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Sent by email.

To: Michelle Dyson, Director General for Adult Social Care, DHSC

Catherine Frances, Director General for Local Government, Resilience and Communities, DLUHC

Simon Ridley, Interim Second Permanent Secretary, Home Office

30 January 2024

Dear Michelle, Catherine and Simon,

**International recruitment of care workers**

We write to you to share our growing concerns about the increasing evidence of exploitation and cases of modern-day slavery associated with the visa scheme to recruit international recruits into the adult social care sector.

Adult social care currently has the highest turnover rate of any employment sector in the country, and it employs more people and has had more vacancies than the NHS. For this reason, we need access to the broadest possible pool of candidates to ensure the availability of high-quality care and support services for those people that draw upon it. To help bridge this gap in the short to medium term, the sector has increasingly turned to international recruits since the addition of care workers and senior care workers to the shortage occupation list in January 2022.

The majority of care workers are employed by independent providers, most of whom take an ethical approach to international recruitment. Many workers have arrived in this country sharing their invaluable skills and experience and are making a hugely valuable contribution to the sector and to local communities.

ADASS has been cautiously supportive of international recruitment. Indeed, we have aided the process of establishing regional international recruitment support hubs, welcoming that these have been funded via DHSC. Although there have been successes and positive feedback, we are increasingly concerned that the scheme can leave individuals open to exploitation by unscrupulous operators which in turn brings the very real risk of harm coming to people drawing on care and support.

It was concerns about such exploitative practices, leading to safeguarding alerts, and operational issues regarding the continuity of care for people drawing on care and support, which led ADASS and Partners in Care and Health to initiate an information sharing protocol with the Home Office, UKVI, DHSC and CQC. DHSC and UKVI’s support in establishing this protocol has been significant and has been much appreciated.

This protocol enables the sharing of information between organisations where a provider has had their international recruitment licence suspended or revoked. ADASS use the information to inform their members, Directors of Adult Social Services (DASSs) in local authorities. It is important to understand that DASSs have a legal responsibility for social care for people who purchase their own care privately as well as those supported through council funds. This has been a vital early warning system, serving to mitigate the negative impact of such suspensions and revocations, though there is no obligation on the organisation that has had its licence revoked to disclose details of the staff that no longer have employment or the people that would have been due to receive care.

Despite the positive impact of the protocol, it is now becoming abundantly clear that the number of suspensions and revocations is increasing and post-Christmas has seen a sharp rise. On Friday 19 January 2024 there were 17 suspension notifications alone, potentially impacting 2375 international recruits. This is the largest number of notifications received in a single day. These notifications provide evidence to support the feedback we continue to receive from regional hubs, which reflect the exploitation experienced by some people.

Data provided by the Home Office suggests that 140,000–180,000 people (workers and their dependents) have arrived in this country via the care worker visa route. While it appears that many have successfully been absorbed into the care workforce and are making a valued contribution, it is equally clear that the scale of exploitation is growing, and this is now having an impact on wider public services, not just adult social care.

We have examples of large numbers of displaced workers being left without employment, due to their employer having their licence revoked or discovering that no job existed when they arrived. With no recourse to public funds, these people and their dependents have no accommodation, no means of income, and no way of feeding themselves whilst they try to find new employment. This situation is exacerbated by the fact that transferring sponsorship from a previous employer to a new employer is extremely time consuming, taking several weeks.

After sixty days without a job (following licence revocation), staff have no immigration status in this country. As a result, they are not permitted to work and face potential deportation. This is driving people into illegal market employment, or they are turning to local charities or local authorities for housing and financial support.

There is now an urgent need to stop the cycle of exploitation and illegal practice conducted by unscrupulous companies and the resulting pressure on local authorities. In the same way that we welcomed the efforts of DHSC to establish the scheme and the co-operation of UKVI, the GLAA, Home Office and DLUHC, we now seek your support to deliver improvements to its operation to retain the very real benefits that it has brought, whilst improving safeguards

We believe there are two options. The first is to shift our collective focus to supporting those recruits who are already in this country. Helping them to retain their employment or to support those who need to transfer their employment status to a new provider in a timely manner. This would mean a temporary pause on new international recruitment.

Secondly, there are basic changes to the current system that we have advocated below to rebalance the sector and to stem the flow away from exploitation and illegal activity. Some, would take time to introduce, so may not have an instant impact. We would be happy to expand upon these and other potential mitigating actions.

Recommended actions:

* On the 4December 2023, the Government announced a package of new measures to curb abuse of the immigration system. The implementation of some of these changes could be brought forward and extended.
* We have advocated that before a licence is issued, checks are made that the provider is CQC registered, and that confirmation is sought from the DASS in that area that there is indeed a need for international recruitment with guaranteed contracted work. The local authority can raise objections with reasons.
* CQC to be advised of licences and sponsorships awarded to ensure, where appropriate, that they include overseas workers in their inspection against all aspects of Regulation 18.
* The sector is currently trying to mitigate substantial challenges without access to vital data making it significantly harder to take appropriate actions. Further details can be provided of the data which is required.
* Where a suspension or revocation is issued it should be mandatory for the provider to inform the local authority of internationally recruited staff that visas have been granted to so fast track re-employment can be supported/facilitated.
* Providers to be required to register licence approval and sponsorships with local authority (this could be by LA or region)
* National Emergency Funding where workers who have not been paid and are not eligible for recourse to public funds as currently this can only cover children under the Children Act, or the original employer to face greater financial sanctions to support ongoing costs.
* Guidance to be provided for all international recruits on what support they can access should their employer face a suspension or revocation.

Illegal exploitation has no place in our social care system, and it undermines the reputation of the sector and the work genuine providers have done in the last year to bring in 70,000+ care workers from other countries. They have made a huge difference to the lives of thousands of older and disabled people in our communities who would otherwise not benefited from that care. We have more than 150,000 vacancies across adult social care. International recruitment is not a long-term solution to that crisis, but it is making an important contribution right now and we need to ensure the care workers we are welcoming from other countries are properly protected so they can continue to do this vital work.

We are minded to write to Ministers to offer these solutions and your advice as to how that would most effectively be framed would be welcome.

Yours sincerely,

 

**Anna Hemmings Cathie Williams**

Joint Chief Executive Joint Chief Executive

Cc: Tom Surrey, DHSC; Nico Heslop, DLUHC; Philippa Rouse, Home Office; Sarah Pickup, Local Government Association.