

COMPLIANCE AND VALIDATION CHECKS

The purpose of a compliance check is to make sure that the information given on the work permit application form is an accurate description of the conditions of employment being offered. Where doubts arise as part of the caseworking process or as a result of a random check, the Compliance and Validation Team (CVT) will check that:

- The information given about the employer is accurate and complete;
- The information given about the job and conditions of employment are accurate and complete; and
- The employer is able to offer the employment described on the application form.

There are two types of checks undertaken by the CVT, pre issue checking and post issue checking.

- Pre Issue Checking
- The Pre Issue referral
- Pre Issue Check action
- Pre Issue Check Summary report
- Post Issue Checking
- Referral process
- Preparation work
- Postal checks
- Post action summary report
- Post Issue Check Summary Report
- Discrepancies or issues discovered during a compliance check

Pre Issue Checking

The purpose of a pre issue check is to establish information that **could not** be verified by a caseworker after all possible checks have been carried out prior to a work permit application being approved. The CVT will carry out the visit, only where they can **'add value'** and they **should not** be used to replace standard case working checks. Please bear in mind that Work Permits (UK) receive applications from 400 new employers each month.

The Pre Issue referral

When a caseworker feels that a pre issue check is required, they must complete a 'Pre Issue Check Referral' form (annex A). If a caseworker is unsure of how to complete this form they need to refer to the 'Pre Issue Check Referral Guidance' (annex B).

Once the request form has been completed it must be passed to the business team Higher Executive Officer (HEO) (or anyone with HEO authority, including those on temporary promotion or are deputising)

It is then the team HEO's responsibility to ensure that all possible caseworking checks have been undertaken. If the HEO is content that all checks have been undertaken and agree that a pre issue check is required they will sign and date the referral form.

It is vital that CVT receive high quality referrals only and it should be stressed that a pre issue check does not replace standard caseworker checks. Where the CVT HEO feels that all appropriate information has not been obtained at the caseworking stage, the referral may be returned to the business team.

Pre Issue Check action

As soon as CVT have agreed to carry out a pre issue check, they will issue a standard holding letter to the employer. This letter will explain that, as part of ongoing compliance checks, CVT will carry out further checks on their application(s) before a final decision is made. It will inform them that there will be a delay in the normal consideration time. If you receive any enquiries from employers or reps, please refer them to the CVT on the following number 0114 2793467. This is a general enquiry number and answer phone so calls will be picked up when there is no one available in the office. Please do not give out the compliance officers' phone numbers, as they will often be unavailable due to attending compliance visits.

Pre Issue Check Summary report

Post Issue Checking

Referral process

If a caseworker has concerns about a particular employer and would like the CVT to carry out a post issue check, they should notify their HEO by completing a Post Issue Check referral form (annex C). The referral must contain as much information as possible to explain why an employer check is required. The HEO is required to consider the information and if a compliance check is required then the HEO should send the referral to the Intelligence Team e-mail inbox (Workpermits Abuse (POISE)).

The Intelligence team will decide if a compliance check can be undertaken by CVT.

Preparation work

Postal checks

Post action summary report

After each enquiry, the compliance officer will produce a summary report. The information contained in the report will assist caseworkers when considering the application such as:

B&C internal guidance – website version 2.0

- What the result of the enquiry was
- Additional information that was discovered about the employer
- Any agreed actions following the visit enquiry

Post Issue Check Summary Report

Discrepancies or issues discovered during a compliance check

There may be occasions where evidence is found to show that an employer or representative has knowingly deceived Work Permits (UK), or where the statements made in the application could not be verified at all. In these cases, the CVT have the right to revoke the work permit(s) and, consequently, curtail the leave that the overseas national has to remain in the UK. Where appropriate we may instigate prosecution of employers (or representatives) under the relevant immigration, or other, legislation.