Department for Environment, Food and Rural Affairs

# Seasonal Worker visa route: request for information (RFI) response form

The RFI assesses your organisation’s capability to deliver the Seasonal Worker visa route.

This form has 3 parts:

1. Information about your organisation
   * Section A1 to 4 and A8: Details about the organisation and contact information
   * Section A5-7: Details of delivery
2. Exclusion grounds
   * Section B1-6: Grounds for mandatory exclusion
   * Section B7-8: Grounds for discretionary exclusion
3. Selection criteria
   * Section C: Ability to meet Home Office requirements
   * Section D: Capability to supply
   * Section E: Ability to deliver in the interests of the horticulture sector

You should answer the questions with enough detail to allow the Department for Environment, Food and Rural Affairs (Defra) to score your responses. Where relevant or requested, you should reference supporting evidence you will attach to your response. Your organisation must be able to implement the terms of its RFI responses in practice.

## Filling in the RFI form

Follow our guidance on [how to submit a response to this RFI](https://www.gov.uk/government/publications/seasonal-worker-visa-route-request-for-information-rfi/how-to-submit-a-response-for-the-request-for-information-rfi). It will tell you how to fill in the form and when you must submit it by.

# Part 1: Potential operator information

## Section A

### Question A1: Potential operator’s details

Full name of the organisation

This should be the organisation bidding to be an operator.

Registered office address

Include the property name or number, street name, town, county, postcode and country.

Company operating address (if different from the registered office address)

Include the property name or number, street name, town, county, postcode and country.

Immediate parent company (if applicable)

Ultimate parent company (if applicable)

### Question A2: Tell us what type of organisation you are

For example, public limited company (PLC), limited company, limited liability partnership (LLP), other partnership, sole trader, or other (if other please specify what type of organisation)

Companies House or Charity Commission registration number

If your organisation is a PLC, limited company or LLP, provide your organisation’s Companies House registration number. If your organisation is a charity, provide its Charity Commission registration number.

### Question A3: How big is the organisation?

State if your organisation is ‘Small’, ‘Medium’ or ‘Large’, based on the following [Companies Act definitions](https://www.gov.uk/government/publications/life-of-a-company-annual-requirements/life-of-a-company-part-1-accounts#small-company).

Small

Medium

Large

### Question A4: Details of the organisation’s contact person

You must provide details of someone in your organisation who we can contact if we have any enquiries about your RFI response.

Contact’s full name

Job title

Address (if different to the company’s registered office)

UK telephone number (including the area code)

Email address

#### Secondary contact

You must provide a secondary point of contact if the primary contact may be out of contact for more than 2 working days during the selection process.

Contact’s name

Job title

Address (if different to the company’s registered office)

UK telephone number (including the area code)

Email address

### Question A5: What type of operator licence is this response for?

Poultry operator

Horticultural operator

### Question A6: Is your organisation intending to provide all the services required by itself?

### Question A7: If not, are you intending to use subcontractors to provide some services?

For example, using a subcontractor for the monitoring activities.

### Question A8: Lead operator’s details

If you want to bid as the lead contact for a group of economic operators, you must include:

* whether you have provided any supporting documents to support your responses
* whether you have provided a supporting document setting out completed exclusion grounds questionnaires, as detailed in Section B of this form, for any proposed subcontractors
* the name of the group of the economic operators
* the proposed legal structure, if the group of economic operators intends to form a named single legal entity before they sign a contract (if awarded)
* an explanation of your organisation’s legal structure, if you do not propose to form a single legal entity

You can attach supporting documents that help you to respond to this question to your form. Supporting documents can include information on the proposed supply chain, identifying the differing service or product deliverables and which organisation will provide them (where known).

You can also attach a supporting document to this form that sets out completed exclusion grounds questionnaires, as detailed in Section B of this form, for any proposed subcontractors.

# Part 2: Grounds for exclusion

## Grounds for mandatory exclusion

You must indicate if you, your organisation or any person who has powers of representation, decision or control in the organisation has been convicted of any of the offences detailed in this section:

* in the last 5 years
* anywhere in the world

In responding to this question, apply the definitions listed on the [Public procurement mandatory exclusion grounds](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdfd).

### Question B1: Have you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted of any of the following offences? (Tick box if you have been convicted of any of the offences):

Being part of a criminal organisation

Corruption

Fraud

Terrorist offences or offences linked to terrorist activities

Money laundering or terrorist financing

Child labour and other forms of trafficking in human beings

### Question B2: If you have ticked any of the boxes in question B1, you must provide us with:

* the name of the person convicted of the offence
* their role in your organisation
* the date they were convicted of the offence
* details of the grounds for the conviction and reasons for the conviction

### Question B3: If any relevant documentation about the offence is available electronically, provide us with details of the documentation

For example, the web address of the documentation, the issuing authority, any precise reference numbers, or details of the documents.

### Question B4: Has your organisation ever been in breach of obligations related to the payment of tax or social security contributions?

Breaches that were established by a judicial or administrative decision that has a final and binding effect in accordance with the legal provisions of the UK or the country your organisation is established in.

Yes

No

### Question B5: If you have answered yes to B4, provide further details

You must also confirm you have paid or have entered a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest or fines.

### Question B6: Discuss the measures taken to show the reliability of your organisation

If you have confirmed there are relevant grounds for exclusion, you must provide evidence of the measures you have taken to demonstrate the reliability of the organisation. You can attach supporting documents that show the measures taken with this form.

Your response should:

#### provide details of the measures taken

#### reference any supporting documents attached with this form

## Grounds for discretionary exclusion

You must indicate if the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in your organisation:

* in the last 3 years
* anywhere in the world

### Question B7: Have any of the following situations applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation?

Breach of environmental obligations.

Breach of labour law obligations.

Bankrupt or is the subject of insolvency or winding-up proceedings - where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended, or it is in any analogous situation arising from a similar procedure under the laws and regulations of any state.

Guilty of grave professional misconduct - shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions.

Entered into agreements with other economic operators aimed at distorting competition.

Aware of any conflict of interest with respect to the visa route scheme.

### Question B8: Details of the situation

If you have selected any of the boxes in question B7, you must provide further details about the situation.

# Part 3: Selection criteria

## Section C: Ability to meet Home Office requirements

## Pass or fail questions

You must get a ‘pass’ mark for each question in this section for Defra to consider your organisation for endorsement.

### Question C1: Details of your Gangmasters and Labour Abuse Authority (GLAA) licence

You must confirm that you are licensed by the GLAA by giving the details on your licence.

Include your:

* business name
* unique reference number,
* licence name

### Question C2: You must confirm that you will only supply labour for the specific activities set out in the RFI notice page

Provide details of the [specific activities](https://draft-origin.publishing.service.gov.uk/government/publications/seasonal-worker-visa-route-request-for-information-rfi/seasonal-worker-visa-route-rfi-notice#activities-seasonal-workers) you will supply labour for.

### Question C3: Confirm that your organisation will comply with the following conditions of the scheme

I can confirm that:

we will not use the visa route to supply our own labour needs, only as a third-party provider

we will not place any additional charges on participating migrants beyond the administration of the visa route, and we will not charge any work-finding fees (this includes our agents)

we provide employers with a written contractual agreement for supply of workers

we have attached to this form the written contractual agreement template our organisation uses for the supply of workers

### Question C4: You must provide evidence to demonstrate that any charges on participating migrants are required for the administration of the visa route and are consistent with relevant legislation and ethical standards

Your response should reference any evidence you have attached to this form that relates to this question.

For example, a list of all the charges (if any) that you will charge participating migrants for the administration of the visa route.

### Question C5: You must confirm that you will meet the following conditions of the scheme when sponsoring a migrant as part of the visa route scheme

We can confirm that:

all migrants we sponsor will:

* be at least 18 years old
* not establish a business in the UK
* only take employment in [a seasonal job permitted by the visa route](https://www.gov.uk/government/publications/seasonal-worker-visa-route-request-for-information-rfi/seasonal-worker-visa-route-rfi-notice#the-jobs-seasonal-workers-can-do), and with an employer in the horticultural or poultry sector
* receive a contract (and any variations to that contract) in their native language
* comply with the conditions of their permission to stay

participant migrants we sponsor will not stay in the UK beyond the maximum periods of time permitted by the Seasonal Worker visa route.

we understand that if the Home Office approves us as an operator, the Home Office may revoke our licence if, within any 12-month period:

* fewer than 95% of our sponsored migrants are granted entry clearance
* 3% or more of our sponsored migrants fail to arrive at their place of employment
* fewer than 97% of our sponsored migrants return overseas at the end of their visa

we have a policy for selecting overseas agents and auditing their ongoing activities to make sure they act ethically

we will provide a copy of the above policy and evidence of our auditing methodology and activities with this form

we will work with the GLAA to review our existing safeguarding process and, if necessary, develop new processes

neither we, nor any employer we place migrants with, will retain a migrant’s passport or travel documents.

### Question C6: Are you able to provide a copy of your audited accounts for the last 2 years, if requested?

Yes

No

### Question C7: If you cannot provide audited accounts for the last 2 years, can you provide alternative documentation?

A statement of the turnover, profit and loss account, income statement, balance sheet or statement of financial position and statement of cash flow for the most recent year of trading for this organisation.

Yes

No

A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position.

Yes

No

Alternative means of demonstrating your organisation’s financial status, if any of the above are not available (for example, forecast of turnover for the current year and a statement of funding provided by the owners or a bank, charity accruals accounts or an alternative means of demonstrating financial status).

Yes

No

## Minimum threshold questions

This section sets out questions that reflect the minimum requirements for Defra to consider your organisation for endorsement.

This section makes up 45% of the scoring of your RFI.

### Question C8: Explain what participating migrants will do under the visa route scheme

This question has a weighting of 4% and minimum threshold score of 50.

Details of the roles filled should include:

* the salaries or payments that will be made to participating migrants
* the specific roles and activities covered by the visa route

Your response must be consistent with [the jobs that seasonal workers can do](https://www.gov.uk/government/publications/seasonal-worker-visa-route-request-for-information-rfi/seasonal-worker-visa-route-rfi-notice#the-jobs-seasonal-workers-can-do) under the visa route.

### Question C9: You must provide evidence of how you will ensure that all the roles will conform to all relevant UK and European employment legislation

This question has a 2% weighting and minimum threshold score of 50.

Attach to this form any evidence that shows how the roles conform with the following legislation:

* Employment Rights Act 1996
* The National Minimum Wage Act 1998
* Relevant regional Wages Boards and/or legislation (Scotland, Wales and Northern Ireland)
* Working Time Regulations
* Transfer of Undertakings (Protection of Employment) Regulations 2006
* Agency Workers Regulations 2010

### Question C10: Explain how you will ensure that you sponsor only those migrants whom you are satisfied are genuinely coming to the UK to undertake seasonal work in either the horticulture or poultry sectors

This question has a weighting of 3% and minimum score threshold of 50.

### Question C11: The arrangements you will use for selecting participating migrants

This question has a weighting of 2% and minimum score threshold of 50.

Your response to this question should explain:

* the arrangements you will use for selecting participating migrants
* how you will make sure there is no unlawful discrimination in this selection process

### Question C12: Explain the arrangements you will put in place to monitor migrants

This question has a weighting of 6% and minimum score threshold of 50.

Your response should demonstrate how your systems for monitoring migrants make sure:

* the workers’ work environment is safe and complies with relevant Health and Safety requirements
* employers take adequate steps to ensure workers understand Health and Safety procedures, including providing translations into the workers’ first language if required
* workers are treated fairly by their employer, including not penalising workers for failing to work at the fair piece rate
* workers are given an employment contract in their first language, as well as in English – these must not be zero-hours contracts
* workers are paid properly – this includes paying the minimum hourly rate, alongside satisfying relevant National Minimum Wage regulations, including those on fair rates for piece work, and holiday pay
* workers are allowed time off and proper breaks
* workers are made fully aware of procedures if they are sick or injured, including how to make a claim on any medical insurance they may have
* workers are provided with appropriate equipment to do their job safely and are not charged for it, including any replacements of worn and accidentally damaged items
* employers with whom you have placed workers do not impose additional, unnecessary charges on workers, whether directly or indirectly
* workers are housed in hygienic and safe accommodation that is in a good state of repair
* workers are not transported in unsafe vehicles
* workers are not threatened with, or subjected to, violence
* workers are not subject to any discrimination
* workers’ passports, travel documents or any other identity documents are not withheld from them
* procedures are in place to enable workers to report any concerns to you
* workers are made fully aware of the expectations on you and the employer, and how to report any concerns where those expectations are not met

### Question C13: Provide details of the arrangements you will put in place to ensure the safety and protection of participating migrants

This question has a weighting of 6% and minimum score threshold of 50.

Your response to question should include:

* what arrangements you will put in place
* the systems and process you will use
* how you will respond to any issues that arise

### Question C14: Details of accommodation for migrants

This question has a weighting of 4% and minimum score threshold of 50.

You should give sufficient information to demonstrate adequate accommodation conditions for migrant workers in compliance with relevant legislation. This should include details of what accommodation will be provided for migrants and where. You should also note how you will vet the accommodation to make sure health and safety standards are met, and quality living conditions maintained.

### Question C15: Explain the arrangements you will put in place to ensure migrants leave the UK at the end of their employment

This question has a weighting of 4% and minimum score threshold of 50.

### Question C16: Explain the measures you will put in place to protect the visa route workers from abuse

This question has a weighting of 4% and minimum score threshold of 50.

Potential operators should explain the measures they will put in place to protect visa route workers from abuse including, but not limited to, activities prohibited by GLAA regulations and relevant legislation, and activities inconsistent with appropriate ethical behaviour.

You may also specify anything that is not covered by your answers under C8 to C20. The [Home Office’s sponsorship guidance](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker) lists the abuses they check for.

### Question C17: Explain how you will establish clear employer transfer pathways for participating workers

This question has a weighting of 2% and a minimum score threshold of 50.

You will need to set out how you will ensure the following:

* a clear employer transfer pathway
* transparent criteria for making a transfer request
* a fair process for considering such requests

Explain how your stated process complies with the [[Workers and Temporary Workers guidance for sponsors](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker)](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker-accessible-version), in particular, the information on [the responsibilities of approved scheme operators](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker-accessible-version#SE3).

### Question C18: Explain how you will meet the sponsor duties on record keeping, reporting and complying with the law

This question has a weighting of 2% and minimum score threshold of 50.

The duties you need to meet are set out in the [guidance for sponsors part 3: sponsor duties and compliance](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance)

You will need to include the following information:

* how you will meet the sponsor duties
* the systems and processes you will use

For more information, read the Home Office’s guidance on [sponsorship for employers and educators](https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators) and on [workers and temporary workers for sponsors of a seasonal worker](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker). See Appendix D of the sponsor guidance, on [keeping records for sponsorship.](https://www.gov.uk/government/publications/keep-records-for-sponsorship-appendix-d)

### Question C19: Explain how you will provide the monitoring information required by Defra to review the visa route and report to the Home Office. Defra may request monitoring data in varying formats (using common business applications) within reasonable timeframes

This question has a weighting of 4% and minimum score threshold of 50.

Here are some examples of monitoring data that may be requested:

* number of workers recruited
* number of early leavers
* hours of work done by migrants, including breakdown by crop category (for example, soft fruit)
* what they were paid
* illness or injury
* aggregated demographic data of the worker including their nationality and age
* the farms with which migrants have been placed (their name, location and contact details)
* a breakdown of how many migrants were provided to England, Scotland, Wales and Northern Ireland.

### Question C20: Explain how you will ensure that employers using workers from the visa route are engaging with their local job centre

This question has a weighting of 2% and minimum score threshold of 50.

Employers who would like to access workers through the visa route will need to show that they have engaged with their local job centre first.

For example, you could provide details of the type of evidence you will ask from employers to demonstrate that they have engaged with their local job centre.

## Section D: Capability to supply

This section provides potential operators with the opportunity to demonstrate that they have the capability to deliver the visa route.

This section makes up 30% of the scoring.

### Question D1: Describe your experience of operating schemes under the immigration framework

This question has a weighting of 3% and minimum score threshold of 0.

Your answer should include details of:

* your organisation’s experience of operating a relevant immigration scheme
* evidence of any infringements of immigration rules
* the number of workers placed under such schemes, in what occupations and regions

### Question D2: Experience of sourcing migrant seasonal workers for the horticulture or poultry sector

This question has a weighting of 5% and minimum score threshold of 0. Weight will be given to experience within the specific sector to which your response pertains.

Your response should include information about:

* the processes and systems you use for sourcing migrant seasonal workers for the horticulture or poultry sector
* the countries where you currently source migrant seasonal workers from for the horticulture or poultry sector
* third party agencies and other parties you use to source in-country
* the criteria you (and your agents) use for selecting migrant seasonal workers for the horticulture or poultry sector
* how you monitor the activities of your agents overseas
* how you contract with migrant seasonal workers for the horticulture or poultry sector

Provide a copy (in English and the languages of migrant workers) of the contractual template you or your agents use to contract with migrant seasonal workers for the horticulture or poultry sector.

### Question D3: Experience of managing migrant seasonal workers during their stay in the UK

This question has a weighting of 5% and minimum score threshold of 0.

Your response should include information about:

* the processes and systems you use for tracking migrant seasonal workers across different employers
* tracking the arrival of migrant seasonal workers in the country and their departure
* monitoring the welfare of migrant seasonal workers whom you place with employers

### Question D4: Experience of complying with GLAA regulations

This question has a weighting of 5% and minimum score threshold of 50.

Your response should include the details of:

* your experience working with GLAA regulations
* any GLAA licence breaches or formal warnings you have incurred

### Question D5: Details about the number of seasonal agricultural workers you placed from 2013 to 2019

This question has a weighting of 3% and minimum score threshold of 0.

Your response should include how many workers you’ve placed each year. Provide a total and a breakdown by both:

* UK regions – for this purpose, these are England, Scotland, Wales and Northern Ireland
* agricultural sub-sectors

### Question D6: Demonstrate your capability to provide visa route workers to growers and employers across the UK

This question has a weighting of 7% and minimum score threshold of 50.

Your response should include evidence of your:

* capability to provide seasonal workers to growers and employers across the UK (England, Scotland, Wales and Northern Ireland)
* commitment to making sure seasonal workers are provided across the UK

### Question D7: Explain the measures you would put in place to ensure that your supply of visas is optimised against the demand for seasonal workers in the sector

This question has a weighting of 2% and minimum score threshold of 50.

Your response should include:

* evidence of how you would ensure that small, medium and large growers benefit from the visa route
* evidence of how you would ensure that the supply of workers through the visa route effectively matches demand
* evidence of how you would move workers from farm to farm as growing seasons end to optimise visa usage

## Section E: Ability to deliver in the interests of the horticulture sector

This section makes up 25% of the scoring.

These are additional criteria to make sure the extended pilot is operated in the interest of the horticultural industry.

### Question E1: Provide details of any commitments you will make in your final scheme proposal relating to the amounts you will charge, and the terms and conditions you will offer growers and employers whom you supply with migrant seasonal workers

This question has a weighting of 7% and minimum score threshold of 50.

You must include information in your responses about:

* the commitments you will make relating to the amounts you will charge growers and employers whom you supply with seasonal workers, and the terms and conditions you will offer growers and employers whom you supply with migrant seasonal labour
* any variations in your intended charges to reflect differences such as geographical location, business type, business size or order size
* how you will report to Defra to demonstrate that you are meeting your commitments

This question will be scored on the overall value for money for industry that the potential pilot operator’s complete package of services, prices and terms and conditions represent, and whether the package is sufficient to meet the obligations set out in the RFI.

### Question E2: Describe the process you will use for placing seasonal workers with employers if demand from growers proves to be greater than supply

This question has a weighting of 3% and minimum score threshold of 20.

As part of your response, you must include:

* a description of the process you will use
* an explanation on how you will ensure that no employer is provided with more than 60% of their workforce through the visa route

### Question E3: Provide details of the arrangements for regular income

This question has a weighting of 1% and minimum score threshold of 20.

The operators will be responsible for making sure workers they source get a regular income and are not left destitute if full-time work is not available over any period. This is because seasonal workers cannot get work outside the sector and are not eligible to access public funds.

Your response should explain how you will make sure the workers you source are not placed in this position.

### Question E4: Provide details about the arrangements for migrant health insurance

This question has a weighting of 1% and minimum score threshold of 50.

Your response should explain:

* the arrangements you will put in place to make sure migrants you source have adequate health insurance or equivalent cover for medical expenses while they are in the UK
* how you intend to cover any costs related to health insurance, such as charge growers or charge migrants

### Question E5: If you were selected as an operator, which labour markets would you look to source migrant seasonal workers from?

This question does not contribute to the scoring of the RFI form and is for information only.

Your response should include:

* a list of countries you expect to source workers from
* an explanation of why you would source workers from these countries

# Declaration

I hereby declare that the details provided above and information in any accompanying annexes are true and correct to the best of my knowledge and belief.

Add an electronic signature to your response.

Name (printed)

Title

Signature

Date

© Crown copyright 2020

You may reuse this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v.3.

To view this licence visit [www.nationalarchives.gov.uk/doc/open-government-licence/version/3/](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/) or email [PSI@nationalarchives.gsi.gov.uk](mailto:PSI@nationalarchives.gsi.gov.uk)