

Employment of Students – Tier 4 Students

General changes

This is a new UPR and it should be read in its entirety

This document sets out the University's policy on the employment of international Tier 4 students registered with the University of Hertfordshire and Hertfordshire International College (HIC).

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.

1. DEFINITIONS

- 1.1 For the purpose of this policy any reference to 'EEA' includes the UK, EU, EEA and Switzerland.
- 1.2 For the purpose of this policy any reference to the University of Hertfordshire includes the University of Hertfordshire Group of Companies¹ and the Hertfordshire International College (HIC).
- 1.3 A full-time Tier 4 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.
- 1.4 Working week:
 - i. At the University and for Tier 4 students 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 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 must not exceed this even when working outside term-time.
- 1.5 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.

¹ The University of Hertfordshire, Polyfield Property Ltd (incl. Hertfordshire Sports Village), UH Ventures Ltd (incl. Conference Hertfordshire), UH Trust, UH Holdings Ltd, UniversityBus Ltd (Northampton) Ltd, Exemplas, Enterprise Growth Solutions Ltd and Bio Park Hertfordshire Ltd.

- 1.6 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 and Masters 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.
- 1.7 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 paragraph 2.9.
- 1.8 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. Tier 4 students may work for either the UH Group of Companies, HIC or the Students Union as defined in paragraph 4.2.

2. HOME OFFICE (UKVI) - TIER 4 CONDITIONS

- 2.1 A Tier 4 student must not be employed in a way that will be contrary to the conditions or the spirit of their visa.
- 2.2 The total number of hours that a Tier 4 student 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 students to restrict their working to a maximum of 15 hours per week as defined in paragraphs 3.1 & 3.4 below. Students with 10 hours allowed by their visa are required by the University of Hertfordshire to only work 7.5 hours per week as defined in paragraph 4.3 below.
- 2.3 Tier 4 students on a part-time course are not allowed to work in the UK.
- 2.4 It is a criminal offence for a Tier 4 student 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.
- 2.5 The hours counted as part of the visa limit include all paid and unpaid work.
- 2.6 All Tier 4 students must produce, as part of the job appointment process, confirmation of their student status and term time dates.

- 2.7 Outside their term time a Tier 4 student's visa conditions may permit them to work longer hours. Paragraph 3.7 covers any increase in hours for work at the University of Hertfordshire.
- 2.8 A Tier 4 student is not allowed to work as an entertainer, be self-employed, engage in business activity or fill a full-time permanent vacancy.
- 2.9 A Tier 4 student 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.
- 2.10 Tier 4 students who stop studying prior to completion of their course immediately lose the right to work.
- 2.11 Tier 4 students are not deemed to have fully completed their course each year until their Exam Board has confirmed their result in writing.
- 2.12 Tier 4 students 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.

3. UNIVERSITY OF HERTFORDSHIRE - STUDENT EMPLOYMENT CONDITIONS

- 3.1 In line with its business-facing ethos, the University encourages students, where permissible, to undertake some work experience during their studies. During their term time, the University confirms that the total number of hours worked by a full-time student must not, wherever employed, exceed 15 in any one week.
- 3.2 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.
- 3.3 To meet HMRC requirements all pay claims for work, whether by form or on-line, must be fully completed and submitted to managers in the week following that in which the work was undertaken.
- 3.4 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.
- 3.5 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 which will accumulate 5 hours of teaching to 15 hours worked and paid.

- 3.6 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 SA05). 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 via the School Administration Office to HR
 - ii. The proposed work (including preparation time for teaching or demonstrating and marking) does not exceed 180 hours in any one academic year, an average of six (6) hours per week; VL work on 'A' grades therefore equates to, and should not exceed, a maximum of 2 teaching hours per week.
- 3.7 Students may only work above 15 hours per week (or 7 hours 30 minutes if on a 10 hours visa) if they are outside term time and have fully completed their studies, and this has been confirmed to the HR Department by their School Administration Office: <https://ask.herts.ac.uk/your-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. Research Degree students wishing to increase hours in their vacation must have pre-booked their annual leave with the Doctoral College and must show confirmation of this to HR before confirmation to increase hours can be given to managers. For Tier 4 students an increase in working hours is also subject to 4.5 and 4.6 below.
- 3.8 Individuals whose first role was as an employee of the University but who then commence full time study at the University are impacted by this policy and must reduce their working to 15 hours per week.

4. UNIVERSITY OF HERTFORDSHIRE - TIER 4 EMPLOYMENT CONDITIONS

- 4.1 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.
- 4.2 A Tier 4 student 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.

- 4.3 Tier 4 students, 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 Tier 4 visa prohibits working the student must not undertake any work for the University or elsewhere.
- 4.4 Where Tier 4 students 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.
- 4.5 After the completion of studies for each academic year, except their final year, Tier 4 students 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.
- 4.6 At the end of their final academic year Tier 4 students 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.
- 4.7 For Tier 4 students 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.
- 4.8 Tier 4 PhD students applying for a visa under the Doctorate Extension Scheme remain on their Tier 4 visa conditions and maximum working hours and are not allowed to work full-time until their Exam Board have confirmed their award in writing and they have received their Doctorate Extension Scheme visa; this is also not before confirmation is given to the manager by HR.

5. VOLUNTEERING / VOLUNTARY WORKING

- 5.1 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.

- 5.2 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.
- 5.3 Tier 4 students 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 Tier 4 maximum working hours.

6. EMPLOYING MANAGER'S RESPONSIBILITIES

Employing Managers must:

- 6.1 Ensure that for any Tier 4 student appointment this policy is followed.
- 6.2 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 Tier 4 student do not:
 - a. breach the conditions of their visa,
 - b. exceed the working hours prescribed in this document.
- 6.3 Ensure the hours being claimed have been worked and are being claimed accurately.
- 6.4 To meet HMRC requirements; ensure pay claims are correctly and fully completed, on current forms and/or online, and that they are authorised and submitted to Payroll in the week following that in which the work was undertaken.
- 6.5 When aware that a Tier 4 student is not complying with the conditions of their visa, report this immediately to the HR Compliance Team.
- 6.6 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.
- 6.7 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.

7. COMPLIANCE

- 7.1 Any student found not following the above policy may have payments stopped and/or their appointment / work placement terminated.
- 7.2 For any Tier 4 student found to be in breach of their visa conditions the University has a duty to report any such breach to the UKVI.
- 7.3 Any member of staff not following the above may be subject to a disciplinary process.

Mrs S C Grant
Secretary & Registrar
Signed: 23 July 2019