



Department of Health & Social Care

*From Michelle Dyson
Director General For Adult Social Care*

*39 Victoria Street
London
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020 7210 4850

Sent by email

Anna Hemmings and Cathie Williams
Joint Chief Executive, ADASS

08 February 2024

Dear Anna and Cathy,

Thank you for your correspondence on 30th January regarding sponsor revocations within the care sector and the resulting pressure on local authorities. We are copying this letter to Ian Trenholm, CEO of the Care Quality Commission (CQC), given the CQC's role and interest in this issue.

We share your concerns about ongoing issues in relation to exploitation of migrants and immigration non-compliance in the Adult Social Care sector. We'd like to thank you for the enormous amount of work underway within your own organisation and in local authorities to respond to this. We have a shared objective in tackling this, and we would like to reassure you that action is being taken across government to address it.

It's important to state upfront that – whilst potentially disruptive for local authorities - revocations and suspensions are an important and necessary intervention to respond to individuals and companies who are breaching the immigration rules or have no regard to migrants' welfare. Wherever possible, we would want to prevent it getting to that stage, but where there are clear grounds, UKVI will take action against a sponsor found to be in breach.

Government has already taken firm action to prevent and respond to exploitation in the sector. We have a Code of Practice which sets stringent ethical standards when recruiting health and social care staff from overseas and, as you know, we have invested £15m in 2023/24 to enable local areas establish support arrangements to promote ethical international recruitment. To date, this has funded a variety of interventions including legal advice and HR support to providers and training on Home Office compliance. We have always been clear that this funding can and should be redeployed to address emerging policy issues and operational priorities, including instances of exploitation. Indeed, the North East regional partnership has pivoted £295k to support overseas recruits affected by exploitation. There is a complex monitoring and enforcement landscape which necessitates strong and joined-up, multi-agency action across local and central government, and in partnership with the sector. Government remains committed to supporting local authorities on this issue moving forward.

Since October, following very close working between the Home Office, Department for Health and Social Care and CQC, UK Visas and Immigration (UKVI) have been deploying their existing checks and powers with the sector before issuing Certificates of Sponsorship for overseas care workers. UKVI now require providers to supply



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much more robust evidence of their pipeline of work, including proof of contracts from local authorities, before they are allowed to recruit from overseas. This helps ensure providers can provide guaranteed work and pay the required salaries to overseas workers. This was introduced in response to increasing revocations resulting from providers failing to provide sufficient hours to meet salary thresholds, or in some cases any hours, leaving workers unable to support themselves, and growing instances of worker exploitation in the sector.

Furthermore, as you know, Government is implementing, at pace, a series of immigration changes to address net migration and curb immigration abuse and worker exploitation in the Health and Care Visa¹. The first set of Rule changes are intended to come into force on 11th March. From this point onward, care providers in England will only be able to sponsor migrant workers if they are undertaking activities regulated by the Care Quality Commission (CQC). This will help tackle the abuse of the Health and Care Visa route that we have seen and ensure that those coming through this route genuinely support the social care system. We are clear though that this is just the start, and we will monitor the impact of this change – in concert with the CQC – with a view to tightening this even further if it does not have the desired impact.

Where instances of exploitation occur and licences are revoked, UKVI take specific actions to support regions to mitigate the impacts on continuity of care and overseas recruits. These include notifying the local authority (via the LGA and ADASS) of licence revocations within their locality and retaining overseas recruits' immigration status whilst they seek to regularise their stay.

We are of the view that more can, and should, be done across the whole system and in partnership with the sector to ensure there is a robust strategy in place to prevent and respond to these issues. Our joint protocol was a welcome step in that direction, and we are open to building upon this.

We would welcome an opportunity to sit down with you and discuss the challenges in more detail, along with an examination of how different agencies can play a part in addressing exploitation. To that end, we would like to invite you to an all-day workshop in UKVI offices in Sheffield. We would welcome your thoughts on this and would be happy to sit down with you and draw up an agenda together. Including on how best to facilitate a constructive discussion on the recommendations outlined in your letter.

Yours sincerely,

**MICHELLE DYSON, DIRECTOR GENERAL FOR ADULT SOCIAL CARE,
DEPARTMENT OF HEALTH AND SOCIAL CARE**

¹ [Net migration measures – further detail - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/net-migration-measures-further-detail)



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**CATHERINE FRANCES, DIRECTOR GENERAL, LOCAL GOVERNMENT,
RESILIENCE AND COMMUNITIES, DEPARTMENT FOR LEVELLING UP,
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**DAN HOBBS, DIRECTOR GENERAL FOR MIGRATION AND BORDERS GROUP,
HOME OFFICE**

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