

# Care Homes Briefing

Number 61

## Work Permits

All non-UK or non-European Union citizens (including most Bulgarian and Romanian citizens) require permission from the Government Agency, Work Permits (UK) to do either paid or unpaid work in the United Kingdom. Work permits are granted to UK based employers and not to the individuals. Work permits are granted up to a maximum of five years after which the individual may apply for indefinite leave to remain in the United Kingdom after which there will be no restriction on the individuals working in the UK.

To qualify for a work permit, a job must require either a UK equivalent degree level qualification or a higher national diploma level qualification which is relevant to the post on offer, or a HND level qualification which is not relevant to the post on offer plus one year of relevant full work experience at NVQ Level 3 or above. Alternatively the job must require three years' full time experience of using specialist skills acquired through doing the type of job for which the permit is sought at NVQ Level 3 or above.

The current work permit system is a two tiered system. Tier 1 applications involve a simplified procedure which includes an exemption on the part of the employer from conducting a recruitment search of the labour market within the European economic area to show that there is no-one more qualified who is either a UK or EEA citizen who may fill the post. Tier 1 applications include shortage occupations where Work Permits (UK) acknowledge that suitably qualified/skilled people are in very short supply in the European economic area. From time to time, Work Permits (UK) republishes and updates its shortage occupation list. The current occupation list includes a large number of healthcare occupations including salaried GP's, consultant dentists, consultant

posts in a large number of specialist areas including geriatric medicine and occupational health, social workers, midwives and a number of registered nurses employed in a number of specialties including critical care.

Tier 2 applications require the prospective UK employer to advertise the post in a suitable medium (which can be either a paper publication or on the internet) for a period of time. The onus is on the UK employer to give clear reasons why EU applicants who apply are not suitable for the post.

Once a work permit has been approved, assuming that the individual which the employer wishes to employ is outside the United Kingdom, the individual must then apply for entry clearance to his or her nearest British Embassy using the work permit.

### Looking forward

The current system will be completely overhauled in the next twelve months as part of the Government's pledge for a "new balance in migration policy". This will also affect how all non-UK or non-EU citizens who wish to work, study or train in the UK are dealt with.

The Government will introduce a new points basis system with a five tier framework covering the main routes through which people coming to work, study or train will enter the UK. For each Tier, applicants will need sufficient points to gain entry clearance or leave to remain in the UK. An important principle of the points based system is to retain the flexibility to respond to changing needs of the UK labour market. A new Migration Advisory Committee (MAC) will provide

evidence based advice to the Government on where migration might sensibly fill labour shortages within the economy.

Tier one will consist of highly skilled individuals who contribute to growth and productivity and tier two will

consider of skilled workers with a job offer to fill gaps in the UK labour market.

Further detailed proposals on the Government's point based system for managed migration will be published later this year.

Lisa Parsons  
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## **RadcliffesLeBrasseur appointment to specialist NHS Panel**

RadcliffesLeBrasseur are pleased to announce that they have been appointed to the specialist panel of solicitors advising the NHS bodies that subscribe to the Healthcare Purchasing Consortium and the London Procurement Programme on mental health and healthcare law.

The Partner Andrew Parsons, commented:

"This appointment recognises our expertise and national practice in advising mental health providers. The firm has a pre-eminent healthcare practice and we were delighted to be appointed to the panel".

For more information on Care Home Law contact Andrew Parsons at RadcliffesLeBrasseur on 020 7222 7040, or email: [andrew.parsons@rlb-law.com](mailto:andrew.parsons@rlb-law.com).

Out of office emergency advice available 24hrs on 07802 506 306.

Readers are advised to take specific advice before acting in reliance on the matters set out in this briefing.

Future editions can be received by email. Please e-mail: [marketing@rlb-law.com](mailto:marketing@rlb-law.com) or telephone 020 7227 7476.