBs by completing and submitting the form provided by the Lead LETB at the start of the sponsored trainee training programme and if any reporting activity is identified, during the training programme rotation at your Trust.
4. The Employer will provide the Local and Lead LETBs with records verifying attendance at study days and authorisation of any periods as and when required.
5. The Employer will provide information / respond to a request for information from the Local or Lead LETBs or HEE within specified timescales or, in any event, at the earliest possible opportunity.
6. The Employer undertakes to report the following to the Local and Lead LETBs within 5 working days of the event occurring:
  - A Tier 2 sponsored trainee does not turn up for their first day at work, including the reason the Tier 2 sponsored trainee gives for non-attendance (e.g. a missed flight) or does not start the training programme.

- A Tier 2 sponsored trainee has accrued 10 working days of unauthorised absence from work. The Local LETB must inform HEE within 5 working days of the 10<sup>th</sup> day of unauthorised absence.
  - A Tier 2 sponsored trainee misses 10 "expected contacts<sup>1</sup>" during their training programme without permission from their employer. The Local LETB must inform HEE within 5 working days of the 10<sup>th</sup> missed contact.
  - A Tier 2 sponsored trainee's contract of employment ends (including where they resign or are dismissed). The Employer should inform the Local and Lead LETBs of the name and address of any new employer that the Tier 2 sponsored trainee has joined and in what capacity, if known.
  - A Tier 2 sponsored trainee leaves their training programme and / or takes up a non-training post. In this instance, the Certificate of Sponsorship will no longer be valid and, if the individual remains in non-training employment with the Employer, the Employer will need to satisfy itself that the RLMT is met and take necessary steps to become the individual's sponsor.
  - Changes to the particulars of employment of the Tier 2 sponsored trainee, which have an impact on the terms under which a Certificate of Sponsorship was issued e.g. salary. In this instance HEE will review the sponsorship arrangement as they need to ensure that the terms of the Tier 2 Certificate of Sponsorship continue to be met.
  - If the immigration status of the Tier 2 sponsored trainee changes during employment.
  - The Tier 2 sponsored trainee's employment is affected by TUPE or a similar provision.
  - Any information that suggests the Tier 2 sponsored trainee is breaching the conditions of his/her permission to stay.
7. The Employer will inform the Local and Lead LETBs of any changes to a Tier 2 sponsored trainee's employment that may affect the terms of their sponsorship including, but not limited to, when :
- A Tier 2 sponsored trainee transfers to another medical or dental training programme.
  - A Tier 2 sponsored trainee changes to flexible or part-time training
  - A Tier 2 sponsored trainee's anticipated duration of training changes (e.g. if they need to undertake remedial training at the end of their training programme or undertake a period of maternity leave etc.).
  - Any conditions or restrictions are placed on a Tier 2 sponsored trainees' registration with the General Medical Council or General Dental Council.

### Monitoring and Review

The SOP will be subject to annual review by HEE, to ensure that any new rules, Guidance, standards and processes are incorporated when necessary and that it remains fit for purpose.

**APPENDIX A: PROCESS FOR APPLYING FOR CERTIFICATE OF SPONSORSHIP UNDER THE LEAD SPONSOR ARRANGEMENT**

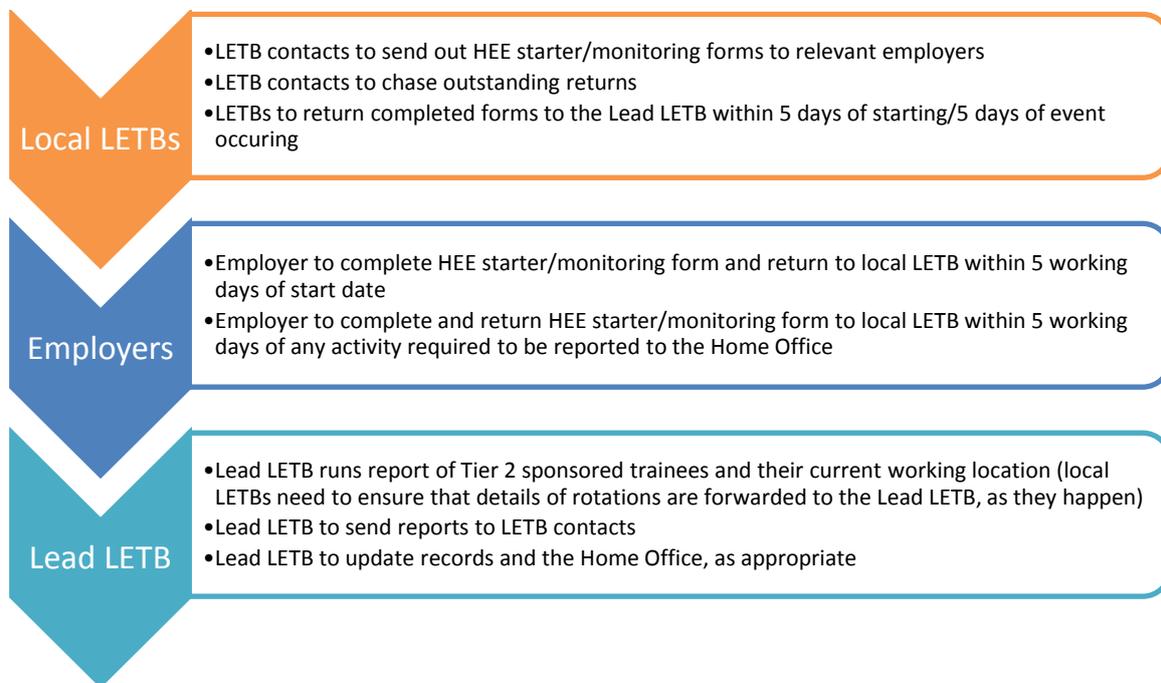


\* May still be some Tier 1s applying who will be RLMT exempt, providing there are no restrictions on them working as a doctor or dentist in training

\*\* Trainees on a Tier 5, dependents visa, residence of family member who wish to change to a Tier 2 will be subject to the RLMT and may need a restricted COS and apply from overseas.

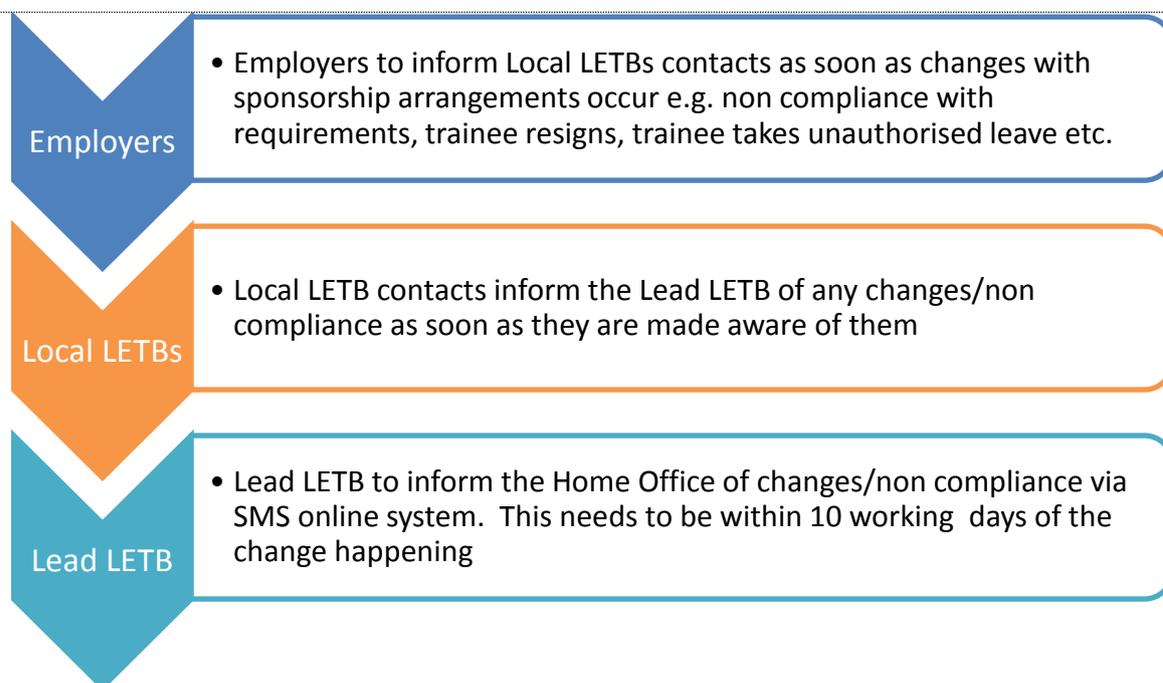
**APPENDIX B: PROCESS FOR MONITORING TRAINEES SPONSORED BY HEALTH EDUCATION ENGLAND**

**START OF ROTATION/MONITORING**



**ADHOC CHANGES TO SPONSORSHIP ARRANGEMENTS**

e.g. when trainees leave the training programme or do not comply with the sponsorship requirements



APPENDIX C: ROLES AND RESPONSIBILITIES

APPLYING FOR SPONSORSHIP

Local  
LETBs

- Send nationally agreed sponsorship application form to prospective trainee for completion
- Collect documents (as stated in Appendix D) and completed application from the prospective trainee
- Forward documents and application form to Lead LETB
- Forward RLMT information to Lead LETB
- Forward relevant job description and person specification to Lead LETB
- Update local workforce system with CoS number and expiry date, when received
- Obtain certified copy of new visa from Employer and send to Lead LETB for retention with central records
- Ensure that documents required after commencement in post (e.g. copy of first payslip) are also obtained from the trainee and sent to Lead LETB

Lead  
LETB

- Check documents and application forms received for trainees requiring sponsorship
- Complete application form on SMS online system and processes payment on behalf of applicant
- Liaise directly with the trainee regarding their application
- Update central records with trainee details, including sponsorship expiry date
- Forward issued CoS to trainee
- Inform local LETB of CoS number, once issued
- Provide updates on progress of applications, as requested by local LETB

ONGOING MONITORING OF SPONSORED TRAINEES

Local  
LETBs

- To send out nationally agreed starter/monitoring forms to Employers of Tier 2 sponsored trainees
- To provide Employers a list of the sponsored trainees starting at their Trust
- To chase outstanding monitoring returns from Employers
- To forward completed monitoring returns to the Lead LETB
- To forward changes to sponsored trainees' personal details to the lead sponsor
- To ensure that the lead sponsor is made immediately aware of any trainee who is not complying with the requirements of their sponsorship
- To participate in monthly telephone conferences with Lead LETB to discuss Tier 2 arrangements, including process and issues

Lead  
LETB

- To maintain central electronic records of all documents relating to Tier 2 sponsored trainees
- To provide all Local LETBs with a report of the rotation details for sponsored trainees working in their region
- To ensure that any changes to Tier 2 sponsored trainee contact details are amended on the central database
- To ensure that the Home Office is made aware of any Tier 2 sponsored trainees not complying with their sponsorship requirements within 10 working days, via the SMS online system
- To arrange and participate in monthly telephone conferences to discuss Tier 2 arrangements, including process and issues
- To contact Tier 2 sponsored trainees requesting a copy of their new passport at the time of renewal

**Please note:** Failure to comply with the Home Office regulations could result in the sponsorship licence being removed. This would jeopardise all sponsored trainees. It is therefore essential that both the lead sponsor and the LETBs fulfil their monitoring responsibilities as listed above

## APPENDIX D: INFORMATION / DOCUMENTATION TO BE RETAINED BY HEALTH EDUCATION ENGLAND AS PER THE HOME OFFICE GUIDANCE FOR TIER 2 SPONSORS

Documentation to be retained	Initial Source	Ongoing Maintenance and provision to HEE via Lead LETB
<b>Sponsor License</b>		
Documentation submitted to become a Tier 2 sponsor	Health Education England using Health Education West Midlands as their Lead LETB	HEE via HEWM as Lead LETB
<b>Medical Trainee Details</b>		
Contact details (UK residential address, telephone number, mobile telephone number.	Medical Trainee via application forms submitted for recruitment processes	Medical Trainee; to be fed into HEWM as the lead LETB
National Insurance Number, where applicable, copy of the migrant's NI card (or NI number notification letter from HMRC or the Department for Work and Pensions), wage slip, P45, P46, P60, P11 (employers declaration to HMRC), P14 (employers return to HMRC), P35 (employers annual return to HMRC).	Medical Trainee via application forms submitted for recruitment processes	Medical Trainee; to be fed into HEWM as the lead LETB
Payslip, clearly showing the name, NI number, tax code, any allowances paid and deductions made	Not applicable. Only gathered after trainee has been sponsored	Lead contact at each Local Education and Training Board; to be fed into HEWM as the Lead LETB
Record of the sponsored Medical Trainee's absence(s) - authorised and unauthorised.	Not applicable. Only gathered after trainee has been sponsored	Lead contact at each Local Education and Training Board through liaison with local employers/Trusts; to be fed into HEWM as the Lead LETB
Signed and dated copy of the contract of employment of the Medical Trainee.	Medical Trainee	Medical Trainee; to be fed into HEWM as the lead LETB
Details of the training placement / rotations of the sponsored Medical Trainee i.e. where they are allocated.	Local Education and Training Board	Lead contact at each Local Education and Training Board; to be fed into HEWM as the Lead LETB
An attested copy of sponsored Medical Trainee's medical school degree certificate and other relevant qualifications gathered at the time of recruitment to evidence skill level.	Medical Trainee	Medical Trainee; to be fed into HEWM as the lead LETB
GMC registration number	Medical Trainee	Medical Trainee; to be fed into HEWM as the lead LETB
Medical Trainee's passport pages showing all personal identity details (including biometric details), UK biometric card, leave stamps, or immigration status document including their period of leave to remain (permission to stay) in the UK. This must show the migrants entitlement to work for Health Education England	Medical Trainee	Medical Trainee; to be fed into HEWM as the lead LETB
<b>Advertisement : Resident Labour Market Test</b>		
Copy of the job advertisement including a screen shot of the website where the advertisement is placed including job centre plus	Recruitment Lead	n/a
Job Description and Person Specification	Recruitment Lead	n/a

<b>Recruitment and Selection</b>		
All applications short-listed for final interview	Recruitment Lead/Local Education and Training Board – dependent on recruitment model used	n/a
The names and total number of applicants short-listed for final interview	Recruitment Lead/Local Education and Training Board – dependent on recruitment model used	n/a
Notes from the final interviews conducted and for each EEA national who was rejected, showing reasons why they have not appointable.	Recruitment Lead/Local Education and Training Board – dependent on recruitment model used	n/a

## APPENDIX E: ADDITIONAL INFORMATION

- In order to maintain the role of sponsor, Health Education England is required to keep records of the Tier 2 sponsored medical trainees for the duration of sponsorship or until the Home Office Compliance Officer has examined and approved the documents (whichever is shorter) and to report any instances where the medical trainee contravenes the conditions of their visa. The local LETB has an important role to play in helping Health Education England to comply with the Tier 2 sponsor duties.
- As the Tier 2 sponsor, Health Education England is required to report any contravention of the requirements of Tier 2 status to the Home Office who may then carry out further investigations which could result in the removal of an individual's Tier 2 visa.
- If a Tier 2 sponsored trainee does not fulfil the requirements listed below, the Home Office has the ability to withdraw their Tier 2 Visa at any time. This would result in the termination of their employment and removal from the medical training programme in England as they would no longer be eligible to work in the UK.

### Behaviour that could result in the discontinuation or removal of a Tier 2 visa

- **Incurring 10 unauthorised absences** from activities the Tier 2 sponsored trainee is expected to attend in relation to their training programme e.g. attendance at work in practice, attendance at study days etc. Tier 2 sponsored trainees should anticipate any absences and have them authorised, in writing, by their Employer, Training Programme Director or Educational Supervisor in advance. There is no exhaustive list in the Home Office Guidance of what constitutes unauthorised absence, making it essential that they gain authority for **every** absence, regardless of how insignificant they perceive it to be.
- **Altering their commitment from full-time to part-time or flexible training.** In such circumstances, Health Education England will review the sponsorship arrangement as they need to ensure that they are in compliance with the Tier 2 sponsor duties and responsibilities.
- **Discontinuing their training programme**, for example if they resign from their post or are dismissed.
- **Accepting employment that falls outside the remit of their medical training.** A Tier 2 visa does not permit its owner to accept any employment other than that specified on the visa, in the case of Tier 2 sponsored trainees; this will be a medical or dental trainee in England. For example, if the trainees were to accept a part-time job / another position (out with the approved medical training programme to which they were recruited) to subsidise their income this would be a contravention of their Tier 2 visa. (Exceptions apply to supplementary bank work, working in shortage occupations and voluntary work.)

### Duration of Tier 2 certificate of sponsorship and extensions

- Tier 2 sponsored trainees will be granted a Tier 2 certificate of sponsorship by HEE for a maximum period of 3 or 5 years depending on the fee, in line with the Home Office regulations on Tier 2 sponsorship. Where a training programme is greater than 3 years in duration, trainees will have to be clear in their application whether they are applying for a 3 or 5 year visa.
- Where an extension to the Tier 2 trainee's visa is required to facilitate an extension to their training programme, Health Education England will issue a new certificate of sponsorship.

## **Maternity Leave**

- A period of maternity leave must be treated as an authorised absence and therefore the Tier 2 sponsored trainee's Tier 2 status will remain valid.

## **Tier 2 Sponsorship categories**

- Health Education England will not sponsor:-
  - Any Non-EEA citizens / prospective medical or dental trainees in England who are not part of a recognised medical training programme, including those who end/drop out of training programmes and apply for non-training posts.
  - Any Non-EEA citizens / prospective medical or dental trainees who have not been recruited in accordance with the Home Office regulations on Tier 2 sponsorship.
  - Tier 2 sponsored trainees in respect of whom the data retention and record keeping does not comply with the Home Office's regulations on Tier 2 sponsorship in line with Home Office regulations.

### APPENDIX F: GUIDANCE FOR ALL ENGLISH MEDICAL TRAINEES SPONSORED BY HEALTH EDUCATION ENGLAND UNDER THE TIER 2 CATEGORY

---

- Health Education England proposes to be licensed by the Home Office to provide Tier 2 sponsorship for all non-EEA citizens that require Tier 2 sponsorship to undertake a medical or dental training programme in England, this includes Local Area Team appointments to medical or dental training posts in England, where these have been appointed to as part of a national recruitment process.
- A Standard Operating Procedures exists between Health Education England (with Health Education West Midlands as its Lead LETB) all Local LETBs and Employing organisations regarding the management and administration of Tier 2 sponsorship for all medical and dental trainees in England requiring a Tier 2 visa effective from August 2015. Procedures are in place to monitor the activity of these trainees and report to the sponsor any contravention of the requirements of their Tier 2 visa status.
- As the Tier 2 sponsor, Health Education England is required to report any contravention of the requirements of Tier 2 status to the Home Office who may then carry out further investigation which could result in the removal of an individual's Tier 2 visa.
- For the duration of the medical or dental training programme, trainees should be conscious of the fact that if they do not fulfil the requirements below, the Home Office has the ability to withdraw the Tier 2 visa at any time. This would result in the termination of the trainee's employment and removal from the medical training programme as the trainee would no longer be eligible to work in the UK.
- It is important that medical trainees are aware of what is required of them as holders of Tier 2 visas. Behaviour that could result in the discontinuation or removal of the Tier 2 visa is as follows:-
  - **Unauthorised absences** from the training programme or missing 10 expected contacts<sup>1</sup>. Any absences should be anticipated and authorised in advance, in writing, by the Training Programme Director or Educational Supervisor / Employer. There is no exhaustive list of what constitutes unauthorised absence, making it essential that authority is gained for **every** absence, regardless of how insignificant it is perceived to be.
  - **Altering commitment from full-time to part-time or flexible training.** Health Education England will review the sponsorship arrangement as it needs to ensure that it are in compliance with its Tier 2 sponsorship duties and responsibilities.
  - **Discontinuing a training programme,** for example if resigning from a post or being dismissed.
  - **Accepting employment that falls outside the remit of the Medical Training Programme.** A Tier 2 visa does not permit trainees to accept any employment other than that of a medical or dental trainee in England (exceptions apply to supplementary bank work). For example, if a trainee were to accept a part-time job / another position (out with the approved medical training programme to which they were recruited) to subsidise their income this would be a contravention of their Tier 2 visa.

- Trainees must notify Health Education England, their employer and their Training Programme Director of all significant changes to their personal circumstances e.g. change of address, change of contact details etc. within 5 working days of the change of circumstances.
  - Trainees must notify Health Education England, their employer and their Training Programme Director of all absences which include sickness absence, annual leave, maternity leave, paternity leave, special leave and study leave as soon as practicably possible.
  - Applications for a Tier 2 visa must be submitted to the Home Office as soon as a certificate of sponsorship is granted by Health Education England and no later than within a month of their current visa expiry date, in accordance with the requirements of the Home Office.
  - Trainees must respond to any request of information from Health Education England in a timely manner.
  - It is the trainee's responsibility to ensure that they obtain the right to work in the UK prior to commencement and for the duration of the medical or dental training programme.
-