

# OVERSEAS WORKING & PLACE OF WORK (NC)

## Policy statement

It is necessary for University College of Estate Management (UCEM) to clearly state its position on where job roles are based and address the associated issues around place of work. This is necessary for several reasons, including new employment and immigration rules post-Brexit, and to address the global interest that UCEM job roles attract as an online provider of education. In addition, clarity for job applicants is crucial, particularly due to the value UCEM places on the application experience, as well as its employer brand.

This policy statement is applicable to both job applicants and existing UCEM staff. Staff is the umbrella term used to cover the different categories of workers and employees at UCEM, and also includes contractors and agency workers.

## Established offices

UCEM has offices in the United Kingdom (UK) and Hong Kong; the majority of staff work within and across the UK. Whilst the student population of UCEM is global, job roles are either carried out in the UK, or Hong Kong, with a few operating between the two countries. The contractual Place of Work, and associated employment terms and conditions, will reflect the laws of the relevant country.

## Applicant assumptions

Many job applicants wrongly assume that UCEM job roles can be carried out from anywhere in the world. In addition, many job applicants wrongly assume that UCEM will be able to either sponsor their employment or obtain work visas. These assumptions often lead to disappointment during recruitment processes, when the HR team explain that this is not the case. Since Brexit, enquiries

from overseas applicants have increased, and it is necessary for UCEM to be fully transparent about its position.

## Conditions

Not only are job roles either UK or Hong Kong based, but the following must apply in all cases:

1. Applicants and staff must have the legal right to work in the relevant country where the job role is based (UK or Hong Kong).
2. Staff must live in the relevant country whilst undertaking work for UCEM i.e. have a residential address and carry out the work there, or in a UCEM office.
3. Staff must hold a personal bank or building society account in the relevant country.
4. Staff must be registered for tax and social security in the relevant country, so that the necessary contributions can be passed to the relevant Government tax authorities.

The above conditions are non-negotiable. UCEM is unable to apply any special conditions or make any variations.

## UK immigration and employer sponsor license

A new points-based system for immigration into the UK was introduced on 1 December 2020; this replaced the previous tiered points-based system. Foreign nationals wishing to work in the UK must do so under one of the routes in the points-based system, operated by the Home Office. The points-based system includes routes for exceptional talent, skilled workers who are sponsored by their employer, sponsored temporary workers, and students. An employer that wishes to employ a

foreign national under the skilled worker, intra-company transfer, or temporary worker routes must have a sponsor licence. Without a sponsor licence, the employer is unable to issue a certificate of sponsorship, which is necessary for the individual's immigration application. At this current time, UCEM does not hold a sponsor licence, nor does it intend to apply for a licence in the foreseeable future.

As a result, UCEM can only employ staff with the requisite right to work in the UK. In some cases, overseas applicants will already hold this right (leave to enter, leave to remain, right to work), and the HR & Payroll team will inspect right to work documents as part of the recruitment process. Please note that UCEM advertised job roles with permanent employment status, require indefinite leave to enter and remain in the UK, and right to work.

## Brexit transitional rules

Until 1 July 2021 there is no change to the way nationals of European Economic Area countries or Switzerland, need to prove their right to work. UCEM will continue to carry out right to work checks during the recruitment process. However, please note:

- If you are a national of a European Economic Area country or Switzerland and you arrive in the UK on or after 1 January 2021, you need to obtain a visa in advance under the UK's new points-based immigration system (above). Without this, you do not have the right to work in the UK, and UCEM cannot consider your application (nor can UCEM sponsor you).
- If you are a national of a European Economic Area country or Switzerland and you were resident in the UK by 31 December 2020, you may be eligible to apply for pre-settled or settled status in the UK; therefore UCEM may be able to consider your application. UCEM is unable to advise or assist job applicants with this process; instead, we refer you to guidance on GOV.UK and ask that you consider this thoroughly. [Guidance Link 1](#) and [Guidance Link 2](#).

## Existing staff only

In some cases there are legacy arrangements in place for overseas working. These arrangements may need to have an agreed run-out period. Each individual case is unique and will be managed on a one-to-one basis, between HR, Line Manager and staff member.

## Risk-based approach

UCEM appreciates that place of work, overseas working, and right to work matters can be complex. There are several risks which UCEM must manage when considering the matters involved and these may not always be apparent to applicants and staff. Where possible UCEM will seek to clarify these matters in this policy statement but ultimately, the decision on place of work is determined only by UCEM.

## Questions

Should you have any questions about this policy statement, please contact the HR & Payroll team at [recruitment@ucem.ac.uk](mailto:recruitment@ucem.ac.uk) in the first instance.

*This policy and guidance is non-contractual.*