

A guide to Exploitation and Organised Immigration Crime in the Care Sector

Summary

During 2023, there has been a national increase in reports of concern regarding potential modern slavery, human trafficking, labour abuse and organised immigration crime in the care sector. This guide has been produced for staff working in provider organisations, commissioning bodies, voluntary sector organisations and other public sector bodies who may come into contact with individuals working in the care sector.

This document provides:

- 1) An overview of the scale of the care sector and, as a result, the potential risk in the sector. *This can be used by commissioners to better understand the potential scale and risk in their own area.*
- 2) An understanding of what labour abuse, Modern Slavery and Human Trafficking, and Organised Immigration Crime looks like in the UK. *This can be used by all agencies to identify potential issues and better understand what those issues indicate.*
- 3) An overview of the system of sponsorship compliance for organisations supporting workers to enter the UK on a Health and Care Skilled Worker visa. *This can be used by commissioners to better understand how sponsor licences are issued, what expectations are placed on those licenced sponsors and how this may impact commissioning and contracting requirements, when a licence may be suspended or revoked, and the timeline and impact of licence revocation on those receiving care.*
- 4) An awareness of some of the regulatory bodies operating in this sector. *This can be used by all agencies to understand the regulatory framework and what opportunities exist in these for preventative action and safeguarding responses.*
- 5) An awareness of some of the reporting and investigative bodies available for issues being seen in this sector. *This can be used by all agencies to better understand where issues can be reported to and what response might be expected.*
- 6) An awareness of some of the advice and guidance available for issues being seen in this sector. *This can be used by all agencies if they have concerns to seek advice and guidance.*

The document includes hyperlinks so users can move to relevant parts of the document easily. The document is intended to provide a sufficient level of understanding of potential issues to enable individuals and organisations to:

- Be aware of and identify potential signs of criminality and concern;
- Know where to gather additional information from, if necessary;
- Obtain advice and guidance or where necessary report, and;
- Consider changes to local arrangements to safeguard against and respond to activity.

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Please email sian.payne@greatermanchester-ca.gov.uk if you think there is incorrect information or information missing from this document as it will be reviewed and updated.

Abbreviations and Glossary

CQC – Care Quality Commission

GLAA – Gangmasters and Labour Abuse Authority

GMCA – Greater Manchester Combined Authority

GMP – Greater Manchester Police

ICP – Integrated Care Partnership

MSHT – Modern Slavery and Human Trafficking

OIC – Organised Immigration Crime

NRM – National Referral Mechanism

Debt bonded/debt bondage – This can be a form of exploitation where a person’s services are pledged as security for a debt of other obligation e.g., charging an individual as part of the visa sponsorship process and claiming repayments back from salary, meaning the employee is not receiving minimum wage or not receiving wages at all.

Labour abuse – Cases of labour abuse often involve concerns such as non-payment of National Living Wage, salary deductions (often as a result of debt bondage), long working hours and lack of adequate training. Labour abuse cases often involve less coercion, force, or control than modern slavery, but will often include the exploitation of the lack of workers’ rights and acceptable working practices held by foreign workers¹.

National Referral Mechanism – The National Referral Mechanism, or NRM, is the UKs framework for identifying and referring potential victims of modern slavery and ensuring they receive appropriate support. Only designated [First Responders](#) can report potential victims into the NRM. Local Authorities are a designated First Responder. A body called the Single Competent Authority will then decide, based on the evidence provided, whether the individual can reasonably be considered a victim. If they are, this means that they may have access to specialist victim support services, provided by The Salvation Army and a number of local sub-contractors, to help meet their needs to recover and reintegrate.

¹ Who Cares? A review of reports of exploitation in the care sector; Unseen, 2023 ([unseen-care-sector-report.pdf](#) ([unseenuk.org](#)), pg.17)

Background and context

The last two years has seen an increase with regards to Criminal investigations that relate to the Care Sector and for contact made with the national Modern Slavery and Exploitation Helpline. The majority of issues raised are linked to foreign nationals in the UK on Skilled Worker Visas.

At the time of writing this report the following data is available regarding data relating to the care sector nationally, both for Care Homes and for those agencies supplying or providing domiciliary Care.

By mid-2022, with regard to care homes, there were a total of 17,079 care homes in the UK. These were home to a total UK population of 408,371 people and consisted of a workforce of 751,851.

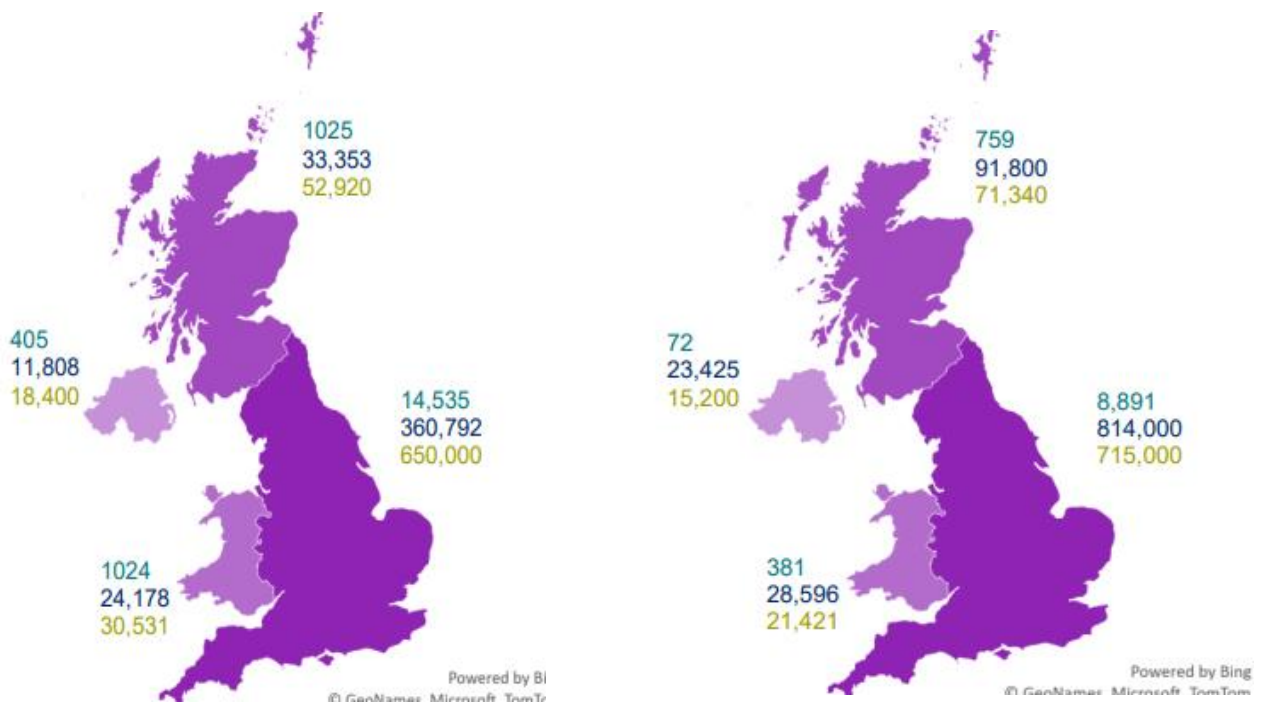


Fig 1.0: Maps showing **Total number of, population of / receiving care through,** and **workforce within / workers providing care** in UK Care Homes (left) and through UK Care Providers (right).

Sources: <https://www.carehome.co.uk/advice/care-home-stats-number-of-settings-populationworkforce> (left); <https://www.homecare.co.uk/advice/home-care-facts-and-stats-number-ofproviders-service-users-workforce> (right). Figures correct as of 08 August 2022 and 19 April 2021, respectively.

In 2022, there was what the CQC described as a ‘notable rise’ in referrals for modern slavery within the UK Care sector. Highly likely underpinning this were (and continue to be) a number of factors, including significant difficulties in workforce recruitment and retention, an increasingly aging population, and ongoing impacts of the UK’s exit from the EU and the COVID-19 pandemic.

It was reported in 2022 that 1 in 10 social care posts were vacant. Beyond the role of the UK’s EU exit in this (with the ceasing of free movement having caused labour shortages across the UK labour market), the CQC’s own ‘State of Care’ report points additionally to care home and provider workforces moving to jobs – for example in the NHS – with more attractive pay and working conditions.

A recent government exercise has reiterated the significant underfunding of the Care sector. In addition to this, the ongoing cost-of-living crisis and increasing energy costs have further impacted stretched resources, with one third of care homes in England having considered closing due to rising energy costs. Such closures have the potential to compound the difficulties facing the sector.

In December 2021, the UK government added care workers, assistants, and home care workers to the Shortage Occupation List in response to some of these pressures. The aim of this was to facilitate an increase in international recruitment via this skilled worker route in order to ease workforce pressures in the sector. However, as will become evident from the case studies provided based on the improved intelligence picture, this increase in overseas recruitment has brought with it potential areas for exploitation and abuse, including through the payment of over-inflated recruitment and/or visa fees.

In the year to September 2023, a total of 3,383,446 visas were granted to enable entry into the UK. 585,774 were work visas (including dependents) and 643,778 were study visas (including dependents). Of the work visas issued, 143,990 were for health and care workers, a 135% increase compared to the previous 12 months. 58% of these visas are for Care Workers and Home Carers (c.83,500). (data from [Summary of latest statistics - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/summary-of-latest-statistics))

We have also seen a number of instances where individuals in the UK on study visas have been exploited in the care home sector, so whilst we have a sense of scale of potential risk related Skilled Worker visas as we can identify those related to care and home care visas, there is no indication of how many of the almost 0.5 million individuals in the UK on study visas may be affected.

The Care sector has been a significant focus of the GLAA's resources since late 2021. In early 2022, OP TOPAZ was launched as a multi-agency approach to tackling Modern Slavery and Human Trafficking and labour-related issues in the Care sector. From the outset, the GLAA has been the lead agency.

Nationally, the charity Unseen, which operates the Modern Slavery and Exploitation Helpline, has reported a 125% increase in the number of cases of potential exploitation in the care sector, between quarter 1 of 2022 and quarter 1 of 2023.

In Greater Manchester, the Integrated Care System is working with Greater Manchester Combined Authority, Greater Manchester Police and Adult Safeguarding Boards, as well as linking into the Good Employment Charter, Care Quality Commission, Local Authorities and Age Friendly Greater Manchester to explore and tackle the issue.

What is Modern Slavery and Human Trafficking (MSHT) and what does it look like in the Care Sector?

MSHT can happen in any environment to any person. The legal framework is defined in the [Modern Slavery Act 2015](#). Servitude, forced or compulsory labour and human trafficking are all forms of modern slavery. The National College of Policing provide the following definitions ([Modern slavery definitions | College of Policing](#)).

Slavery: Slavery is described as the status or condition of a person over whom any, or all, of the powers attaching the right of ownership are exercised. In essence, characteristics of ownership and indoctrination need to be present for a state of slavery to exist.

Servitude: Servitude is linked to slavery, but is much broader than slavery. In 2006 the European Court of Human Rights (ECtHR) reaffirmed that servitude is a 'particularly serious form of denial of freedom.' It includes, in addition to the obligation to provide certain services to another, the obligation on the 'serf' to live on the other's property and the impossibility of changing his or her status.

Forced or compulsory labour: This is defined as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.' Case law suggests that indicators of forced or compulsory labour include recruitment by deception, coercion and/or abuse, exploitation at work, and coercion at destination.

Human Trafficking: A person commits an offence if they arrange or facilitate the travel of another person, to exploit them. It is irrelevant whether the exploited person, adult or child, consents to the travel.

Within the care sector, the most frequent types of MSHT are forced or compulsory labour and human trafficking. The case study below highlights what this can look like.

Case study:
Terri's story – MSHT in the care sector

Recruited by an agency in her home country, Zimbabwe, Terri was offered work in the UK as a domiciliary carer. The agency told her it would arrange her work visa and transport.

She was interviewed in person, took an English test, and had to provide proof of her work experience. She was promised a job as a care assistant in the UK through a care company. She was told she would earn up to £29,000 a year.

For Terri, who was in an abusive marriage, the job was the perfect opportunity to escape with her three children.

Terri brought her mother with her to the UK, so she could look after Terri's children. Although Terri would be provided with somewhere to stay through the care company, depending on where she was asked to work, the children and their grandmother went into private rented accommodation.

Terri found her work hours gruelling - up to 20 hours a day - and she often worked seven days a week. The car she had been promised to travel between clients did not materialise, so she had to walk to appointments.

When Terri eventually received her wages from the company two months later, it worked out at less than £2 an hour, which is illegal. Those entering the UK on a care worker visa must be paid a minimum of £20,960 per year of £10.75 per hour, whichever is higher, for their time at appointments, plus travel time to and from the office.

Working significantly over contracted hours can be an indicator of MSHT or labour abuse. Where an individual is not compensated for the extra hours they are doing, this will often translate to a failure to meet national living wage requirements which constitutes labour abuse. If threats, intimidation and/or coercion are used to control someone, this may be modern slavery.

Terri complained to the care company but it threatened to stop her work and cancel her visa. She says other carers she got to know also warned her that the firm's

owner had political links in her home country. She said: "That makes him very dangerous where we come from - you don't want to go against someone like that".

Her low pay meant she was unable to continue paying rent for her mum and children and they were forced to leave their accommodation. Terri was on a night shift while her mother and children spent the night on the streets. They were spotted by a member of the public and Terri was reported to social services.

When they asked to see her rota they were shocked. Social services helped Terri get placed in the National Referral Mechanism. The Home Office has told her she has "reasonable grounds" to prove she was a victim of modern slavery. She and her family are now in accommodation provided by social services. Terri is now seeking asylum in the UK - and until a decision is made she isn't allowed to work.

Key issues:

- Delay in payment of wages
- Non-payment of full wages
- Accommodation with job could not include children and family
- Lack of voice of worker
- Power held by sponsor organisation in visa status
- Agency as employer and sponsor, little transparency for provider
- Individual now unable to work due to immigration status as visa was linked to employment
- Recruitment from home country of agency owners
- Recruitment from a country on the [Red List](#)

In Terri's case, she travelled to the UK for a legitimate job opportunity and was sponsored by a legitimate employer who enabled a valid work visa. However, the hours she was expected to work, covering a large number of clients, was non-negotiable and travel time was not covered by her employer. The employer also failed to make payments to Terri, and threatened Terri with removal of her employment and visa if she did not comply. There are also suggestions of deception in the recruitment process, with promises being made around salary and conditions. These are all indicators of forced labour. It is also possible that the employer has

committed human trafficking offences if they facilitated the travel of Terri with the intention of exploiting her.

To summarise, **indicators of forced labour (MSHT)** in the care sector can include:

- be under the perception that they are bonded by debt (for example, to repay visa, travel, or other costs)
- have been promised wages, conditions or hours that are not delivered on
- live in overcrowded, unhygienic, degraded and unsuitable accommodation, often provided by the employer and tied to their job
- be legally employed by a legitimate employer with appropriate visa and travel documentation
- lack basic training and professional licences
- not have valid documentation, such as DBS checks, or be subject to duplicate documents
- be unable to negotiate working conditions, including hours worked
- be controlled and isolated in the workplace
- not have a labour contract
- employers being in control of identify documents and refusing to return them

Spot the signs

There are a number of indicators of modern slavery and labour exploitation. If you believe someone is at risk, please seek assistance for them without delay.

Appearance



Victims may:
Wear the same clothes each day.
Not be dressed adequately for work - no protective equipment or warm clothing.
Have injuries that could indicate assault, that are not treated or they cannot explain.

Finances



Victims may:
Receive little or no payment for work.
Have no money, bank cards or documents.
Be disciplined through punishment or fines.
Be charged for unwanted services.
Accrue debts for transport and accommodation.

Restricted freedom



Victims may:
Be unable to communicate freely.
Have limited contact with family or friends.
Depend on employer for work, travel and accommodation.
Not have passport or identity documents.
Have no access to medical care.

Behaviour



Victims may:
Be unfamiliar with the local language.
Follow instructions from someone else.
Allow others to speak on their behalf.
Have limited or no interaction with others at work or home.
Be distrustful of the authorities.

Working conditions



Victims may:
Be unable to choose when and where they work.
Work long hours over long periods of time.
Have no time off.
Be forced to work under certain conditions.
Have no contract.

Accommodation



Victims may:
Not know their home or work address.
Live in poor, substandard or unsuitable accommodation.
Have no choice where or who they live with.
Live in groups in the workplace, rarely leaving.

Challenges

It can often be difficult to identify, particularly where an individual is delivering home care and/or is employed via an agency, as there is little visibility of the worker.

It can also be difficult to understand whether activity is [forced labour](#), which is a modern slavery offence and should be reported to [GMP](#) or [Gangmasters and Labour Abuse Authority](#) for potential investigation as a potential modern slavery crime, or [labour abuse](#), which may fall short of being modern slavery and should be reported to the [Gangmasters and Labour Abuse Authority](#) for potential investigation.

Incidents will not reach a threshold for criminal investigation in all cases. It is important for organisations involved to be aware of this and continue to follow their own processes, policies and procedures as additional evidence may be gathered that can help to reach the threshold. Lack of a criminal investigation should not mean that, for example, safeguarding or contract management processes should not be instigated.

As an organisation commissioning care services, you may want to check:

- What training your staff have received about modern slavery and human trafficking and risks in the sector they are working in.
- Are there routes in place for issues such as those experienced by Terri to be shared with appropriate people in your organisation, and concerns to be raised by workers?
- How is this communicated to the worker?
- What is in place to respond to concerns?
- What contractual obligations are in place to ensure providers are acting ethically and how are these managed?
- You can access [guidance](#) around these issues produced by the University of Nottingham Rights Lab.

[Appendix 1](#) sets out a typical victims journey and highlights challenges and recommendations.

What is Organised Immigration Crime (OIC) and what does it look like in the Care Sector?

Nationally, a lot of focus on OIC is on entry via small boats crossing the channel and the people smugglers that facilitate that. However, it includes any act that assists migrants to enter or stay in a country illegally, for a financial or material gain. In the context of care workers, this can occur when an individual is supported to obtain a working visa without having the ability to work when they enter the UK. This may be because the sponsor agency does not have employment opportunities at that time or does not have contracts in place at all.

This can be done both with and without the knowledge of the worker. If the worker is aware throughout the process, it is likely to constitute conspiring to facilitate unlawful immigration (often referred to as people smuggling). If they are not aware until they arrive in the UK and attempt to start working, they may become complicit in the act if they then start to seek work outside of the terms of their visa. However, they may also have been subject to human trafficking offences. They may also be exploited via forced labour. It can be a complex area of law and requires specialist attention.

It is up to the investigative body or bodies to determine what offences have taken place and whether or not a case reaches threshold to investigate. Where you have any concerns regarding an individual you should raise concern and report to the appropriate authorities at the soonest opportunity. The investigative body is likely to be one or more of:

- [Gangmasters and Labour Abuse Authority](#)
- [Police](#)
- [Home Office Sponsor Compliance Team](#)

Case study:

Potential visa abuse/Organised Immigration Crime in the care sector

A prospective employee applied directly to a provider for a 20 hour post. When undertaking standard checks, it was identified that the worker was on a sponsorship visa, although this had not been disclosed on the application. When on a work visa via a sponsor, there is a requirement that the sponsor has to be the primary employer of that employee, although the employee is also able to work up to 20 hours for a second employer, if the sponsor agrees.

The potential employee was spoken to and were found to be a great candidate, but the provider needed to understand what hours were being worked for the sponsor, and how this would fit in when on a rota basis.

The potential employee said they were working 24 hours for the sponsor, then said they were only working 10 hours, many at weekends, then said they were not doing any hours for the sponsor organisation at all. The potential employee said that the sponsor had been in touch and explained to the Home Office that they were unable to provide work and that the employee could seek work elsewhere. They also mentioned during this conversation that the sponsor employer had charged them £10,000 for their certificate of sponsorship.

On further research into the sponsor, it was found that there were question marks regarding the sponsor organisation, including their office location, signatures used on documents, CQC registration and contracts held. It was also challenging trying to get the sponsor organisation to validate references received. Although the potential employee commenced induction, this was not taken forward to contract because of the concerns identified.

Since this incident, a separate potential employee responded to a job advert who was sponsored by the same organisation. On interview, the applicant provided almost identical answers as the first potential employee, as if reading from a script.

In these circumstances, it appeared that the sponsor organisation was not adhering to the requirements of the visa scheme.

Key issues:

- Sponsor organisation not CQC registered and held no contracts for delivery
- Visa dependent on sponsor providing employment, which it was unable to do
- Terms of sponsorship visa meant it was difficult to obtain employment elsewhere
- Uncertain immigration status as a result
- Risk that individual is criminalised for visa issues, need to understand and emphasise role of sponsor organisation
- Unclear what agency or regulatory body holds primacy
- Individuals may remain debt bonded to sponsor, even if they change sponsor employer in-country

In this case, the workers have not been provided with the employment they were promised, and upon which their visa is dependent. Both the individual seeking work and the sponsor organisation may be guilty of immigration offences:

- The worker, by knowingly attempting to work when aware that the terms of their visa are not able to be fulfilled (employment provided by sponsor organisation), is potentially committing immigration offences
- The agency by facilitating the commission of the above breach. Where there is evidence that the organisation is engaging in this activity with a number of workers, this could be classed as OIC.
- By charging individuals for services outside of anything related to set amounts linked to the Visa process, the sponsor is likely to be breaching their duties as a sponsor licence holder.

To summarise, **indicators of Organised Immigration Crime** in the care sector can include:

- be seeking work that does not comply with regulations around sponsorship
- disclosing they are not employed by their sponsor organisation
- the sponsor organisation not having CQC registration or contracts in place to provide employment for workers

- multiple individuals linked to a sponsor organisation providing ‘scripted’ responses
- High turnover of staff
- charging large amounts of money for e.g. certificates of sponsorship or the Immigration Skills Charge. The current cost (November 2023) for these are £239 for certificates and £1,000 per year for the Skills charge. These costs cannot be passed on to the employee.
 - Large fees being charged may also indicate debt bondage, as the employee may be expected to pay it off from wages if they were not able to meet the cost at point of application.

Challenges:

This issue is most often identified where providers are approached by prospective workers via direct recruitment, but the issue is difficult to identify as many workers are not visible, particularly where they are delivering in home care.

It may not be clear at the outset whether the individual is aware of the lack of employment. This is often only determined after investigation by the appropriate agency. Regardless, concern regarding these issues should be reported when identified.

- OIC can occur with the knowledge of the worker, in which case this would most likely constitute an offence under s.25 of the Immigration Act 1971 (facilitating unlawful immigration)
- It can also occur without the knowledge of the worker, but they may unwittingly take action which means they are then potentially committing immigration crimes

Reports have been received that sponsor organisations are bringing workers into the UK on Skilled Workers visas, charging them large amounts of money for their certificate of sponsorship, and subjecting them to labour abuse or forced labour and debt bondage.

Where there are indications this is happening, reports should be made:

- Online to [Immigration Enforcement](#), to enable information to be shared with the [Sponsorship Compliance](#) team
- To [GMP](#)
- To [GLAA](#)

Organised Immigration Crime and Modern Slavery and Human Trafficking can occur at the same time.

As an organisation commissioning care services, you may want to check:

- What training your staff have received about risks related to recruitment and associated issues in the sector.
- What contractual obligations are in place to ensure providers are undertaking due diligence checks to ensure such activity is identified and appropriate action taken?
- Are there routes in place for issues such as those outlined here to be raised and reported?
- How is this communicated to relevant teams and staff?
- What is in place to respond to concerns?
- You can access [guidance](#) around these issues produced by the University of Nottingham Rights Lab, and a toolkit to respond at [Establishing Modern Slavery Risk Assessment and Due Diligence in Adult Social Care: a Commissioning Officer's Guide \(local.gov.uk\)](#).

Skilled Worker Visa Sponsorship and compliance

A Health and Care Worker visa allows medical professionals to come to or stay in the UK to do an eligible job with the NHS, an NHS supplier or in adult social care. Organisations **must be** registered with the Home Office as a Sponsor organisation to enable overseas recruitment into UK based care sector roles. The Department of Health and Social Care have published a [code of practice for international recruitment](#), including [best practice benchmarks](#) for organisations undertaking international recruitment.

The sponsorship and visa processes are managed by a number of teams within the Home Office. A list of registered sponsor employers is updated daily at [Register of licensed sponsors: workers - GOV.UK \(www.gov.uk\)](#).

To qualify for a Health and Care Worker visa, you must:

- be a qualified doctor, nurse, health professional or adult social care professional
- work in an eligible health or social care job
- work for a UK employer that's been approved by the Home Office
- have a 'certificate of sponsorship' from your employer with information about the role you've been offered in the UK
- be paid a minimum salary – how much depends on the type of work you do

Private households or individuals cannot sponsor care workers, other than sole traders sponsoring someone to work for their business.

An applicant for the Skilled Worker visa must:

- pay an application fee between £719 to £1,500 depending on personal circumstances
- pay a healthcare surcharge of £624 per year
- be able to support themselves financially upon arrival in the UK with at least £1,270 (unless exempt)

No other charges should be passed on to the individual applying for a visa.

The Code of Practice for International Recruitment states that some countries should not be targeted when actively recruiting health or care professionals. These are frequently updated and are known as [Red List countries](#).

[Sponsor organisations must comply with duties](#) which include, but are not limited to:

- preventing abuse of immigration laws and sponsorship arrangements
- capturing early any patterns of behaviour that may cause concern
- addressing possible weaknesses in process which can cause those patterns
- monitoring compliance with the Immigration Rules, all parts of the Worker and Temporary Worker sponsor guidance, and wider UK law (such as employment law)
- ensuring sponsors do not behave in a way that is detrimental to the wider public good

Any breach by the Sponsor of their duties will result in an [investigation process](#) and the potentially to the licence being suspended or revoked, and in the issuing of civil penalties. If a licence is suspended, the sponsor organisation will not be able to recruit anyone internationally until the suspension has been lifted. All workers already in the UK on a visa will be unaffected during a licence suspension. The revocation of a licence means that they will not be able to recruit anyone internationally, and anyone that is already in the UK on a visa sponsored by the organisation will be required to find a new sponsor (see [Impact](#) section below for timescales).

The Home Office is unlikely to have information regarding commissioning bodies that work with sponsors. As such, information regarding licence suspension and/or revocation is more likely to be shared with the CQC, who will communicate with commissioners.

If you have been made aware that an organisation has had their licence suspended or revoked and are seeking information regarding this, you can contact the Sponsor Compliance Team on SponsorComplianceTeam@homeoffice.gov.uk.

How to raise concerns

There are currently no routes to directly raise concerns with the Sponsorship Compliance Team (as of November 2023). Concerns regarding the compliance of a sponsor agency in meeting their duties are most likely to come to light via reports to other agencies, such as GMP, GLAA or Immigration Enforcement.

Intelligence received in by the Sponsor Compliance team may lead to an investigation and compliance visits.

Impact on client care when a sponsor licence is suspended or revoked

Client care should not be affected where a sponsor licence is revoked. The following sets out the steps and estimated timescales in such situations:

- 1) Licence suspended by Home Office based on credible information received. Sponsor employer is written to, explaining why the suspension is taking place.
 - a. The organisation has 20 working days to respond to suspension notice and provide evidence or a defence. During this time, all staff can continue to work. The only exception is where a worker has already applied to extend a visa. In these cases, the application would not be processed until the suspension has ended, and it is unclear whether the staff member can continue to work.
- 2) Following the 20 working day period to provide a response, the sponsor organisation may be put on an action plan to improve compliance, or have their licence revoked.
 - a. This decision will be made in writing within 20 working days of receiving the response.
 - b. If no response is received, the Home Office will proceed with whatever action they believe is appropriate and inform the sponsor of their decision in writing.
- 3) If the decision is to implement an action plan to improve compliance, all staff can continue working, and any applications pending because of the suspension can be processed.
- 4) If the decision is to revoke, the sponsor organisation will be made aware.

- a. The Home Office is unlikely to have details of any Local Authorities or providers who may commission the organisation. Notification is likely to be made to the commissioner via the CQC, if they are registered.
- 5) Once a licence is revoked, there is no appeal process in place, except for Judicial Review.
- 6) The Home Office Compliance Team aims to make staff aware of the revocation of their sponsors licence after one calendar month from the date of revocation.
 - a. Staff members existing visa remain in place until another Home Office Department writes to them to confirm it has been shortened or cancelled. There is no indicative timeframe for this.
- 7) Once the staff member receives the Letter from another Home Office Department, the sponsored workers remaining permission to enter or stay in the UK will normally be shortened to 60 days.
- 8) In these cases, the worker must find a new sponsor and submit a visa application for this sponsor or regularise their stay in the UK through other routes, before the end of the 60 days. If they do not, they must leave the country before the 60 days expires.
 - a. If a new application is commenced, it effectively pauses the 60-day period, as action has been taken to seeking permission to stay via a new visa application.
- 9) During this 60-day period, the individual can continue to work.
- 10) If they commence a transfer during this time, the worker is under the condition of their old leave to remain until the new application has been processed, at which point they can transfer to the new visa terms and commence work with a new supplier.

NOTE ON UPCOMING CHANGES TO HEALTH AND CARE WORKER VISAS

On 4th December 2023, the Home Office announced changes to visa processes that would be introduced in Spring 2024:

- A requirement for all sponsor organisations working with health and care visas to be registered with the CQC.
- That those entering the UK on a health and care visa would not be able to bring dependents into the UK.
- That those entering on health and care visas are exempt from increased minimum salary requirements for skilled worker visas.

This section will be updated when these requirements are introduced.

Care Sector Regulation

Care Quality Commission (CQC)

Activities the CQC regulate include:

- Treatment, care, and support provided by hospitals, GPs dentists, ambulances, and mental health services.
- Treatment, care, and support services for adults in care homes and in people's own homes (both personal and nursing care).
- Services for people whose rights are restricted under the Mental Health Act
- Care homes
- The CQC inspects care homes across England, including residential and nursing homes
- Services in your home
- The CQC inspects home care agencies

Any person (individual, partnership, or organisation) who provides regulated activity in England must be registered with the CQC otherwise they commit an offence.

How to report and raise concerns

There is a statutory requirement to notify the CQC if any incident linked to a registered provider is reported to the police. Further information regarding the notification can be found at:

[Police involvement in an incident – notification form – Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk/policies-and-procedures/policies-and-procedures-for-police).

This includes any incident involving staff working in a premises, so notifications should be made of any potential exploitation or organised immigration concerns reported to the police.

Members of the public can report concerns related to quality of care and suspected unregistered providers at:

[Report a concern if you are a member of the public – Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk/policies-and-procedures/policies-and-procedures-for-public)

Information is provided regarding the type of information and concerns that can be raised at: [People's experience of care: What we want to know and why – Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk/policies-and-procedures/policies-and-procedures-for-public)

Nursing and Midwifery Council (NMC)

The Nursing and Midwifery Council regulates registered nurses in the UK. Where a care sector worker is seeking to move into registered nursing as a result of qualifications held in an employees home country, or if an individual is working at a care home and is a registered nurse, they would be subject to NMC registration.

There is an online portal that enables registration with the NMC to be checked. This can be found at [Search the register - The Nursing and Midwifery Council \(nmc.org.uk\)](https://www.nmc.org.uk/search-the-register). This provides information on:

- who has effective registration with no restrictions and cautions
- who is on the register but have restrictions on their practice or a caution order
- who has been suspended or removed from the register since 1st January 2008 and are not allowed to practice.

Local health and care commissioning and safeguarding

Different localities will approach their commissioning and safeguarding responsibilities differently. The University of Nottingham Rights Lab has produced [guidelines for adult social care](#) around illegal rates of pay, repayment of recruitment fees and unsafe working conditions. This makes a number of recommendations for Directors of Adult Social Services to consider.

In addition, the Nottingham Rights Lab and Local Government Association have produced a guide on [Establishing Modern Slavery Risk Assessment and Due Diligence in Adult Social Care: a Commissioning Officer's Guide \(local.gov.uk\)](#), which will help in the development of local responses. This guide is aimed at Commissioners but refers to the key role played by the Adult Safeguarding Board. Some Local Authorities in Greater Manchester are establishing multi-agency processes and structures through the Adult Safeguarding Board to identify and mitigate risk. Ways to increase due diligence requirements around commissioning and contract management are also being developed.

Oldham Adult Safeguarding Board have developed a [7-minute briefing document](#).

Investigatory organisations

Greater Manchester Police

Greater Manchester Police should be contacted where it is suspected a crime has taken place. If you have seen indicators of modern slavery and human trafficking, or organised immigration crime as set out in the guide, these should be reported to the police. Provide as much detail and evidence as you are able to. Incidents may not always reach a threshold from criminal investigation, but as more information becomes known to you, you should continue to share this with the police as this may change.

How to raise concerns

Reports related to concerns around potential modern slavery and human trafficking and/or organised immigration crime can be made directly to Greater Manchester Police (GMP). This can be done:

- Via 101 non-emergency reporting.
- Via 999 if someone is in immediate danger
- [Online at GMPs Report page](#). This can be submitted by clicking on 'Report a crime,' or as 'Something you've seen or heard' if you're not sure if it is a crime.
- Anonymously via Crimestoppers on 0800 555 111 or [Online](#).

Gangmasters and Labour Abuse Authority (GLAA)

GLAA does not have a specific remit in forced labour in the care sector, but are a Non-Departmental Public Body whose role is to protect vulnerable and exploited workers. This includes licensing for certain sectors (agriculture, horticulture, shellfish gathering and any associated processing and packaging) and labour abuse across all sectors. GLAA perform investigations into potential labour abuse and modern slavery and can also provide information and evidence to GMP to support in evidence building and decision making around police investigations.

GLAA have also produced [Workers Rights Leaflets](#) in English and 21 other languages, which can be shared with care sector staff.

How to report and raise concerns

You can report concerns around forced labour and [labour abuse](#) to the GLAA, regardless of whether this is linked to a licensed sector.

You can report to GLAA at [Report Issues - Labour provider - Worker welfare - GLAA](#). The page also includes contact details for other reporting agencies as well as advice pages and helplines.

Immigration Crimes

All employers have a responsibility to prevent those without lawful immigration status from working in the UK. The ability to work illegally is often the main driver of illegal migration. Working in the UK without the requisite permission (“illegal working”) encourages people to break our immigration laws and provides the practical means for migrants to remain in the UK unlawfully. It often results in abusive and exploitative behaviour, the mistreatment of unlawful migrant workers, tax evasion and illegal housing conditions, including modern slavery in the most serious cases. It can also undercut legitimate businesses and have an adverse impact on the employment of people who are in the UK lawfully.

This can also apply where you believe an organisation is not abiding by their [duties as a sponsor employer](#), e.g. not able to provide employment to workers they have sponsored.

Employers have a responsibility to prevent illegal working in the UK by ensuring that employees have the right to work here. The illegal working provisions of the Immigration, Asylum and Nationality Act 2006 (s. 15) allows the Secretary of State to serve an employer with a notice requiring the payment of a penalty of a specified amount where they employ an adult who is:

- subject to immigration control; and has either
 - not been granted leave to enter or remain in the UK or
 - whose leave is invalid, ceased to have effect or subject to a condition preventing them from accepting employment.

This can incur a penalty from £15,000 to £20,000 per worker depending on the circumstances and mitigation involved.

How to report and raise concerns

If you suspect that a sponsor organisation is involved in [immigration crime](#), including charging for visas or sponsorship related documentation, you should report it online at [Report an immigration or border crime - GOV.UK \(www.gov.uk\)](#). Your report should include as much information about the indicators you have seen and concerns you have, e.g. reports of charging for certificates, reports of use of false documents.

Information reported in through this method will be shared with the Sponsorship Compliance team where they clearly state this is a concern and information regarding the sponsor organisation of concern is provided.

Employment Agency Standards Inspectorate

The [Employment Agency Standards Inspectorate](#) (EAS) is based within the Department for Business, Energy and Industrial Strategy.

The EAS is responsible for:

- working with employment agencies and businesses to help them comply with the law
- investigating complaints received from agency workers
- taking enforcement action through the powers at our disposal, including prosecution and unlimited fines
- recovering unpaid wages or money owed to temporary workers and unlawful fees charged to workers
- identifying agency workers at risk of exploitation, working alongside [partner organisations](#)
- supporting the role of the Director of Labour Market Enforcement, who sets the strategic direction for labour market enforcement bodies

How to report and raise concerns

Advice for workers and employers in relation to issues dealt with by the EAS is provided by Acas. Workers can get advice:

- On the [Acas website](#)
- By calling the Acas helpline
Telephone: 0300 123 1100
Monday to Friday, 8am to 6pm
[Find out about call charges](#)

It is also possible to [complain online](#) on behalf of yourself or another person where:

- National minimum wage is not being paid.
- Someone is forced to work more than an average of 48 hours per week.

The complaint may be directed to the EAS, HMRC Minimum Wage Team, and other partners, depending on the nature of the issues raised. Relevant information will also be shared with the Sponsorship Compliance Team.

Getting advice and guidance

Modern Slavery and Exploitation Helpline

This helpline, operated by charity Unseen UK, provides advice and guidance to individuals who believe they have seen or are experiencing MSHT. They can help individuals get access to support services, will take reports if you have concerns and can even make referrals into the National Referral Mechanism (the UK's modern slavery victim care system).

Information can be provided anonymously. Consent to share the information with other parties, including with Greater Manchester Police, must be provided.

The [Unseen app](#) provides a simple guide to recognising the signs of modern slavery and human trafficking, and reporting concerns in confidence. There is also a guide to types of modern slavery, an outline of key legislation, and an explanation of how to contact the Modern Slavery & Exploitation Helpline in 27 languages.

How to raise concerns and get advice

You can find out more about the Helpline by accessing their [Modern Slavery Helpline](#) website. You can also make contact:

- By calling 08000 121 700
- Online at [File a report \(modernslaveryhelpline.org\)](https://modernslaveryhelpline.org)

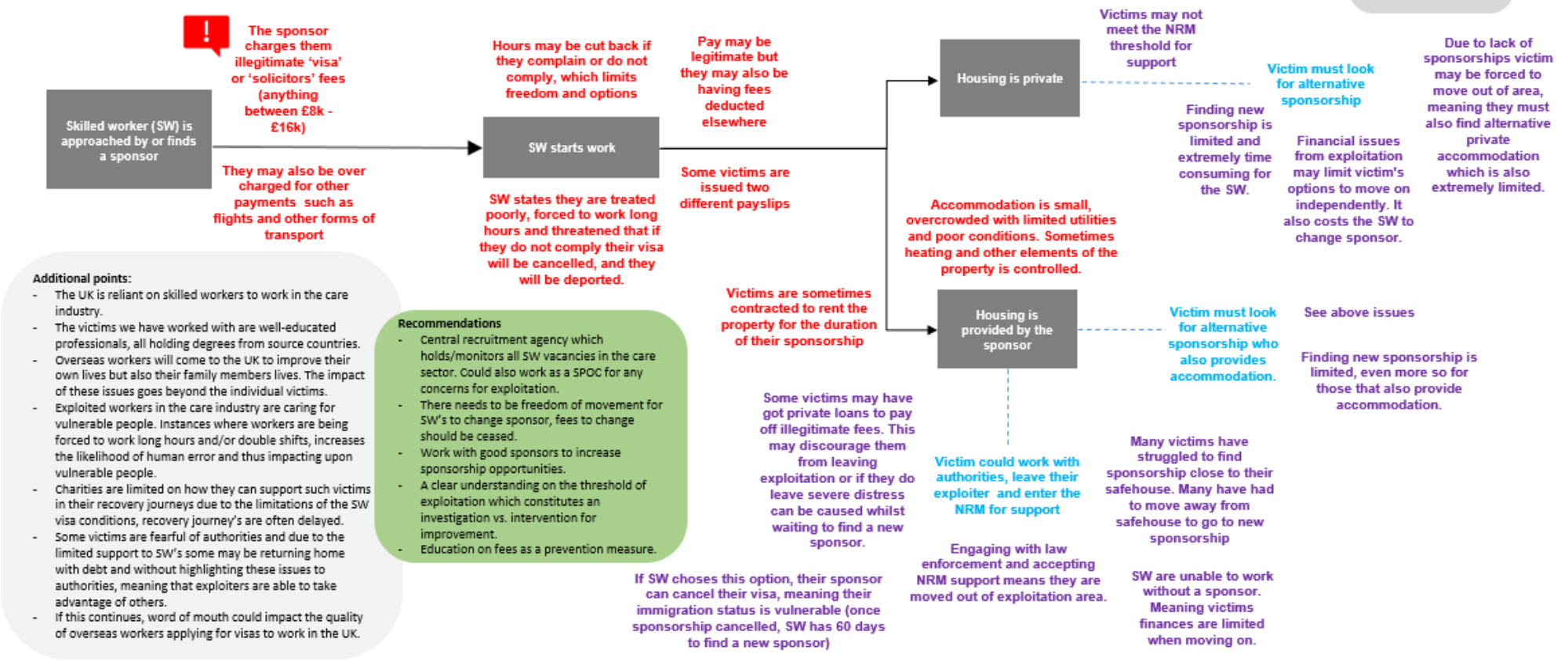
Appendix 1: A victim's journey - modern slavery and human trafficking

Exploitation of skilled workers in the Care Sector – a victim's journey

Justice & Care are currently working with 20+ victims of labour exploitation which took place within the care sector. All victims were working under the skilled workers visa. Their exploiters were their sponsor, employer and landlord which enabled the exploiters to have maximum control over the victims lives. The below attempts to capture the experience of victims of this crime within this sector, to demonstrate the struggles and limited options to them, in the hope that their journey will be considered within any national and local changes that are developed moving forwards.

Key

- Indicators
- Issues
- Options for SW/victim



Additional points:

- The UK is reliant on skilled workers to work in the care industry.
- The victims we have worked with are well-educated professionals, all holding degrees from source countries.
- Overseas workers will come to the UK to improve their own lives but also their family members lives. The impact of these issues goes beyond the individual victims.
- Exploited workers in the care industry are caring for vulnerable people. Instances where workers are being forced to work long hours and/or double shifts, increases the likelihood of human error and thus impacting upon vulnerable people.
- Charities are limited on how they can support such victims in their recovery journeys due to the limitations of the SW visa conditions, recovery journey's are often delayed.
- Some victims are fearful of authorities and due to the limited support to SW's some may be returning home with debt and without highlighting these issues to authorities, meaning that exploiters are able to take advantage of others.
- If this continues, word of mouth could impact the quality of overseas workers applying for visas to work in the UK.

Recommendations

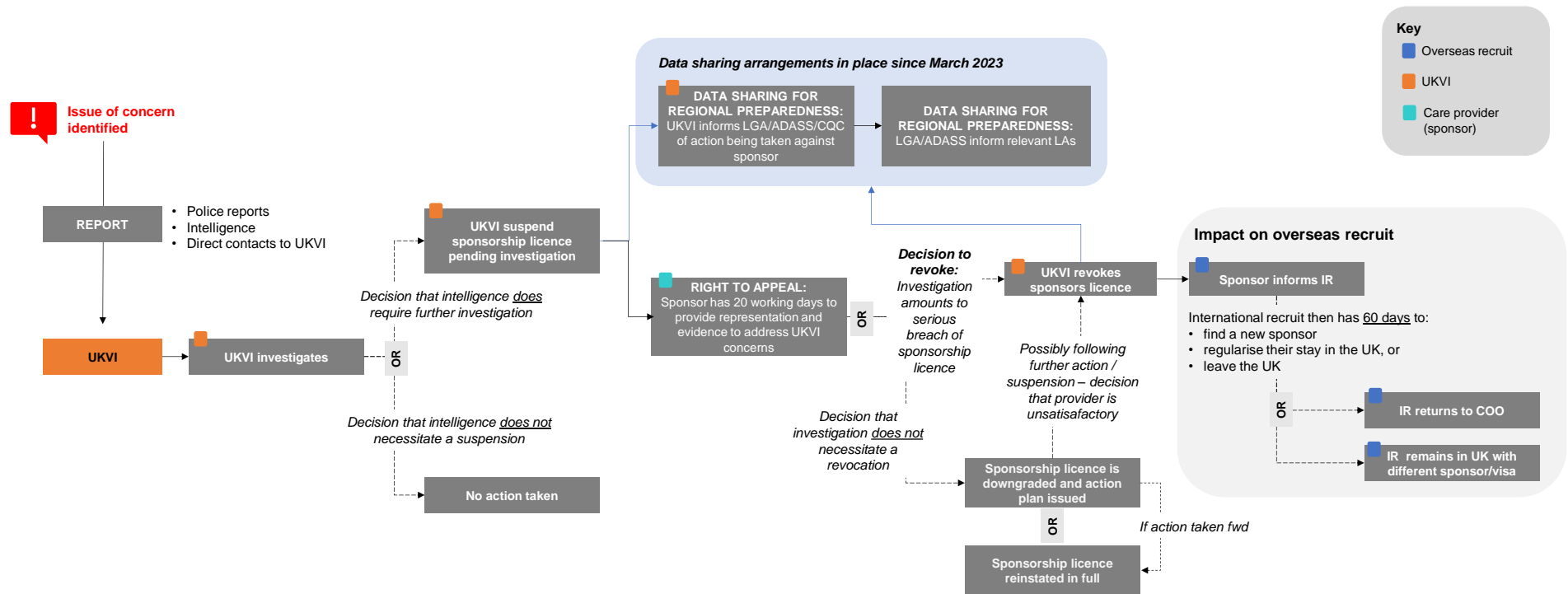
- Central recruitment agency which holds/monitors all SW vacancies in the care sector. Could also work as a SPOC for any concerns for exploitation.
- There needs to be freedom of movement for SW's to change sponsor, fees to change should be ceased.
- Work with good sponsors to increase sponsorship opportunities.
- A clear understanding on the threshold of exploitation vs. intervention for improvement.
- Education on fees as a prevention measure.

Victim journey provided by Justice and Care

Appendix 2: Sponsorship licence non-compliance investigation process

Sponsors under investigation for reports of non-compliance

Providers undergo thorough investigation before UKVI take action to remove their sponsorship licence. It is worth noting the impact a revocation has on the international recruits themselves, and how this can act as a disincentive to raise concerns with relevant authorities.



There may be some deviations from this process required depending on the exact circumstances involved. Please refer to official Home Office sponsor guidance which can be found on these links: [Guidance-for-sponsors-part-1-apply-for-a-licence](#), [Guidance-for-sponsors-part-2-sponsor-a-worker](#) and [Guidance-for-sponsors-part-3-sponsor-duties-and-compliance](#).

Thank you to the following partners who contributed to this document:



Part of Greater Manchester
Integrated Care Partnership

NHS
Greater Manchester