



Brexit: New Points Based System

12 November 2020





Introductions

Presenters



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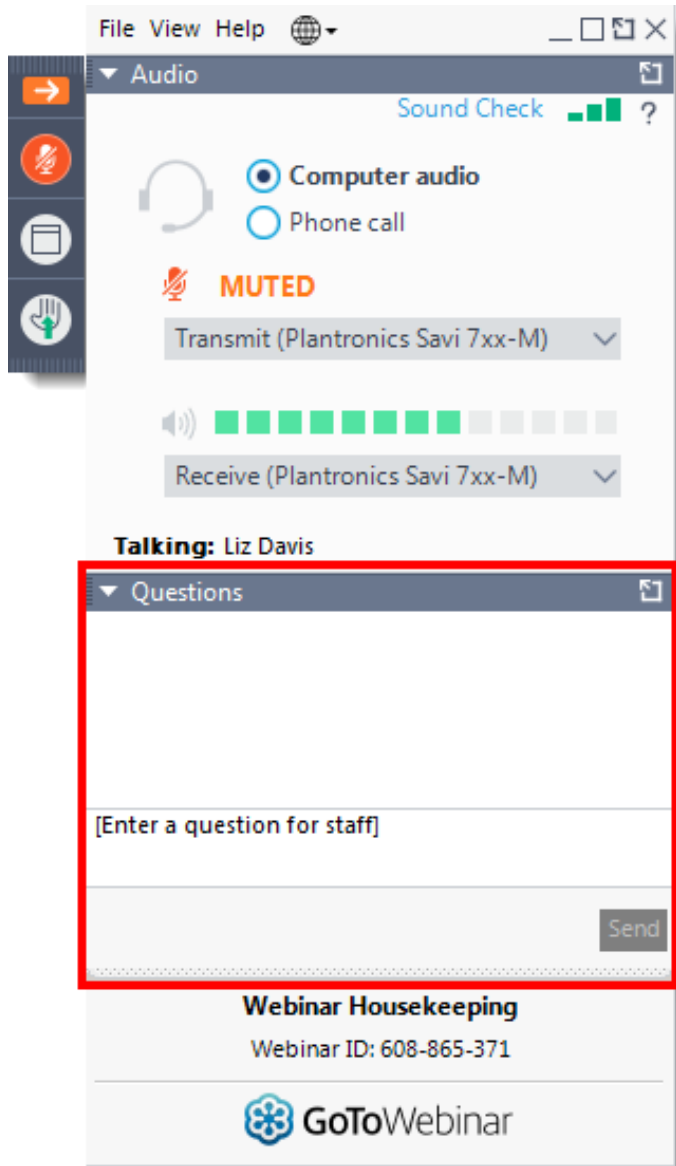
A group of diverse people are seated in a meeting or classroom setting. In the center, a man with a beard and glasses, wearing a grey cardigan, has his right hand raised. To his left, a woman with long dark hair is looking towards him. To his right, a woman with long blonde hair is also looking towards him. In the background, other people are visible, some looking towards the front. The scene is brightly lit with indoor plants and bookshelves in the background.

How to ask questions





GoToWebinar Housekeeping: Time for Questions



Your Participation

- Please continue to submit your text questions and comments using the Questions panel





Brexit: New Points Based System

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Agenda

- **Timetable**
- Points Based Immigration System
- Work Routes into the UK
- Skilled Worker Route
- Intra-Company Transfer
- EU Citizens in the UK
- British Citizens in the EU
- Impact to recruitment
- What should businesses do now?
- Useful Guidance



Timetable

- Today?
- [22 October – new immigration rules published](#)
(514 pages!!)
- 01 December – Skilled worker route opens
- 31 December – Free movement ends
- 1 January 2021 – Visas required to work
- 30 June 2021 – EU settlement deadline

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Points Based Immigration System

- After free movement ends = moving to UK for first time will require a visa to work
- EU and Non-EU nationals
- Everybody treated equally
- Same principals to the current Tier 2 General Scheme
- Impact
 - Huge change for recruitment
 - Easier to get a visa as rules relaxed
- Practical guidance expected to be published

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Work Routes into the UK

- Skilled Worker Route
- Intra-Company Transfers
- Intra-Company Graduate Trainee Global Talent Route
- International Students and Graduates
- New Graduate Immigration Route
- Start Up and Innovator
- Health and Care Visa
- Creative Route
- Sporting Route
- Youth Mobility Scheme

Work Routes into the UK

Current Immigration Category	New Immigration Category from 1 January 2021
Tier 1 (Entrepreneur)	Start up/innovator
Tier 1 (Exceptional Talent)	Global Talent
Tier 1 (Post Study Work)	Graduate
Tier 2 (General)	Skilled Worker
Tier 2 (Intra Company Transfer)	Intra-Company Transfer
Tier 4 (General)	Student
Tier 5 (Youth Mobility)	Youth Mobility Scheme

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Skilled Worker Route

- Skilled worker route replaces Tier 2 general
- Easier to use than Tier 2
 - Skill level being lowered
 - Minimum salary being lowered
 - More occupations to be covered
 - Resident labour test being scrapped

Skilled Worker Route

- Job Offer at skill level RQF3 (A-Level equivalent)
- Job Offer must be from a Home Office licenced sponsor
- Speak English to the required standard
- Salary must meet the applicable minimum salary threshold
- Possible to still be eligible where the salary is lower than the minimum threshold

Skilled Worker Route

- 70 points required

Characteristic	Mandatory or Tradeable	Points
Job Offer (approved by Sponsor)	Mandatory	20
Job Offer at appropriate skill level	Mandatory	20
Speaks English at the required level	Mandatory	10
Salary between £20,480 and £23,039 or at least 80% of the going rate for the profession (whichever is the highest)	Tradeable	0
Salary between £23,040 and £25,599 or at least 90% of the going rate for the profession (whichever is the highest)	Tradeable	10
Salary between £25,600 or above or at least the going rate for the profession (whichever is the highest)	Tradeable	20
Job Offer in a shortage occupation	Tradeable	20
Education Qualification: PhD in a subject relevant to the job offer	Tradeable	10
Education Qualification: PhD in a STEM subject relevant to the job offer	Tradeable	20

Skilled Worker Route

[UK points-based immigration system: further detail statement \(PDF\)](#)

For the initial launch of the Skilled Worker route this is the list of occupations which will be able to claim PhD points. It will be kept under review.

Table 24: Occupations in the top skill level of the SOC code system

SOC code	Occupation
1115	Chief executives and senior officials
1116	Elected officers and representatives
1121	Production managers and directors in manufacturing
1122	Production managers and directors in construction
1123	Production managers and directors in mining and energy
1131	Financial managers and directors
1132	Marketing and sales directors
1133	Purchasing managers and directors
1134	Advertising and public relations directors
1135	Human resource managers and directors
1136	Information technology and telecommunications directors
1139	Functional managers and directors not elsewhere classified
1150	Financial institution managers and directors
1161	Managers and directors in transport and distribution

Skilled Worker Route

Input
Text: Code:

Code	Title	Best Matching Index Entry	Score
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Classification Structure - SOC 2020 (v2)

- ▼ 24 BUSINESS, MEDIA AND PUBLIC SERVICE PROFESSIONALS
 - ▶ 241 Legal Professionals
 - ▶ 242 Finance Professionals
 - ▼ 243 Business, Research and Administrative Professionals
 - 2431 Management consultants and business analysts
 - 2432 Marketing and commercial managers**
 - 2433 Actuaries, economists and statisticians
 - 2434 Business and related research professionals
 - 2435 Professional/Chartered company secretaries
 - 2439 Business, research and administrative professionals n.e.c.
 - ▶ 244 Business and Financial Project Management Professionals
 - ▶ 245 Architects, Chartered Architectural Technologists, Planning Officers, Surveyors and Construction Professionals
 - ▶ 246 Welfare Professionals
 - ▶ 247 Librarians and Related Professionals
 - ▶ 248 Quality and Regulatory Professionals

Job Titles in this Unit Group

Job Titles
Manager (marketing)
Manager, PPC (marketing)
Manager, account (marketing)
Manager, category (marketing)
Manager, client (marketing)
Manager, commercial
Manager, community (marketing)
Manager, contract (marketing)
Manager, development, marketing
Manager, market (marketing)
Manager, marketing

Description

2432 MARKETING AND COMMERCIAL MANAGERS

Jobholders in this unit group manage, plan and oversee the promotion of services, products, companies or brands, find new business, plan specifications and prepare details of the requirements for a project and negotiate contracts.

TYPICAL ENTRY ROUTES AND ASSOCIATED QUALIFICATIONS

There are no pre-set academic entry requirements. A degree or equivalent qualification in a relevant field may be advantageous and significant relevant experience is usually required.

TASKS

- liaises with other senior staff to determine the range of goods or services to be sold, contributes to the development of sales strategies and setting of sales targets
- discusses employer's or client's requirements, carries out surveys or other market research and analyses customers' reactions to product, packaging, price, etc
- compiles and analyses sales figures, prepares proposals for marketing campaigns and promotional activities
- produces reports and recommendations concerning marketing and sales strategies for senior management



Skilled Worker Route

- Changing from RQF6 to RQF3 = presents more occupations to employers
- ✓ IT Technicians, Office Managers, Graphic Designers, Bakers, Cake Decorators, Chef, PA, Secretaries
- ✗ Credit Controllers, Junior admin, Receptionists, Legal Secretaries, Cooks
- Controversial = care workers do not meet the required skill level

Skilled Worker Route

- Sponsor Licence
- Management System
- Certificates of Sponsorship (CoS)
- Sponsor Duties
- Consequences when failing to follow duties

Skilled Worker Route

- Job Offer from a Home Office Sponsor
- Job Offer is at the required skill level RQF3
- The applicant speaks English to a required standard
- The salary must meet the applicable minimum threshold

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Intra-Company Transfers

- Renamed from the current Tier 2 Intra Company Transfer
- Applies to non EU **and** EU nationals 1 January 2020
- To facilitate the temporary movement of overseas worker to the UK
- Temporary transfer but can apply several times
- Cannot stay in the UK for more than **five years** in any six-year period
 - **Exception:** If their salary is at least £73,900 the maximum duration of working in the UK will be nine years in a 10 year period.

Intra-Company Transfers

- The applicant must already be an employee of the company
- Be sponsored as an Intra-Company Transfer by a Home Office licenced sponsor
- **Have 12 months** experience working for a business overseas linked by ownership to the UK business
 - **Exception:** those on a salary of at least £73,900 do not need 12 months service working for the company overseas
- Undertaking a role at the required skill level of RQF6 or above (equivalent to graduate level)
- Be paid at least £41,500 or the “going rate” for the job, whichever is the highest

Intra-Company Transfers

- Intra-Company Transfer Graduate Scheme
- Like the Intra-Company Transfer scheme
- Transfer as part of a structured graduate training programme
- Up to one year
- Different eligibility criteria regarding length of overseas experience and salary.

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EU Citizens in the UK

- EU Settlement Scheme
- 30 June 2021 deadline
- After 30 June, if not applied, they will need a visa to work in the UK and be sponsored else unlawful
- Can't force employees to apply but it is reasonable to ask people if they have – you need to know if they have permission to work in the UK
- Right to work checks
- Right to show passport 1 January and accept without seeing settled status!

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British Citizens in the EU

- British citizens need visa to live and work anywhere in the EU except Ireland
- Irish citizens free to live and work in UK and EU
- Employees travel to Europe for business

British Citizens in the EU

- EU countries have time limits for visits where no visa required
- Check country of destination on time limits
- Passport must be valid for at least 6 months

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Impact on Recruitment

- Huge change as the selection pool will be significantly reduced
- Increased recruitment costs
- Easier process to recruit overseas nationals
- Resident Labour Market Test scrapped
- Wider range of occupations
- Minimum salary reduced
- Skill level reduced, now A-level equivalent

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What should businesses do now?

- Review your 2021 headcount
- Budget for increased costs associated with recruiting from outside the UK
- Talk to your recruitment team as part of your headcount planning about the wider range of jobs available
- Consider the use of apprenticeships and Kickstart placements
- Review your existing workforce to identify who will be required to apply to the EU Settlement scheme if they wish to continue working in the UK
- Consider which roles in your business are required to travel within the EU

What should businesses do now?

- Create a business contingency plan to address possible eventualities
- Develop an effective retention strategy
- Review your company policies
- Communicate to your business at all levels
- [Brexit HR Risk Audit](#)

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Useful Guidance

We are not legally qualified to provide immigration advice, but there is guidance available from the Government:

Guide	Link
Immigration Rules Appendix J: Codes of practice for skilled work	https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-j-codes-of-practice-for-skilled-work
The UK's Points-Based Immigration System: Further Details	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899755/UK_Points-Based_System_Further_Details_Web_Accessible.pdf
The UK's Points-Based Immigration System: an introduction for employers	https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers
Recruiting people from outside the UK from 1 January 2021	https://www.gov.uk/guidance/recruiting-people-from-outside-the-uk-from-1-january-2021

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UPCOMING WEBINARS

The Leadership Perception Gap
18 November, Wednesday | 11am – 12pm

Why do we manage Health and Safety? Surely it's easier not to!

25 November, Wednesday | 12pm – 1pm

**WATCH THIS SPACE.....
MORE WEBINARS BEING PLANNED!**

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