

**PWYLLGOR DIWYLLIANT, POBL A DATBLYGU SEFYDLIADOL  
PEOPLE, ORGANISATIONAL DEVELOPMENT & CULTURE COMMITTEE**

<b>DYDDIAD Y CYFARFOD: DATE OF MEETING:</b>	15 April 2024
<b>TEITL YR ADRODDIAD: TITLE OF REPORT:</b>	UK Policy Changes in relation to Immigration and Sponsorship
<b>CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:</b>	Lisa Gostling, Director of Workforce and Operational Development and Deputy Chief Executive
<b>SWYDDOG ADRODD: REPORTING OFFICER:</b>	Heather Hinkin, Head of Workforce Sally Owen, Head of Recruitment and Equality, Diversity & Inclusion

**Pwrpas yr Adroddiad (dewiswch fel yn addas)  
Purpose of the Report (select as appropriate)**

Er Gwybodaeth/For Information

**ADRODDIAD SCAA  
SBAR REPORT**

**Sefyllfa / Situation**

The People, Organisational Development and Culture Committee (PODCC) is provided with an annual update on contractual and legislative changes affecting the Health Board.

Following the above report's discussion at the 11 December 2023 meeting, PODCC asked for a further report to be submitted to the April 2024 meeting outlining the potential impact of the Government immigration policy changes (surrounding minimum salary and ability to bring relatives to the UK).

This report summarises the immigration changes announced by the Government on 4 December 2023 and the potential impact these changes could have on the Health Board, its future international recruitment strategy and its staff, where they are recruited on a Health and Care Visa or Skilled Worker Visa.

**Cefndir / Background**

This report reviews the Government's announced changes to its UK Immigration Policy and the impact on the Health Board's international recruitment of staff and any further impact for our existing staff.

The review of legal immigration was not undertaken to specifically impact the NHS. The main impact arising from the changes is that we will only be able to offer sponsorship to roles not on the shortage occupation list (SOL) for an annual salary of £38,700 as of April 2024 rather than for a salary of £26,200. We do not believe this will impact recruitment as there has only been 1 applicant, we have ever sponsored for a post that was not on the SOL.

Following this announcement, the Migration Advisory Committee (MAC) was commissioned to review and report back to Government by 23 February 2024 – the focus of their review was to consider the occupations currently on the shortage occupation list (SOL) and those which were recommended for inclusion in the 2023 review.

One of the proposed changes announced thus far is to replace the Shortage Occupation List (SOL) with a new Immigration Salary List (ISL).

As part of UK immigration policy, the Health Board sponsors new recruits through the certificate of sponsorship license which it holds. Changes have also been announced in relation to license renewal and fees.

This report only considers announcements made up to and including 27 February 2024.

## Asesiad / Assessment

### **Review of the Immigration Salary List**

On 23 February 2024, the Migration Advisory Committee (MAC) published its review of the Immigration Salary List (ISL) after being commissioned by the Home Secretary to undertake an initial, rapid review of the ISL, which is to replace the Shortage Occupation List (SOL).

The MAC was asked to consider which occupations should be included on a temporary basis on the new ISL, pending a wider review to be commissioned later in the year.

Below is a summary of changes in immigration rules related to the ISL for Health and Care Worker Visas that have been announced from April 2024:

N.B. key changes highlighted in red.

		<b>Non-Health and Care Worker (H&amp;CW) occupations</b>	<b>H&amp;CW occupations not on a pay scale (including care workers and senior care workers)</b>	<b>Pay scale occupations e.g. NHS pay bands</b>
<b>General threshold (minimum salary threshold if not on SOL/ISL)</b>	Current policy	£26,200	£26,200	£20,960
	From April 2024	£38,700	<b>£29,000</b>	<b>£23,200</b>
<b>Minimum general threshold if on SOL/ISL</b>	Current policy	£20,960	£20,960	£20,960
	From April 2024	£30,960	<b>£23,200</b>	<b>£23,200</b>
<b>Occupation-specific threshold</b>	Current Policy	25th percentile	25th percentile	National Pay Scales
	From April 2024	50th percentile	50th percentile	National Pay Scales

The MAC has recommended 21 occupations be placed on the ISL, including the following Health and Care Worker Visa occupations:

- laboratory technicians
- pharmaceutical technicians
- care workers and home carers
- senior care workers

The main benefit of inclusion on the ISL is to allow employers to recruit migrants on a salary below the general threshold.

The MAC has only considered non-pay scale occupations because national pay scale occupations do not receive any meaningful benefit from ISL inclusion, as their occupation-specific thresholds are, in all cases, above the £23,200 general threshold that applies to all pay scale occupations.

This means that occupations that may have been included on the SOL previously, will now be excluded from the ISL. We await confirmation of the impact this may have on roles previously on the SOL.

The MAC's findings will now be reviewed by the government but are largely expected to form the basis of the new ISL, which should come into force in April 2024 as part of the wider changes to the immigration system.

There are some wider considerations in the new ISL and the potential for increasing the divide between public and private sector pay thresholds for specific roles and the MAC has asked Government to consider this further.

The rapid review is also likely to be followed by a more comprehensive analysis of the ISL later in the year. The MAC did not propose any amendments to the cycle of review of the new ISL on the basis that a major review every 3 years with minor reviews annually in the other 2 years allowed employers to prepare their evidence responsively accordingly to labour market trends.

### **New Entrant thresholds**

There are currently no proposed changes to the discounts available for those aged 26 and under. This discount provides a 30% reduction on the occupation specific threshold and a 20% reduction on the general salary threshold, the higher of which must be paid. The Health Board rarely recruits anyone on a certificate of sponsorship who is classed as a new entrant. This change will therefore have a negligible impact on the Health Board.

From 11 March 2024, the Health and Care Visa will be restricted to stop overseas care workers and senior care workers (SOC 6145 and SOC 6146) from bringing dependants to the UK (these codes only apply to workers who attend to the personal needs and comforts of the elderly/infirm in residential establishments, day care and in their own home). This change is limited in application and does not apply to roles in the health board. We do not therefore foresee any issues at present under the current proposals that impact on the Health Board in terms of new recruits being able to bring family members with them.

### **Visa Fees and Surcharges**

Roles on the ISL will also have marginally reduced visa fees which amounts to a discount of circa £60 per year. The MAC review considered this visa fee reduction a negligible benefit, as roles on the H&CW visa already have lower associated visa fees and therefore do not benefit from the ISL visa fee reduction. Again, the impact of this change for the Health Board is negligible.

All Health Care and Visa holders will continue to be exempt from paying the Immigration Health Surcharge (IHS) or from needing to get an IHS reference number as part of their immigration application. This will continue to be a benefit we can promote within our international recruitment strategy.

### **Sponsorship**

Separately, the Home Office has recently announced that employers will no longer need to renew their sponsorship licence from Saturday 6 April 2024. This will apply to all routes, including study and work.

This is the latest development as part of the ongoing work to transform the sponsorship system and will mean that existing licence holders will have the expiry date of the licence moved to a future date automatically without having to take any action or pay a renewal fee as the Home Office will extend the expiry date on all licences due to expire on or after that date by 10 years.

We will continue to monitor any further changes as they are announced.

### Argymhelliad / Recommendation

The People, Organisational Development and Culture Committee is requested to:

- **NOTE** the content of the report.

<b>Amcanion: (rhaid cwblhau)</b>	
<b>Objectives: (must be completed)</b>	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	3.13 Approve workforce and organisational development policies and plans within the scope of the Committee.
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	N/A
Parthau Ansawdd: Domains of Quality <a href="#">Quality and Engagement Act (sharepoint.com)</a>	Not Applicable
Galluogwyr Ansawdd: Enablers of Quality: <a href="#">Quality and Engagement Act (sharepoint.com)</a>	Not Applicable
Amcanion Strategol y BIP: UHB Strategic Objectives:	6. Sustainable use of resources
Amcanion Cynllunio Planning Objectives	1a Recruitment plan 2b Employer of choice
Amcanion Llesiant BIP: UHB Well-being Objectives: <a href="#">Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022</a>	2. Develop a skilled and flexible workforce to meet the changing needs of the modern NHS

<b>Gwybodaeth Ychwanegol: Further Information:</b>	
Ar sail tystiolaeth: Evidence Base:	N/A
Rhestr Termau: Glossary of Terms:	N/A
Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Diwylliant, Pobl a Datblygu Sefydliadol: Parties / Committees consulted prior to People, Organisational Development & Culture Committee:	N/A

<b>Effaith: (rhaid cwblhau) Impact: (must be completed)</b>	
Ariannol / Gwerth am Arian: Financial / Service:	N/A
Ansawdd / Gofal Claf: Quality / Patient Care:	N/A
Gweithlu: Workforce:	N/A
Risg: Risk:	N/A
Cyfreithiol: Legal:	Requirement to comply with immigration legislation
Enw Da: Reputational:	None arising directly from this report.
Gyfrinachedd: Privacy:	N/A
Cydraddoldeb: Equality:	None arising from this report.