

# **Compliance Casework Guidance**

Version 1.0

Page 1 of 41 Published for Home Office staff on 20 January 2025

# Contents

Contents	2
About this guidance	4
Contacts	4
Publication	4
Changes from last version of this guidance	4
Introduction	5
Compliance checks	5
Who is involved at the caseworking stage	6
Caseworkers	6
Higher Executive Officers (HEO)	6
Senior Executive Officers (SEO)	7
Identifying a compliance case	8
How are compliance cases received?	9
Adhering to sponsorship compliance duties and UK immigration law	10
Circumstances in which we will revoke a sponsor's licence	10
Circumstances in which we will normally revoke a sponsor's licence	11
Circumstances in which we may revoke a sponsor's licence	11
What happens when we revoke a sponsor's licence	12
Consideration of a compliance case	13
Visit report rejection	15
Caseworker responsibilities	15
Checking for markers/special markers	16
Caseworker decisions	18
First stage decisions	18
Maintain A rating	18
Background	18
Alternative decision	18
Intention to re-rate to B rating	20
Background	20
Action	20
Suspension	20
Background	20
Action	21
Immediate revocation	21
Page 2 of 41 Published for Home Office staff on 20 January 2025	

Background21	
Action	
Second stage decisions22	
Allocating and considering representations22	
Re-rate B	
Background23	
If representations are received23	
If no representations are received23	
Action plans	
Continuation of suspension24	
Background24	
Action	
Reinstatement to A rating (following suspension)24	
Background24	
Reinstatement to B rating (following suspension)25	
Background25	
Revocation	
Background26	
Action	
The Sponsor or a representative requests information relating to a compliance case	
Dealing with a request	
Caseworker action	
Metastorm user guides	
Notification and letter to sponsor	
Stakeholder Notification	
Sponsor specific yellow folder	
Post-dispatch	
Update spreadsheet	
Storage of file	

# About this guidance

This guidance tells caseworkers how compliance caseworkers make decisions on casework compliance cases. Its purpose is to provide instruction on the compliance case working process for the Sponsor Compliance Team (SCT).

# Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, email the Migration Policy Unit.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance, you can email the Guidance Rules and Forms team.

# **Publication**

Below is information on when this version of the guidance was published:

- version **1.0**
- published for Home Office staff on 20 January 2025

# Changes from last version of this guidance

• this is the first published version of this guidance

Related content Contents

# Introduction

This section tells you about compliance checks, the reasons why compliance related activity is conducted and the different roles involved in case working.

# **Compliance checks**

Significant trust is placed with sponsors and with this trust comes a direct responsibility to act in accordance with the UK's immigration laws. Sponsorship is a privilege, not a right and those who benefit most directly from employing migrant workers must play their part in ensuring the immigration system is not abused, comply with wider UK Law, and not behave in a manner that is not conducive to the public good. This forms the background for why UK Visas and Immigration (UKVI) conducts compliance checks.

Part 3 of the guidance for sponsors outlines the duties and responsibilities UK sponsors must meet and explains how the Home Office (HO) monitors compliance with these.

On obtaining a licence, all sponsors, irrespective of the route for which they are licensed, are bound to perform sponsor duties, and meet certain standards. Compliance checks play a large part of how the HO monitors that sponsors are adhering to this. Without these checks, sponsors and migrant employees would be more susceptible to exploitation.

Below are some of the ways these checks are done (this list is non-exhaustive):

- pre-licence visits
- post-licence visits
- checks with other government departments
- digital compliance check

UKVI has a duty to ensure sponsors discharge these responsibilities and, when necessary, conduct compliance action when it is considered that a sponsor has failed to adhere to their duties or otherwise poses a risk to immigration control. If abuse of sponsorship arrangements is discovered through compliance action, UKVI reserves the right to:

- downgrade a sponsor's licence
- create action plans that a sponsor must adhere to
- <u>suspend</u> a sponsor's licence
- <u>revoke</u> a sponsor's licence
- report an immigration crime to the relevant authorities

This not an exhaustive list.

It is important that caseworkers understand their role in preventing any abuse of the sponsorship system and wider UK immigration laws.

Page 5 of 41 Published for Home Office staff on 20 January 2025

# Who is involved at the caseworking stage

Throughout this document there will be references to the following roles involved in compliance caseworking.

- caseworkers
- higher executive officers (HEO)
- senior executive officers (SEO)

Below is a summary of responsibilities of each role and will be explored further in this guidance.

# Caseworkers

In this guidance "Caseworkers", refers to both Administration Officers (AO) and Executive Officers (EO) within the Sponsor Compliance Team (SCT). These members of staff are responsible for consideration and post suspension decision making of a sponsor's licence. Referred to in this guidance as <u>First stage decisions</u> and <u>Second stage decisions</u>.

Caseworkers will:

- identify compliance cases
- consider compliance case
- fill in an 'alternative decision form' or draft relevant letter
- <u>identify action</u> requests for sending of documents related to a compliance case to sponsors
- consider representations and draft decision letters
- conduct decision related actions on the internal system metastorm
- notify sponsors and stakeholders of the compliance related decisions

# Higher Executive Officers (HEO)

HEOs will:

- consider 'alternative decision forms'
- check <u>report rejection</u> forms and forward them to the relevant SEO, chasing if necessary
- check decision letters drafted by caseworkers and forward them to an SCT SEO
- discuss litigation and Q6 markers with caseworkers
- consider requests for sending of documents related to a compliance case to sponsors
- draft <u>revocation</u> letters where; an <u>action plan</u> invoice is not paid, or representations are not submitted
- draft decision letters for high profile cases
- <u>notify sponsors</u> and <u>stakeholders</u> of the compliance related decisions

Page 6 of 41 Published for Home Office staff on 20 January 2025

# Senior Executive Officers (SEO)

SEOs will:

- check and decide whether to pursue a report rejection
- check and decide whether a compliance case is high profile
- overall ownership of the high-profile cases (HPCs)
- check and authorise (clear) letters drafted by caseworkers
- check and authorise (clear) letters drafted by HEOs

#### **Related content**

Contents First stage decisions Second stage decisions Consideration of a compliance case Alternative Decision The Sponsor a representative requests information relating to a compliance case Caseworker Decisions Notification & Letter to Sponsor Stakeholder Notification Visit report rejection Checking for Markers/Special Markers Revocation Action plans

# Identifying a compliance case

This section tells you how a compliance case is identified and what format you can expect compliance information to be presented in.

Caseworkers have inbox duties at the beginning of the process, as part of this duty they will deal with email referrals received via the Sponsor Compliance Team inbox. The HEO Workflow Manager will deal with compliance visit reports received via PRAU On Demand.

#### Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

#### Official - sensitive: end of section

# How are compliance cases received?

There are many ways a compliance case can be received, although not an exhaustive list this can be:

- a referral email sent via the SCT inbox
- a visit report via the PRAU On Demand database system

Once you have identified a compliance case then you can allocate it to yourself by filtering the latest live spreadsheet located in the shared drive:

## Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use

#### Official – sensitive: end of section

Related content Contents Report rejection

# Adhering to sponsorship compliance duties and UK immigration law

This section tells you about the circumstances in which we will revoke a sponsor's licence.

UK sponsors must comply with UK immigration law and all parts of the worker and temporary worker sponsor guidance. Caseworkers should be diligent in identifying where there are shortfalls in compliance. This section provides some examples of non-compliant actions from the annexes  $\underline{C1}$ ,  $\underline{C2} \& \underline{C3}$  of part 3 of the guidance for sponsors.

We may, prior to revocation, suspend a sponsor's licence while considering the below examples. However, we reserve the right to revoke a sponsor's licence without suspending it.

# **Circumstances in which we will revoke a sponsor's licence**

Below are some of the circumstances in which we will revoke a sponsor's licence (this list is not exhaustive and serves as a lead-in, please refer to <u>Annex C1</u> from part 3 for a full list)

Annex C1 states we will revoke if:

- we find false information was supplied as mentioned in Annex C1 part a
- we find a member of the organisation who fits the definition of "you" or "your" (as defined in the <u>glossary in Part 1 of the sponsor guidance</u>) has been convicted of or has an unspent conviction of a relevant offence listed in <u>annex</u> <u>L4 of part 1: apply for a licence</u>
- the sponsor stops having, or we discover has never had a trading or an operating presence in the UK
- the sponsor loses accreditation or registration with an appropriate regulatory body that is relevant for their route
- the sponsor loses planning permission or local authority planning authority consent to operate at their trading address
- the sponsor loses/does not have approval by a relevant food authority as a food business
- a sponsor is issued with a Civil Penalty as detailed in Annex C1 parts g to k
- sponsor is B-rated twice during the validity period or has not met one or more of the requirements of an action plan within the specific period
- the sponsor has not paid an <u>Action plan</u> fee within 10 working days of the Action Plan invoice being issued
- a sponsorship management system (SMS) user appoints a Certificate of Sponsorship (CoS) to themselves, or a close relative or partner and an exception doesn't apply

# Circumstances in which we will normally revoke a sponsor's licence

(This list is not exhaustive and serves as a lead-in, please refer to <u>Annex C2</u> from part 3 for a full list)

Annex C2 states we will normally revoke if:

- the sponsor fails to comply with any of their sponsor duties set out in <u>section C1</u> of part 3 of the sponsor guidance
- we are not satisfied the sponsor is using a process or procedure necessary to fully comply with their sponsor duties, based on the information provided to us
- a sponsor is issued with a Civil Penalty as detailed in Annex C2 part c
- the Sponsor is employing a worker (whether sponsored or not) who is subject to immigration control as detailed Annex C2 part d
- the sponsor fails to co-operate with a compliance check, where required, or delays compliance activity
- the sponsor provides a false statement or false information, or has not provided, when required, information that they held to us or any other Government Department
- the sponsor has no sponsorship management system (SMS) users in place.
- the sponsor engages in actions or behaviours that are not conducive to the public good
- the sponsor pays a sponsored worker in cash
- the sponsor is, or was, liable to pay the Immigration Skills Charge in respect of a worker whom they are, or were, sponsoring, and they have asked that worker to pay some or all of the charge, or they have recouped, or attempted to recoup, some or all of the charge from them

# Circumstances in which we may revoke a sponsor's licence

(This list is not exhaustive and serves as a lead-in, please refer to <u>Annex C3</u> from part 3 for a full list)

Annex C3 states we may revoke if:

- we find that a worker they have sponsored or employed has not complied with the conditions (rules) of their permission to stay in the UK, other than conditions relating to employment, and the sponsor has not been following good practice guidance set out by us or a relevant sector body
- any of the sponsor's Level 1 or Level 2 Users disclose their sponsorship management system (SMS) password to another person
- the sponsor has been issued with a warning notice (not a civil penalty) under section 15 of the Immigration, Asylum and Nationality Act 2006 (employment of illegal workers) within the last 5 years

- the sponsor has, or, as far as they are aware, any organisation that they have been involved with in a similar role has, been issued with a penalty for failure to pay VAT or duty within the last 5 years
- the Sponsor or any organisation that they have been involved with in a similar role has had its authorisation removed by the Office of the Immigration Services Commissioner (OISC) under the Immigration and Asylum Act 1999.
- the sponsor has been issued with a civil penalty not mentioned elsewhere in this guidance and we believe this is of relevance to their ability to carry out their sponsor duties or suitability to hold a sponsor licence

# What happens when we revoke a sponsor's licence

When a sponsor's licence has been revoked, they enter a 12 month 'Cooling-off period'. During this time, the sponsor is unable to make any further applications for a sponsor licence until at least 12 calendar months from the date of the revocation notification letter has passed.

As mentioned in guidance '<u>Part 3: sponsors duties and compliance</u>' (C10.15) any existing workers will be notified and may have their leave curtailed or cancelled (the latter if complicit in the reason for revocation).

#### **Related content**

<u>Contents</u>

#### **Related external links**

Workers and Temporary Workers - guidance for sponsors part 1: apply for a licence -GOV.UK (www.gov.uk) Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance - GOV.UK (www.gov.uk)

# Consideration of a compliance case

This section tells you what information is considered, how to consider rejecting a visit report and what to do with High Profile cases.

#### Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

Page 13 of 41 Published for Home Office staff on 20 January 2025

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

# Visit report rejection

# Caseworker responsibilities

Visit reports should be objective, factual and follow the tasking that led to the visit. The Sponsor Compliance Network (SCN) will sample a percentage of cases checking that the tasking for the visit has been followed. However, caseworkers are responsible for checking if there are any factual errors in the report or where the Compliance Officer recorded opinions or made assumptions which are not supported by evidence.

When a report rejection is identified, the caseworker is required to speak to the Higher Executive Officer (HEO) Single Point of Contact (SPOC) and confirm that rejection is appropriate. Once confirmed, the caseworker must complete the Report Rejection Form and send to the HEO SPOC with the visit report.

#### Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

Page 15 of 41 Published for Home Office staff on 20 January 2025

Official - sensitive: end of section

# **Checking for markers/special markers**

## Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Page 16 of 41 Published for Home Office staff on 20 January 2025

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

#### Official - sensitive: end of section

Related content Contents Metastorm user guide – Special Marker

## Related external links

<u>Guiding principles</u> <u>Sponsor a worker: sponsor guidance part 2 - GOV.UK</u> <u>Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and</u> <u>compliance - GOV.UK (www.gov.uk)</u>

# **Caseworker decisions**

This section tells you what first stage and second stage decisions are, what actions caseworkers need to take once consideration of a case is complete. All letters drafted must be authorised as specified in this section before being issued.

<u>First stage decisions</u> are made following consideration of a referral or visit report, which are received by the sponsor. These are:

- maintain A rating
- intention to re-rate to B rating
- suspension
- immediate revocation

<u>Second stage decisions</u> are made following consideration of representations, which are received from the sponsor or their representative. Decisions received by the sponsor or representative are:

- <u>re-rate B</u>
- continuation of suspension
- reinstatement to A rating (following suspension)
- reinstatement to B rating (following suspension)
- revocation

# **First stage decisions**

# Maintain A rating

## Background

If minor issues are identified and have been addressed prior to taking compliance actions, then you can inform the sponsor that you will maintain their organisation as an A-rated sponsor.

## Alternative decision

Deciding to maintain a sponsor's A rating could mean an alternative decision has been made, which conflicts with the overall compliance rating from the visit.

If such a decision is made, then the caseworker would be required to complete a 'Alternative Decision Form' specifying the relevant areas) of compliance the decision relates to and providing the reason. The form is then sent to a HEO SPOC to authorise. Once authorised, it is recorded in the sponsor's specific yellow folder.

## Official - sensitive: start of section

Page 18 of 41 Published for Home Office staff on 20 January 2025

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

#### Official – sensitive: end of section

# Intention to re-rate to B rating

## Background

Where there is scope to rectify minor, one-off shortcomings or omissions in systems or retained documents, you will need to send an intention to 're-rate to B' letter to the sponsor. This letter informs the sponsor of our intention to downgrade their licence rating from A to B, following the recent compliance visit.

Sponsors can submit representations to address all the issues that were outlined but will need to do so within 20 working days from the date on the letter sent. You may extend this period at the sponsor's request but only if you are satisfied there are exceptional circumstances for doing so.

# Action

- 1. Draft an 'intention to re-rate to b sponsor' letter, giving the sponsor the opportunity to submit representations and fill in the appropriate fields.
- 2. Follow authorisation action.
- 3. Follow post-authorisation action for intention to B-rate cases, no action is required on metastorm.
- 4. Send the <u>letter to the sponsor</u> and save this in the sponsor's specific yellow folder.
- 5. Update the spreadsheet.

# **Suspension**

# Background

If findings show that the sponsor has breached their sponsor duties more seriously or repeatedly, and/or poses a threat to immigration control, or shows they are engaging in behaviours or actions that are not conducive to the public good, you should suspend their licence with immediate effect.

## Page 20 of 41 Published for Home Office staff on 20 January 2025

This suspension also means the sponsor is suspended in all routes in which they were licensed.

We give sponsors 20 working days from the date on the suspension letter to make representations, providing the opportunity to explain and correct the issues identified. If sponsors fail to make representations or fail to adequately address the issues within this time, we will continue with <u>revocation</u> action as set out in this guidance.

# Action

- 1. Draft a 'sponsor suspension' letter, filling in the appropriate fields.
- 2. Follow authorisation action.
- 3. Follow post-authorisation action and metastorm action: suspension.
- 4. Send the letter to the sponsor and save this in the sponsor's specific yellow folder.
- 5. Send a <u>notification to stakeholder</u> and save this in the sponsor's specific yellow folder.
- 6. Update the spreadsheet.

# Immediate revocation

# Background

There may be circumstances that can lead to the immediate revocation of a sponsor's licence. For example, if any of the circumstances within <u>Annex C1</u> from Part 3 apply to the sponsor.

If you have been advised that the company is no longer trading or liquidated, information on Companies House verifies this and you have confirmation through compliance checks that the company is listed as liquidated or dissolved, you should draft a 'Dissolved notification' letter and inform the sponsor of the reason for the immediate revocation and why we consider that no alternative action such as suspension while we await representations was performed.

As an example <u>Annex C1 part c.</u> of the Workers and Temporary Workers: guidance for sponsors part 3 states we will revoke a sponsor's licence if:

- they sell their business (this includes circumstances where this
- happens as a result of the business becoming insolvent)
- they go into liquidation, or sequestration is awarded, and they stop trading as a result
- a court issues a bankruptcy order against the sponsor
- the business stops trading for any other reason

As a result of this the sponsor's licence is revoked with immediate effect, with no right to appeal against this decision.

As of the date on the 'Dissolved notification' letter the business is no longer licenced to continue sponsoring workers or issue further Certificate of Sponsorship (CoS).

## Page 21 of 41 Published for Home Office staff on 20 January 2025

# Action

- 1. Draft a straight to revoke 'Dissolved notification-sponsor' letter, filling in the appropriate fields.
- 2. Follow authorisation action.
- 3. Follow post-authorisation action and metastorm action: immediately revoke a licence.
- 4. Send the <u>letter to the sponsor</u> and save this in the sponsor's specific yellow folder.
- 5. Send a <u>notification to stakeholder</u> and save this in the sponsor's specific yellow folder.
- 6. Update the spreadsheet.

## Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

## Official - sensitive: end of section

# Second stage decisions

# Allocating and considering representations

Caseworkers will need to consider the representations submitted by sponsors or their representatives, in response to the <u>suspension</u> or <u>Intention to re-rate B</u> letter sent prior.

To begin this process, first you must allocate the case to yourself for consideration by:

- · accessing the live spreadsheet
- filtering under 'case location' to 'reps received'
- updating the following columns as appropriate, saving, and closing the spreadsheet:
  - o case location to 'caseworker'
  - $\circ~$  date assigned to location
  - $\circ$  reps caseworker
  - o date allocated to reps caseworker

# Re-rate B

# Background

## If representations are received

If, after consideration of the representations, the decision is to continue ahead with re-rating to B, then the sponsor will need to pay an action plan fee and be provided with an action plan.

The sponsor must accept the action plan and agree to pay an action plan fee within 10 working days via the Sponsorship Management System.

## If no representations are received

If the sponsor does not provide representations during the 20 working days' notice period, you must proceed to send the sponsor an action plan invoice. If this is not paid within 10 working days, you must continue to <u>revocation</u> action.

## **Action plans**

Action plans set out the steps a sponsor must take to return or achieve an A-rating. This may include, for example, making improvements to their record-keeping, improving their control over staff who assign CoS, or improving communication between their different branches, so they know when a sponsored worker has not turned up for work.

To receive an action plan, sponsors must first pay the action plan fee. This fee covers the costs of preparing and supervising the action plan. If sponsors do nothing in response to the action plan notification, decline to pay the fee or failing to return the declaration to surrender their licence within 10 working days, you should proceed to revocation of their licence.

During the duration of the action plan, sponsors are not able to add any branches or new routes to their licence or assign any CoS to new workers.

We also can decide how many CoS allocations sponsors can have to cover extension periods during the duration of their action plan.

After the end of the 3-month action plan period, a further compliance check is undertaken to establish whether the sponsor has met all the requirements as set out in the action plan. If the sponsor wishes to have the compliance visit earlier, they can request this before the end of the 3-month action plan period.

If sponsors have met all the requirements of the action plan and we have no concerns about them, the second stage decision "Re-rate to an A Rating" will be the appropriate action for caseworkers to follow.

If other areas of non-compliance are found which are not addressed by the current action plan and these issues are listed in Annex C2 or Annex C3 of part 3 of the workers and temporary worker guidance for sponsors (but do not warrant immediate suspension or revocation), a new, second action plan should be considered, requiring a new fee paid by the sponsor.

If the sponsor has not met the requirements of the action plan or more serious noncompliance issues have arisen, caseworkers must follow the <u>revocation</u> second stage decision process.

#### Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

#### Official – sensitive: end of section

# Continuation of suspension

## Background

There will be circumstances where you might find the appropriate course of action is to continue with the suspension of a sponsor's licence after representations have been submitted. This can be where new issues have been identified after sending our initial suspension letter. At this point you can allow the sponsor a further 20 working days to submit further representations in response to the new issues, before considering revocation action.

## Action

- 1. Draft 'sponsor continuation of suspension' letter.
- 2. Follow the authorisation process.
- 3. Follow the post-authorisation process and follow metastorm action: suspension.
- 4. Send the <u>letter to the sponsor</u> and save this in the sponsor's specific yellow folder.
- 5. Update the spreadsheet.

# Reinstatement to A rating (following suspension)

# Background

If representations and evidence submitted show that the sponsor has addressed all suspension points mentioned and no further concerns have been raised, you can consider reinstating the sponsor's licence to an A rating with immediate effect, providing you are satisfied that in doing so, the sponsor no longer poses an immigration risk.

Page 24 of 41 Published for Home Office staff on 20 January 2025

When reinstating to A, write to them, explaining you are satisfied that the concerns reported by the compliance visit have been addressed but reminding them of the right UKVI has in conducting compliance visits/checks, reiterating that if they fail to comply with their ongoing compliance duties, we may revoke their licence.

#### Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

#### Official - sensitive: end of section

# Reinstatement to B rating (following suspension)

## Background

If the sponsor has not addressed all minor breaches but it is possible for them to be corrected, then you can consider exceptionally re-rating the sponsor to a B rating and issue an action plan to address the issues.

Page 25 of 41 Published for Home Office staff on 20 January 2025

With a B rating, the sponsor must improve performance enough to be upgraded to an A rating within the specified time frame, not exceeding 3 months. If they do not, then we will proceed to revocation of their sponsor licence.

In re-rating the sponsor's licence to B, you are confirming with the sponsor that you are not satisfied they have fully addressed the issues identified by the officer enough to maintain an A rating, but we are giving them the opportunity to demonstrate full compliance with sponsor obligations.

The sponsor will not be given a further 20 working days to reply as this process will have been completed during the period the licence was suspended.

#### Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

#### Official - sensitive: end of section

## Revocation

## Background

In addition to what is set out in <u>Part 3 of the workers and temporary workers</u> <u>guidance for sponsors</u> under "revoking your licence", if, after informing the sponsor that their licence has been suspended, the sponsor:

- remains unaware of their duties
- denies the compliance breaches
- does not supply sufficient evidence
- fails to adequately address the breaches identified in the suspension letter or continued suspension letter
- fails to pay the action plan invoice within 10 working days

Or if:

Page 26 of 41 Published for Home Office staff on 20 January 2025

- more serious areas of non-compliance arise that justify <u>immediate revocation</u> of the licence
- the sponsor declines to pay action plan fee and does not return the declaration to surrender their licence within 10 working days
- the sponsor has been b-rated twice and has been subject to an action plan twice within the validity period of the licence

You must revoke the sponsor licence with immediate effect.

It is important to note that prior to revocation, we have provided the sponsor with 20 working days to submit representations and evidence to address issues identified.

This decision to revoke a sponsor's licence is taken with full consideration of the impact this could have on the sponsor and their employees.

There is no right to appeal this decision, the business would need to wait 12 months from the date of the "revocation" letter before applying again for a sponsor licence.

# Action

- 1. Depending on the reason for the revocation, draft a:
- 'Revocation- sponsor' letter
- 'Revocation no representations-sponsor' letter
- 'Revocation non pay ap fee-sponsor' letter
- 2. Follow the <u>authorisation</u> process.
- 3. Follow the <u>post-authorisation</u> process and update metastorm action: Revoke a licence.
- 4. Send the <u>letter to the sponsor</u> and save this in the sponsor's specific yellow folder.
- 5. Send a <u>notification to stakeholder</u> and save this in the sponsor's specific yellow folder.
- 6. Follow the <u>post-dispatch</u> actions.
- 7. Update spreadsheets.
- 8. <u>Store file</u> appropriately.

#### Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

## Official – sensitive: end of section

## Related content

<u>Contents</u> Warnings Index (WI) Police national computer (PNC) services

## Related external links

Page 27 of 41 Published for Home Office staff on 20 January 2025

Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance - GOV.UK (www.gov.uk)

# The Sponsor or a representative requests information relating to a compliance case

This section tells caseworkers monitoring the Sponsor Compliance Team (SCT) inbox what to do when a sponsor or their representative requests documentation. This can be requested before making representations, after the visit has been conducted and before the SCT has considered the visit report.

# **Dealing with a request**

Following the visit or in response to the notification or letter that was sent to the sponsor as a result of the below decisions:

- intention to re-rate b
- suspension
- re-rate b
- continuation of suspension
- reinstatement to b
- revocation

the sponsor or their representative may send an email to the SCT inbox requesting a copy of the findings.

The caseworker monitoring the inbox following authorisation from the HEO SPOC can provide:

- the visit reports
- the sponsor interview record
- migrant interview record

If the sponsor or their representative requests the 'migrant interview record', we need them to provide a written letter of authority from the migrant before this is disclosed.

## Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

## Official - sensitive: end of section

The 20-working day to response period following receipt of a letter does not restart. However, if the sponsor or their representative requests an extension as there was a

## Page 29 of 41 Published for Home Office staff on 20 January 2025

delay in receiving and sending the request for documents forward the request to the HEO SPOC who will consider this depending on the case merits.

You should aim to send out the requested information within 1 to 2 working days, to not delay the compliance case.

# **Caseworker** action

#### Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

Official - sensitive: end of section

Related content Contents

# Metastorm user guides

This section shows caseworkers the various Metastorm user guides to follow once the letter to the sponsor has been authorised by the SEO for sending out.

#### Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

Related content Contents

Page 33 of 41 Published for Home Office staff on 20 January 2025

# Notification and letter to sponsor

This section tells caseworkers what to do with the letter after authorisation has been provided and all other Metastorm actions have been completed up until this stage.

Following post-authorisation, send the letter as a PDF document by email to the Authorising Officer or their representative (if named on the licence) requesting read and delivery receipts from the following team mailbox: Sponsor Compliance Team

Use the template from Annex 1 for the body of the email.

Caseworkers sending second stage decision letters should note the following to see who to send the letter to:

- if the sponsor has submitted the representations, write to the authorising officer on the licence
- if the representations have been submitted by a representative who is not named on the licence, write to the authorising officer
- if the representations have been submitted by a representative who is named on licence, write to the representative
- if the representations have been submitted by a representative who is not named on the licence, but a letter of authority has been provided signed by the sponsor, write to the representative

#### **Related content**

<u>Contents</u>

# **Stakeholder Notification**

This section tells caseworkers how to notify stakeholders of compliance action.

Caseworkers will need to send a stakeholder notification email from their own mailbox using the appropriate template from Annex 2.

Please note, read and delivery receipts are not required for stakeholder notifications.

#### Related content Contents

# Sponsor specific yellow folder

This section tells caseworkers where to save notifications sent to stakeholders and sponsors for audit purposes.

You must save as 'outlook message format' the following in the relevant sponsor's folder, which can be found in the Shared Drive or SharePoint:

- SEO authorisation email
- email sent to the sponsor, including read and delivery receipts
- email sent to stakeholders

These should be appropriately named and dated as below:

- yyyy-mm-dd seo authorisation [enter decision, sponsor name & sponsor licence number]
- yyyy-mm-dd sponsor notification [enter decision, sponsor name & sponsor licence number]
- yyyy-mm-dd stakeholder notification [enter decision, sponsor name & sponsor licence number]

## **Related content**

<u>Contents</u>

# Post-dispatch

This section tells caseworkers what to do after dispatching notifications to the sponsor.

If a reinstate to B letter with an invoice was sent, caseworkers should BF the case for 10 working days for the invoice to be paid. If the invoice is paid, issue the action plan and refer the sponsor to be visited after 3 months using the invoice and action plan guide. Please note access to the shared drive is restricted.

If the invoice is not paid, refer to HEO Single point of contact (SPOC). The HEO SPOC will then need to draft a revocation letter and send this to a SEO for authorisation.

If a continuation of suspension letter was sent, BF the case for 20 working days for new representations to be submitted. Once received, start the process of considering representations again. If new representations are not submitted, refer to HEO SPOC. The HEO SPOC drafts a revocation letter and sends to SEO for authorisation.

Related content Contents

# Update spreadsheet

This section tells caseworkers what action is required to update the latest live spreadsheet following first and second stage decision action.

Caseworkers will need to update the spreadsheet log with the outcome.

For maintain A-rating, rejection and revocation cases, cut and paste the relevant sponsor's details from the 'Live' spreadsheet to the 'Concluded' spreadsheet and update the following columns:

- 'case status'
- 'case location' to 'archive'
- 'date assigned to location'
- 'final decision notification date'

Delete the blank line left in the 'Live' spreadsheet and save both the 'Live' and 'Concluded' spreadsheets.

For intention to re-rate to B-rating and suspension cases update the following columns in the 'Live' spreadsheet and save:

- 'case status'
- 'case location' to 'bf'
- 'date assigned to location'
- 'bf working day date'

For suspension cases only, update the 'Suspension Date' column in addition to the above.

For revocation and reinstatement cases:

Copy and paste the relevant sponsor's details from the 'Live' spreadsheet to the 'Concluded' spreadsheet and update the following columns:

- 'case status'
- 'case location' to 'archive'
- 'date assigned to location'
- 'final decision date'.

#### Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

#### Official - sensitive: end of section

- 'surname (mandatory)'
- 'forename'
- 'dob (if known)'
- 'sponsor name'
- 'sln'
- 'cool off period end date' this date is 12 months from the decision date.

Below is information as to who needs to be entered in the spreadsheet:

- directors of the companies who have had their sponsor licence revoked note, reference must be made to the companies house website for details of directors if this information is not available on the sponsor's records on metastorm.
- level 1 users:
  - $\circ\;$  those who are direct employees of a sponsor whose licence has been revoked
  - those who are not direct employees (external level 1 users such as representatives), but only where they are complicit in the non-compliance which led to a sponsor licence being revoked

For reinstatement to B cases, in addition to the above, update the 'BF working day date' column and save the spreadsheet.

Revert the copied line left in the 'Live' spreadsheet and save.

When an action plan is issued, copy and paste the relevant sponsor's details from the 'Concluded' spreadsheet on a new line in the same spreadsheet and update the above columns. For the 'Notes' column, state the date the invoice was paid and the date the action plan was sent.

For continuation of suspension cases, update the following columns on the 'Live' spreadsheet, highlight the line in yellow and save:

- 'case location'
- 'date assigned to location'
- 'bf working day date'
- notes with the date the letter was sent

#### Related content Contents

# Storage of file

This section tells caseworkers what to do with any hardcopy files once the spreadsheet has been updated.

#### Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

Page 40 of 41 Published for Home Office staff on 20 January 2025

Related content Contents