

# Sponsorship of Skilled Workers – guidance for applicants and managers

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## 1. Purpose

The Skilled Worker visa route allows an individual to come to the UK to undertake an eligible job with an approved employer. FR has a licence to sponsor migrant workers in this way, granted by the Home Office.

FR take a targeted approach, sponsoring Skilled Worker visas for roles where there is a clear business justification. Criteria is set out in the guidance below. In addition, the individual will need to score a minimum of 70 points and meet any additional requirements under the Skilled Worker scheme, by matching certain criteria set by the Home Office.

This procedure provides a fair and consistent process for deciding whether Skilled Worker sponsorship should be offered.

## 2. Eligibility

All FR employees, who are subject to immigration control, are eligible to make an application for sponsorship under this Skilled Worker sponsorship procedure. Job applicants are also able to make an application if they have been successful in an FR recruitment campaign, and where sponsorship is available for the role. Non-employees who are not directly employed by FR - including PhD students, Visiting Scientists, contractors and agency staff - are not eligible to apply for Skilled Worker sponsorship from FR.

## 3. Applications

Applications for Skilled Worker sponsorship can be made at any point during the year. All applications must be made through the Line Manager/Recruiting Manager by submitting the Skilled Worker sponsorship Application form. If you are currently subject to a time-limited right to work in the UK, an application for sponsorship should be made at least 4 months (but not more than 6 months) before that expires. Should managers wish to employ an applicant under the Skilled Worker visa route they should contact the HR team at the earliest opportunity and before a verbal offer is made.

You should apply under this process if you are seeking an extension of FR's existing sponsorship of you as a Skilled Worker. The same application and assessment process will apply to first and subsequent applications for sponsorship.

Applicants should ensure that they are aware of their responsibility to fund the employee costs of sponsorship, see section 9, before making an application.

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## 4. Criteria for Sponsorship assessment

Applications will be assessed against set criteria, designed to capture the strength of the business justification for sponsorship in individual cases. Suitability will be assessed by a senior member of the HR team, in liaison with the Line Manager or other representative of the line management chain, using the following criteria:

### FR role criteria:

- Whether the Job role has been identified as being a Critical Role in FR, which has been identified in the Workforce Plan, and / or
- Whether the Job role is a known Capability gap, which has been identified in the Workforce Plan for the relevant Centre
- Evidence of significant recruitment challenges in filling the Job role previously, and whether an action plan is already in place to address those challenges
- The likely operational impact of any delay on business delivery (e.g. on the delivery of a project, any impact on customers/partners, or delays to a service)
- The lead-in time required for the job holder to operate at the level of complexity and/or specialism required in the role
- The duration of the role, whether it is permanent or time-limited; if time-limited, the likelihood of the role duration being extended in the future.

### Essential applicant criteria:

- Evidence of how the application meets the Skilled Worker requirements, as set out in the materials published on the Home Office website
- Evidence of how the applicant meets the Civil Service Nationality rules
- Evidence that there is sufficient lead-in time to arrange sponsorship – based on expiry/duration of any existing immigration/right to work arrangements

## 5. Considering Requests

All applications for sponsorship will be reviewed and assessed against the above criteria by a senior member of the HR team, in liaison with the Line Manager or other appropriate member of the relevant line management chain.

A recommendation will then be made to both the relevant Centre Head and Head of HR, as to whether sponsorship should be supported or rejected. In most instances this recommendation will be made from information provided in the application form, together with any relevant supplementary information about the recruitment context and prevailing labour market conditions.

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Where an applicant does not meet the Home Office requirements to be sponsored their application cannot proceed, and it will be managed under Section 11 rather than Section 6; no recommendation to the Centre Head/Head of HR is required.

## 6. Sponsorship Decision

The Centre Head and Head of HR will reach an agreed joint decision, as to whether sponsorship is supported or rejected. Where this is not possible, or where there are multiple applications from different Centres, the Head of HR will make the final decision on whether Skilled Worker sponsorship can be offered. Applicants will be notified in writing of the outcome of their application within 28 days of their application. Where approval is given the written notification will explain the next steps in the process.

Available numbers of FR Certificates of Sponsorship will fluctuate from time to time, due to numbers deployed at any stage in the year, therefore applicants should note that sponsorship may not be possible even if approval is given.

## 7. Duration of Sponsorship

The maximum period of sponsorship an applicant can apply for at any one time under the Skilled Worker route is 5 years. It will be a business-led decision as to the duration of any sponsorship offered by FR, depending on whether FR's requirement for the role is time-limited or permanent.

Where FR agree Skilled Worker sponsorship is appropriate, and a Skilled Worker visa is obtained, the applicant will normally be issued with a fixed term contract with an end date in line with their visa expiry date.

## 8. Process of Sponsorship

We will work with you to compile the supporting information required for your Certificate of Sponsorship (CoS). FR will assign the CoS to you and you will be issued with a copy of your CoS document. Your CoS includes a unique reference number, which you will need for your Skilled Worker visa application. The earliest we will issue a CoS is 3 months before your start date or the expiry of your current Right to Work permission. You must submit your visa application within 3 months of the CoS being issued, otherwise the CoS automatically expires.

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## 9. Costs of Sponsorship

When issuing a Skilled Worker Certificate of Sponsorship, FR will pay the following employer costs, which will be charged to the relevant Centre cost code:

- CoS application fee (currently £239)
- Immigration Skills Charge (ISC) (currently £1,000 per year of sponsorship)

When submitting your visa application online you are likely to have to pay the following charges (current rates are available from the Home Office):

- Skilled Worker visa fee
- Immigration Health Surcharge
- biometric enrolment fee (if applicable)
- any fees for priority services you decide to use

You will not be able to claim these costs from FR. FR are not able to assist with any of the costs associated with your Skilled Worker visa application.

## 10. Further approvals required – Centre costs

Once a decision has been made to sponsor an individual, additional approvals may be needed as follows:

- If the Centre has business case approval for filling the role on a permanent basis – no additional approval is required (because the staff costs of the role have already been approved)
- If the Centre has business case approval to fill the role for a fixed term, and sponsorship will extend that term, then a further recruitment business case should be completed by the Centre, to extend the fixed term contract
- Employer costs of sponsorship (see section 9) – in all cases the Line manager should ensure they have authority to fund those costs.

## 11. Unsuccessful Applications – Refusing a Request

If an application is unsuccessful the applicant will be notified in writing and we will confirm the reasons why they could not be sponsored on this occasion. Reasons for refusing a request for Skilled Worker sponsorship will be based on an objective assessment of each case, and will set out which of the FR criteria were not met and/or if the applicant does not meet one or more of the necessary Home Office eligibility requirements for sponsorship, such as the 70 points required, or the Civil Service nationality requirements for employment.

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## 12. Feedback

Feedback will be provided to your Line Manager/the Recruiting Manager who will discuss the outcome with you and reasons for refusal if this is applicable.

## 13. Complaints

If you feel your application for sponsorship has not been handled in line with this process, you should speak to a member of the HR team in the first instance. They will be able to advise you on any next steps which may be appropriate in your case.

## 14. Job advert statements about sponsorship

FR job adverts will provide information about the extent to which Skilled Worker sponsorship is available. Please note that such statements are only a general guide, and an individual assessment against set criteria will always be required before sponsorship can be approved.

## 15. Monitoring and Compliance responsibilities

There are a number of responsibilities for a sponsored visa holder that need to be followed, including:

- reporting duties – if there is any change to a sponsored worker’s role over the whole period of sponsorship (such as their duties, location, hours, salary etc) this must be reported to HR so that the Home Office can be notified within 10 days of the change
- record-keeping duties – a requirement to capture and record detailed information about the sponsored worker’s information over time, such as their contact details, pay, absences etc

It is a condition of sponsorship that both the applicant and their Line Manager report any changes to HR to ensure FR is complying with these responsibilities.

## 16. Equality and Diversity

FR is committed to ensuring equality of opportunity and requests for reasonable adjustments in relation to all strands of diversity will be considered.

Further information on Equality and Diversity in the FC is available on the intranet and on FR’s external website.