

Employment of Students on Student or Tier 4 visas

UPR HR15A version 02.0

Policies superseded by this document

This document replaces version 02.0 of UPR HR15A, with effect from 1 August 2022.

Summary of significant changes to the previous version

This document has been amended to reflect the change of the Tier 4 visa to the new Student visa.

Glossary

A glossary of approved University terminology can be found in [UPR GV08](#).

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1 Introduction and scope

- 1.1 This document sets out the University’s policy on the employment of international Student and Tier 4 visa holders who are registered with the University of Hertfordshire and Hertfordshire International College (HIC).
- 1.2 **This policy does not apply to students not on a Student or Tier 4 visa who should refer to UPR HR15 ‘Employment of Students’.**
- 1.3 Failure to follow this policy could seriously impact on the University’s Home Office (UKVI) licence to sponsor international students and staff and on individual’s future visa extension applications.

2 Definitions

2.1 For the purpose of this policy, any reference to 'EEA' includes the UK, EU, EEA and Switzerland.

2.2 For the purpose of this policy, any reference to the University of Hertfordshire includes the University of Hertfordshire Group of Companies and the Hertfordshire International College (HIC).

2.3 A full-time University of Hertfordshire student will be registered on a full-time taught programme or research degree programme leading to an award of the University of Hertfordshire. It can be delivered at the University, within Hertfordshire International College (HIC) or by a partner institution.

2.4 Working week:

- i At the University and for Student and Tier 4 visa holders working anywhere: a period of 7 days starting on Monday and ending on Sunday.
- ii Total hours worked must not be averaged across two or more weeks for any reason.
- iii All employment at the University must include a minimum of a 30-minute break after 6 hours of work.
- iv Full-time visa sponsored students must not work in excess of 15 hours per week in term-time.
- v University full-time working hours are 37 per week (HSV 40 per week) students should not exceed this even when working outside term-time. It is expected, and students should ensure, that total hours worked do not impinge on their study commitments.

2.5 Employing Manager:

manager to whom a student will report whilst undertaking work for the University and who is responsible for the work and working hours of the student.

2.6 Term time and vacation periods:

as defined in the University's Academic Calendar: <https://www.herts.ac.uk/about-us/governance/university-calendar> or by the partner institution's academic calendar (term time should not be confused with semesters). Term Time includes freshers' week, reading weeks and independent study weeks. Certain students including PhD, Masters and Research Degree students do not have term and vacation times; students starting their course in Semester B or with individual course dates do not automatically have term time and vacation periods covered by the Academic Calendar. Students are responsible for ensuring they know their term and vacation times.

2.7 Placements:

when part of an accredited course at the University of Hertfordshire, students may undertake full-time work on the placement either at the University or with other employers. This must be confirmed by the Careers and Employment Team and/or the appropriate school. Please also note the information in section 3.9 in respect of sport related placements.

2.8 Hertfordshire Students' Union:

students may undertake full-time work as a Sabbatical Officer subject to a pause in, or completion of, their studies by 1 June in the year of election. Part-time Officers and Student Trustees may undertake the work alongside their studies. Student, and Tier 4, visa holders may work for either the UH Group of Companies, HIC or Students Union as defined in section 5.2.

2.9 For the purpose of this policy any reference to 'Student visa holder' is inclusive of Tier 4 visa holders.

3 Home Office (UKVI) – Student visa conditions

3.1 A Student visa holder must not be employed in a way that will be contrary to the conditions or the spirit of their visa.

3.2 The total number of hours that a Student visa holder is permitted, by UKVI, to work in the UK is limited by the conditions of their visa; 20 hours for degree courses, 10 hours for pre-degree courses, zero hours in some cases. The University of Hertfordshire requires all full-time Student visa holders to restrict their working to a maximum of 15 hours per week as defined in sections 4.2 and 4.5. Students with 10 hours allowed by their visa are required by the University of Hertfordshire to only work 7½ hours per week as defined in section 5.3.

3.3 Student visa holders on a part-time course are not allowed to work in the UK.

3.4 It is a criminal offence for a Student visa holder to work more than the weekly limit on their visa during their term time and can lead to a significant fine and/or imprisonment and removal from the UK. It can also impact on a student's future visa applications and on the University's licence to bring other international students and staff into the UK.

3.5 The hours counted as part of the visa limit include both paid and unpaid work.

3.6 All Student visa holders must produce, as part of the job appointment process, confirmation of their student status and term time dates.

3.7 Outside their term time a Student visa holder's visa conditions may permit them to work longer hours. Sections 5.5 and 5.6 cover any increase in hours for work at the University of Hertfordshire.

- 3.8 A Student visa holder is not allowed to work as an entertainer, be self-employed, engage in business activity or fill a full-time permanent vacancy.
- 3.9 A Student visa holder is not allowed to work as a professional sports person or sports coach. The UKVI definition of 'professional' is wide reaching. Prior to committing to being involved in any sport activities students must discuss their situation with the International Student Support Team.
- 3.10 Student visa holders who stop studying prior to completion of their course immediately lose the right to work.
- 3.11 Student visa holders are not deemed to have fully completed their course each year until their Exam Board has confirmed their result in writing.
- 3.12 Student visa holders, on finally completing their course, may usually work for up to a maximum of 4 months from the end date of their CAS or until the date the visa expires (whichever is sooner). This is also dependent on the course of study that was undertaken.

4 Student employment conditions

- 4.1 In-line with its business-facing ethos, the University encourages students, where permissible, to undertake some work experience during their studies.
- 4.2 During the student's term-time the University confirms that the total number of hours worked by a full-time student on a Student visa must not, wherever employed, exceed 15 in any one week.
- 4.3 All employment at the University must not start prior to the appointment process having been fully completed and the Human Resources Department (HR) having confirmed this and the start date, in writing, to managers. Failure to follow this process will mean remuneration will not be paid.
- 4.4 To meet HMRC requirements all pay claims for work must be fully completed and submitted to managers in the week following that in which the work was undertaken.
- 4.5 Students must monitor carefully their accumulation of hours so as not to exceed a total maximum of 15 hours. Remuneration will not be paid for any hours exceeding 15 in a week.
- 4.6 Student Visiting Lecturers on 'A' grades may teach (have contact time of) no more than 5 hours per week (or 2 hours 30 minutes for a 10 hour visa); payment for VL work on these grades includes time for preparation work and marking which will accumulate 5 hours of teaching to 15 hours worked and paid.

- 4.7 Post graduate researchers (PGR) on Studentships: a condition of the Studentship Agreement is that full-time employment should not be undertaken for the term of the Studentship and that part-time work should not be undertaken that might reasonably be deemed to interfere with supervised research training (please see the Research Studentship Agreement and UPR SA16¹). At the discretion of the University, and subject to the conditions in the Studentship Agreement, PGRs on a Studentship may undertake teaching and demonstrating work for the University on a part-time basis subject to:
- i Prior written consent of their Principal Supervisor, where they are satisfied the work will not interfere with the supervised research training, via the School Administration Office to HR.
 - ii The proposed work (including preparation time for teaching or demonstrating and marking) does not normally exceed six (6) hours per week up to a maximum of 312 hours in any one academic year; VL work on rate 'A' therefore equates to, and should not exceed, a maximum of 2 teaching hours per week.
 - iii The terms and conditions of the funder do not exclude part-time work.
- 4.8 Students may only work above 15 hours per week (or 7 hours 30 minutes if on a 10 hours visa) if they are outside their term-time and have fully completed their studies, and this has been confirmed to the HR Department by their School Administration Office. Hours can be increased once HR have confirmed this in writing to the relevant employing manager. School letters to increase hours will be subject to academic grades being achieved, students undertaking re-sits must revert to 15 hours working per week. For Student visa holders an increase in working hours is also subject to sections 5.5 and 5.6 below.
- 4.9 All students are expected to use their judgement about hours worked to ensure their academic study is not impacted.

5 Student visa holders' employment conditions

- 5.1 For each academic year HR must receive confirmation from International Student Support, that the student is registered for the coming year together with notice of their term time dates, prior to work being undertaken. Students studying elsewhere will need to provide this information from their Higher Education Institution. Students not registered for the coming academic year are unable to work.
- 5.2 A Student visa holder may only have a single contract of employment at any time within the University of Hertfordshire Group of Companies, HIC and the Students Union, with one manager and a single cost code.

¹ UPR SA16 'Student and Applicant Complaints'

- 5.3 Student visa holders, during their term time, where their visa states a maximum of 20 working hours may work no more than 15 hours per week; where a Tier 4 visa allows a maximum 10 working hours per week the student may only work 7 hours 30 minutes per week for the University. If the Student visa prohibits working the student must not undertake any work for the University or elsewhere.
- 5.4 Where Student visa holders change their status or course, and this affects their term times, they must inform both HR and International Student Support immediately and provide letters from their School Administration Office confirming their new term dates.
- 5.5 After the completion of studies for each academic year, except their final year, Student visa holders wishing to increase their University working hours above 15 per week (or 7 hours 30 minutes) must provide, to HR, a letter confirming they are outside their course term time and that their Exam Board has confirmed in writing they have passed that year's exams. For University of Hertfordshire students the letters will be produced by their School Administration Office and will be subject to academic grades being achieved. Hours can be increased once HR have confirmed such to managers.
- 5.6 At the end of their final academic year, Student visa holders wishing to continue to work for the University need International Student Support to confirm, to HR, their CAS end date or course end date if earlier, to allow work to continue for a maximum of 4 months (course dependent) or until the date their visa expires (whichever is sooner). The course completion date, to allow an increase in hours, will be the date the final award is confirmed in writing.
- 5.7 For Student visa holders who stop studies or finish their course early, their sponsoring University is required to report this to UKVI. Immigration permission may be curtailed. Students in this situation must inform HR and their employing manager immediately. Where a course is not being completed any work must stop immediately.

6 Volunteering/ voluntary working

- 6.1 University volunteering and voluntary working schemes fall under this UPR and before a student starts a volunteering or voluntary working scheme the details must be pre-checked with the HR Compliance Team to ensure Government and University policies are being met. Letters confirming the position must be issued to students by School Administration Offices or 'recruiting' managers.
- 6.2 Students must not commence as a University volunteer or in a voluntary working role prior to confirmation by the HR Compliance Team to ensure the correct status and so there is no impact on their visa status and/or their permitted working hours.

- 6.3 Student visa holders must ensure when undertaking volunteering and voluntary working that this does not impact on the working hours allowed under their visa. Paid and unpaid work counts towards their maximum working hours.

7 Employing Manager's responsibilities

Employing Managers must:

- 7.1 Ensure that for any Student visa holder appointment this policy is followed.
- 7.2 Be able to demonstrate their processes for managing the number of hours being worked by students and ensure that the working hours allocated to a Student visa holder do not:
- i breach the conditions of their visa,
 - ii exceed the working hours prescribed in this document.
- 7.3 Ensure the hours being claimed have been worked and are being claimed accurately.
- 7.4 To meet HMRC requirements, ensure pay claims are correctly and fully completed and that they are authorised and submitted to Payroll in the week following that in which the work was undertaken.
- 7.5 When aware that a Student visa holder is not complying with the conditions of their visa, report this immediately to the HR Compliance Team.
- 7.6 When aware a student is working more hours for the University than permitted, or for other employer(s) more hours than their visa allows, they must report this immediately to the HR Compliance Team.
- 7.7 Where using a student in a position where they have access to personal, academic or financial information of a confidential nature, give, prior to commencement of their duties, an induction highlighting the confidential nature of the data that may be seen and draw the attention of the student to the relevant clause in their appointment letter / contract thereby ensuring the student is aware of the importance of not disclosing information.

8 Compliance

- 8.1 Any student found not following the above policy may have payments stopped and/or their appointment / work placement terminated.
- 8.2 For any Student visa holder found to be in breach of their visa conditions the University has a duty to report any such breach to the UKVI.

- 8.3 Any member of staff not following the above may be subject to a disciplinary process.

Sharon Harrison-Barker
Secretary and Registrar
Signed: **1 August 2022**

Alternative format

If you need this document in an alternative format, please email us at governanceservices@herts.ac.uk or telephone us on +44 (0)1707 28 6006.