

<b>Reference:</b>	FOI.17365.25
<b>Subject:</b>	Overseas workers and the right to work in the UK
<b>Date of Request:</b>	19 May 2025

**Requested:**

Under the Freedom of Information Act 2000, I would like to request the following information:

- 1a. A copy of any policies that set out how the Trust/Board ensures that employees have a legal right to work in the UK, and how these policies are enforced.
- 1b. A copy of any records or audits, from within the last two years, that set out details as to how far these policies are complied with.
- 1c. The job title and grade of the person (or people) responsible for overseeing and enforcing this policy? (For the avoidance of doubt, I am not seeking any personal information other than job title and grade).
- 2a. A copy of any policies that set out how the Trust/Board ensures that employees contracted through third parties have a legal right to work in the UK, and how these policies are enforced.
- 2b. A copy of any records or audits, from within the last two years, that set out details as to how far these policies are complied with.
- 2c. The job title and grade of the person (or people) responsible for overseeing and enforcing this policy. (For the avoidance of doubt, I am not seeking any personal information other than job title and grade).
- 3a. Information that sets out, for each of the last three years, how many asylum seekers were hired on a temporary right to work visa by the Trust.
- 3b. Information that sets out, for each of the last three years, how many asylum seekers were registered volunteers at the Trust.
- 3c. A copy of any policy concerning how you ensure that asylum seekers who are registered volunteers are not replacing paid roles.
4. Information that sets out, for each of the last three years, how many checks have been conducted due to expiration of a Positive Verification Notice of a Temporary work visa.
5. Information that sets out, for each of the last three years, how many employees had an employment contract terminated due to a change in their immigration status?
6. Information regarding any schemes or partnerships that your Trust has with charities or other external organization's that support or promote the employment of foreign nationals, asylum seekers or those who have recently successfully claimed asylum.  
I am seeking information on the name of the charity or organisation and any partnership agreement or document that sets out the nature of the relationship or scheme.

## **Response:**

1a. Hywel Dda University Health Board (UHB) does not have a policy. However, the UHB is a sponsoring organisation and adheres to the Government UK Visa and Immigration (UKVI) regulations to ensure employees have the legal right to work in the UK. Right to Work checks are undertaken as part of the onboarding process by the UHB's Recruitment and Workforce teams and NHS Wales Shared Services Partnership (NWSSP). Rechecks are monitored via the ESR system and are managed by the relevant teams within the UHB. If the UHB were to breach regulations it would be at risk of losing its sponsorship license, therefore, the UHB works very closely with the UKVI to ensure compliance. Individuals claiming Right to Work also have a responsibility to ensure compliance.

A link to the UK Government Right to Work checks: an employer's guide has been provided below.

[Right to work checks: an employer's guide - GOV.UK](#)

1b. The UHB does not hold the requested information, and no audits have been undertaken during the last two (2) years. However, as a sponsoring organisation, the UHB would be monitored by UKVI. Individuals requiring sponsorship are also monitored and have a responsibility to ensure compliance with the regulations.

1c. The UHB operates in accordance with government legislation. The Director of Workforce & Organisational Development/Deputy Chief Executive Officer has overall responsibility for compliance and is remunerated on a personal salary; details of Executive salaries are available in the UHB's Annual Report and Accounts on the UHB's website.

For ease of reference, please click on the link provided below, which will take you directly to the relevant webpage.

[Annual reports and annual quality statements - Hywel Dda University Health Board](#)

2a. The UHB does not hold a policy. Any employee who is sourced via a permanent 'finders fee' recruitment agency or via Memorandum of Understanding is onboarded in the same way as any other substantive employee to ensure immigration compliance.

2b. The UHB does not hold the requested information as no audits have been undertaken during the last two (2) years. However, the UHB can confirm that no immigration breaches have occurred. The UKVI monitors compliance and should the UHB breach regulations it would be at risk of losing its sponsorship licence, individuals requiring sponsorship are also monitored and have a responsibility to ensure compliance with the regulations.

2c. Please see response to question 1c.

3a. The UHB confirms that asylum seekers do not have a right to work in UK. Therefore, no asylum seekers have been employed by the UHB on a temporary right to work visa.

3b. The UHB confirms that it has onboarded volunteers that have identified as asylum seekers during the 2022/23 to 2024/25 financial years. However, the UHB is unable to provide you with the exact number of volunteers, due to the low number (less than 5), as there is a potential risk

of identifying individuals if this was disclosed. Therefore, the UHB is withholding these details under Section 40(2) of the Freedom of Information Act 2000 (FoIA).

This information is protected by the Data Protection Act 2018 (DPA)/UK General Data Protection Regulations, as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles of the UK GDPR. This exemption is absolute and therefore, there is no requirement to apply the public interest test.

In reaching this decision, the DPA and UK GDPR define personal data as data that relates to a living individual who can be identified solely from that data or from that data and other information, which is in the possession of the data controller.

- 3c. All volunteering roles and associated risk assessments are subject to a robust governance process. This includes initial approval by Trade Union representatives, in alignment with the principles outlined the TUC Charter. This process ensures that all volunteering opportunities are appropriate and do not replace or displace paid employment roles. A copy of the UHB's Volunteers Policy has been provided at Attachment 1.
4. The UHB does not hold the requested information as the ESR system does not record this information. However, the ESR system does produce notifications three (3) months prior to the expiry of the temporary Right to Work; relevant action is then taken to ensure compliance with UKVI regulations.
5. The UHB confirms that there have been no dismissals on statutory grounds directly relating to right to work status recorded on the ESR system, during the past three (3) years.
6. The UHB has been involved in the NHS International Recruitment scheme since 2021. In addition to this scheme, the UHB also attends events hosted by the Local Authority's Resettlement and Migration team – which supports families from Ukraine, Syria and Afghanistan. The Recruitment team also have presence on the Refugee Employment Network website which signposts interested individuals to our Working for us page. A link to the webpage has been provided below.

[Working for us - Hywel Dda University Health Board](#)

The Future Workforce Team collaborates with a range of organisations that support foreign nationals and asylum seekers in accessing employment opportunities or work-related opportunities, such as work experience. These include:

- Ethnic Youth Support Team (EYST)
- Local third sector organisations such as:
  - Pembrokeshire Association of Voluntary Services (PAVS)
  - Carmarthenshire Association of Voluntary Services (CAVS) and
  - Ceredigion Association of Voluntary Organisations (CAVO)
- The UHB's Community Development Outreach Team
- Local Job Centres.