

## Tier 5 Administrators meeting – 25 July 2018

### Meeting Notes

In attendance: Sue Valentine, Simeon; Hazel Macklin, Beannachar; Nigel Munt, Blair Drummond; Rike Witte, Loch Arthur; Betty Stolk, Corbenic; Jeannie Carlson, facilitator

Apologies: Jake Vollrath, Newton Dee; Jane Hepburn, CSA

#### **1. Current situation/recent developments**

Since the March Survey, the mixed bag of successes and refusals continue, with some suggestion of better success rate for communities that have made changes to their documentation – but this remains to be proven!

Some highlights- but not complete.

- Corbenic: 3 refusals – 2 successful; 5 awaiting decision
- Blair Drummond: 0 refusals – 3 successful
- Beannachar: 4 refusals –? Successful
- Simeon: 0 refusals – 3 successful
- Newton Dee: 3 refusals - ? Successful
- Loch Arthur: 1 refusal – no other applications for T5
- Ochil Tower: 2 awaiting decision

#### **2. Understanding and definition of co-worker role –**

We had a look at the two defining pieces of legislation that determine T5 volunteer definition and status. Section 34. Tier 5 (Temporary Worker) Charity Workers in the UKBA guidance notes and section 44 from the National Minimum Wage Act 1998 on voluntary workers.

- a. Charity worker definition** - Many refusals are based on the case workers deciding that the volunteer is replacing the role and work of an employee.

We had a wide ranging discussion about the role volunteers in communities and how this can be expressed. As Camphill communities recruit Tier 5 under the charity worker category we need to be mindful of words/language we use in descriptions of role and what volunteers do. Some communities have made changes to wording and set up skype interviews preparing volunteers by talking through questions they may be asked by the UKBA.

Could the workforce proportion of permanent (employed and Camphill) workers to volunteers matter or become an issue when seeking to provide evidence of the 'volunteer contribution' to the community's charitable work? A quick straw poll of those present showed a volunteer/permanent (v/p) relationship of approximately 25v/60p; 32v/60p; 35v/100p; 32v/48p. We also wondered what the permanent workers understanding of the volunteer contribution is. We took no view on this, but thought it important to have some answers ready in view of an approach to UKBA and the home office.

- b. Minimum wage rule /Volunteer payments** it is unclear what the amount of remuneration volunteers receive should be. Blair Drummond and Newton Dee received an update from Pinsent Masons that Home Office has just announced certain changes to the Tier 2/5 guidance and that they have now added a further ground for revocation of a licence “where the sponsor pays any migrant in the Tier 5 (Temporary Worker) Charity Worker subcategory more than reasonable expenses as defined in section 44 of the National Minimum Wage Act 1988”. It does therefore indicate that this part of the UKVI process is under focus from the Home Office and may affect our future.

There are differences in what each community offers volunteers, but all communities are providing fixed amounts of ‘pocket money’, sometimes directly into personal bank accounts and some travel expenses. Blair Drummond uses the term **subsistence allowance** not pocket money. (Blair Drummond amount of £50 per week and 2 days off per week plus 26 days holiday follows recommendations from the German ‘Freunde’ organisation.)

We looked at the costs to the T5 applicant. These are £244 for their visa application (non-refundable), medical exam (costs vary), travel to and from medical exam and biometrics (cost vary but for some will involve considerable distances and expense). Only the NHS surcharge is refunded if the application is refused. That means a non-European applicant will spend well over £500 to volunteer before even booking a flight! Could/should these costs be reimbursed by the sponsor as expenses?

### **3. Tier 5 admin process and documentation**

#### **a. Supporting documents for Visa application**

Supporting documents include an Invitation letter, Certificate of Sponsorship letter and Certificate of Maintenance in various formats issued by the sponsor. It seems these are NOT necessarily referred to by the case worker when making a decision. Therefore, it is important to put key facts directly in the sponsor’s on line application. Again Pinsent Masons have provided advice on wording for this key document. ND has adapted it as follows;

*"The sponsor's charitable purpose is to offer a home, meaningful work and opportunities for personal development to adults with learning disabilities and other special needs. In all some 200 people live and work within the Newton Dee community. Around half have special needs. The volunteer will directly assist with this purpose by taking part in the home life of these adults and by becoming a member of our community.  
The volunteer will not be filling a permanent position, including on a temporary basis."*

#### **b. Further suggestions for documents:**

- Invitation letter – including how/where person will be met by community
- Include a print out of the on-line CoS. There is a facility to print this which does not always function, but you can cut and paste it into a word doc.
- We shared various alternative wording for “work and workshops”; i.e. Activities
- Replace pocket money with **subsistence allowance**.
- Stress faith based nature of Camphill Community.

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### c. Recruitment interviews by the sponsor

Most communities conduct skype interviews as part of the recruitment and selection process. The sponsor/volunteer interview is the opportunity to deepen and test the potential volunteer understanding of what is expected. This can go some way to compensate for our written documents that have become so diluted and devoid of any mention of 'work'.

A list of questions the volunteers are asked in telephone interview from Sheffield has been compiled by Sue and Nigel. Some communities have incorporated these questions in their interviews or do a second interview upon acceptance to prepare them for their interview

### d. T5 interviews by UKVI

Pinsent Masons informed ND that the Home Office has been on-shoring decision making. This means that local offices in other countries are being shut down and the processing of Tier 5 VISA's is being done in Sheffield. This is apparently cheaper as they can shut down foreign offices. They will do this on-shoring in sections, they start in South East Asia and move west – The America's will be the last place for on-shoring.

This seems to tally with our experience, where the highest number of refusals has been from Asia (Korea and the Philippines). Recently volunteers from Colombia were interviewed by Sheffield, and there has been an increase in refusals from Brazil following telephone interviews, so perhaps the roll out has progressed to the Americas.

The volunteers tell us there is no appointment schedule for interviews from Sheffield. They come unannounced and out of the blue at any time. This means interviews can be 'missed' and delay the whole process. This seems grossly unfair, leaving people virtually housebound awaiting this important call.

## 4. Lessons from compliance inspection

The named person to issue Tier 5 certificate log in info must not give log in details to anyone (including any other office admin support).

Keep meticulous files with records of all volunteers, including those who have been refused.

Blair Drummond following compliance inspection from UKVI was advised that all volunteers should have PVG and now do this for all volunteers.

Any volunteer who has applied for visa and been refused the application must be kept with reason for refusal included.

We noted that communities can join the UKVI [premium customer service scheme](#) to get extra support from a licence manager - this costs at least £8,000 a year. However this is clearly not an affordable option unless we were to work together under one licence. Currently T5 licence for small business is £536

## **5. Lobbying the Home Office and UKVI**

AoCC has raised the issue with UKVI. They have come back requesting more information/details and a poll to collect information from communities was circulated.

John Greene of Camphill Devon has circulated a request for Communities to write to their MP and the Home Office. Robert McGeachy is working on an appropriate letter template for Scottish communities which will be circulated in due course.

Robert has also been working with other charities in Scotland to make a joint approach to the Home Secretary. This letter is in the final stages.

## **6. Summary of Actions**

### **Understanding and definition of co-worker role –**

- More work needed on how communities understand and express the volunteer role particularly. Jeannie to ask AoCC and Camphill Scotland if there is scope to get expert advice on this area.

### **Minimum wage rule /Volunteer payments**

- Jeannie to ask AoCC and Camphill Scotland if there is scope to get expert advice on this area.

### **Tier 5 admin process and documentation:**

- Jeannie to ask if a doc store for T5 could be created on Camphill Scotland website where communities can see what wording is being used on correspondence.
- Was UKVI compliance inspector giving correct guidance on obtaining a PVG for newly arrived volunteers? Jeannie to ask Neil if Camphill Scotland has a contact at Disclosure Scotland to answer this.

### **Lobbying the Home Office and UKVI**

- Jeannie will circulate letters and updates as they arrive.
- Jeannie will share the content of this meeting with the AoCC and Camphill Scotland and let them know members are keen to support these initiatives.

## **7. Review of meeting**

Everyone found the meeting informative, helpful and good to meet colleagues from different communities. We agreed we would like to meet again in November, and perhaps up to three times per year to keep abreast of practice and developments.