

Policy Title:	Tier 4 Employees Policy
Policy Owner:	Senior Management Team
Audience:	All Staff
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Policy Location:	N Drive: HR/AllUsers/Policies and Procedures

1. Overview

- 1.1 As a membership organisation we are committed to supporting our members throughout their careers at Royal Holloway. This includes employing large numbers of our members to work across the organisation; providing great peer-to-peer service and giving them the opportunity to earn money on campus.
- 1.2 Of our members, around 20% are international, non-EU and we employ a number of these students.
- 1.3 Most international students study in the UK under a Tier 4 (General) Student Visa. This visa restricts them to a maximum of 20 hours of work per week during term time. There is no hours restriction during official non-term time periods.
- 1.4 This policy details the requirements of RHSU in employing students on Tier 4 visas, and the responsibilities of individual student staff members on a Tier 4 Visa.

2. The law

- 2.1 UK Visas & Immigration (UKVI), a division of the Home Office, is responsible for the visa system in the UK. There are a number of different types of visa, with different entitlements and restrictions. This policy is only concerned with Tier 4 (General) Student Visa.
- 2.2 RHUL is the sponsor for Tier 4 (General) Student Visas and as such holds a number of responsibilities to ensure compliance. Any breach of visa restrictions may fundamentally affect RHUL's sponsor status.
- 2.3 It is the responsibility of the individual to ensure they are complying with the requirements of their visas, however RHSU is committed to supporting employees and RHUL in the achievement of this.
- 2.4 The current regulation is that students in the UK on this type of visa are only able to work for a maximum of 20 hours per week during term time.
- 2.5 For the purposes of this policy, a week is defined as the consecutive 7 day period beginning on a Monday and ending on a Sunday (inclusive).
- 2.6 Term dates are set and published by RHUL.
- 2.7 RHSU is committed to abiding by all laws and applicable regulation, and nothing in this policy shall contradict this. If there are changes to the law, this policy will be reviewed and updated. The Designated Senior Manager is responsible for ensuring that this policy is consistent with the law.

3. Recruitment Responsibilities

- 3.1 The recruitment process for all of our roles is consistent, and there are no differences for students on a Tier 4 visa. At no point should the fact that a student is studying on a Tier 4 visa impact on the recruitment process or have any bearing on the decision to appoint.
- 3.2 Right to Work

- 3.2.1 All of our staff go through a 'right to work' check. This ensures that we are only employing people with the right to work in the UK, and are able to comply with any restrictions within that right to work.
- 3.2.2 For international (non-EU) staff, a copy of their visa will be obtained and retained on record as part of this check.
- 3.2.3 The HR Team are responsible for ensuring that the 'right to work' check is undertaken before employment commences.

3.3 Recording Tier 4 Visa Employees

- 3.3.1 For any employee on a Tier 4 Visa, HR will record this in PeopleHR (our HRM software) and RotaCloud (our rota and timesheet software).

3.4 Communication

- 3.4.1 When a student on a Tier 4 visa is recruited, they will receive a communication from HR reiterating the restrictions of their visa and their obligations to comply with these restrictions. It will also detail the steps that RHSU take to support staff in ensuring they are compliant.
- 3.4.2 HR will inform relevant line managers if anyone in their team is on a Tier 4 visa when their employment commences.

4. **Manager Responsibilities**

- 4.1 Line managers are responsible for ensuring that they are aware of the visa status of their staff, and for ensuring that their staff on Tier 4 visas are not rota'd for more than 20 hours per week during term time.
- 4.2 When setting rotas, line managers should check that their employees on Tier 4 visas have not been given more than 20 hours in any given week.
- 4.3 If a line manager becomes aware that a staff member has been working longer hours than their visa permits, they are responsible for ensuring that they report this under section 6 of this policy. Failure to do so may result in disciplinary action.

5. **Monitoring Responsibilities**

- 5.1 As part of the payroll process, the Finance Operations Manager (or whomever is responsible for the operational running of payroll), shall run a report from RotaCloud to check whether any individual on a Tier 4 visa has worked more than 20 hours.
- 5.2 If this has been identified, they must inform the Designated Senior Manager immediately.
- 5.3 The Designated Senior Manager will be a senior manager nominated by the Chief Executive to ensure that the monthly check is conducted, and to investigate and, with HR, record any potential breaches under section 6 of this policy.

6. **Potential Breaches**

6.1 If a staff member is found to have been working more than 20 hours in any given week, the following steps must be taken. It is the responsibility of all employees to ensure this happens.

6.2 Identifying breaches

6.2.1 Line managers are most likely to identify breaches either informally through discussions with staff or when reviewing attendance records. They may result from the employee being scheduled for more than 20 hours on the rota, staying later than their scheduled shift(s) or if employees swap or claim additional open shifts.

6.2.2 As soon as a potential breach is identified, it should be reported via email to the Designated Senior Manager.

6.2.3 Potential breaches will be investigated in line with the Disciplinary & Capability policy. Where it is a first breach, it may be dealt with informally, however all subsequent breaches will be investigated formally.

6.2.4 Where a potential breach is being investigated, disciplinary action may be pursued in relation to the individual staff member who has worked over 20 hours and/or in relation to the line manager responsible for setting the rota.

6.2.5 In all cases, where an investigation determines that a breach has occurred, the Designated Senior Manager will write to both the individual student staff member and the manager responsible for setting the rota, reminding them of their respective responsibilities under this policy. This may be in addition to formal disciplinary action.