

Language Assistants

UKVI Reporting Requirements

Compliance duties

Sponsors and Host institutions must ensure they:

- Comply with immigration law (must not employ anyone if they do not have permission to undertake the work in question) as the British Council can only issue Certificates of Sponsorship (CoS) to those who they believe meet the requirements of Temporary Work – Government Authorised Exchange visa and who will comply with the conditions of their leave. All host institutions must complete a right to work check: Checking a job applicant's right to work - GOV.UK (www.gov.uk).
- Comply with UK employment law, including the National Minimum Wage, the Working Time Regulations and enrolling employees on a pension scheme.
- Co-operate with the UK Visas & Immigration (allow UKVI staff access to any premises on demand, including unannounced visits as well as digital inspections; adhere to any UKVI action plan, and comply with any good practice guidance produced for the Sponsors).

Record-keeping duties

All host institutions must review the assistant's original immigration documents and complete a Right to Work check before the assistant commences their role and shortly before the end of their period of employment: [Checking a job applicant's right to work - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

All host institutions should also keep the following records or documents and be prepared to provide these at short notice if requested by UKVI:

- Copy of current passport
- Evidence of the date the Modern Language Assistant entered the UK. (Entry stamp in passport OR boarding pass OR travel ticket containing date of travel.)
- Copies evidencing Right to Work checks have been completed both prior to employment and shortly before the end of employment. These should be retained for 2 years following end of employment and then securely destroyed.
- A history of the Modern Language Assistant's contact details (UK address, phone number, email address). These details must be kept up-to-date, and the British Council should be advised if they change.

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- The Modern Language Assistant's Certificate of Sponsorship number (provided to you by the British Council) via email.
 - Copy of the Modern Language Assistant's home country criminal record and UK criminal record check.
 - Copy of the Modern Language Assistant's offer letter and contract signed by both your institution and the MLA.
 - Copy of Modern Language Assistant's payslips which clearly show their name, NI number, tax code, any allowances paid, and deductions made.
 - Evidence of salary payment (amount and frequency) into Modern Language Assistant's bank account.
 - A record of the Modern Language Assistant's absences during their employment.
 - Evidence of the date the Modern Language Assistant left the UK. (Entry stamp in passport OR boarding pass OR travel ticket containing date of travel.)
 - If accommodation or board is provided, evidence of the value of these allowances.

Reporting duties

All host institutions must report the following information or events to the British Council **via email** to comply with UK Visas and Immigration (UKVI) regulations:

1. If an assistant does not turn up on the first day of work, this must be reported to the British Council immediately and must include any known reasons given for non-attendance (e.g., missed flight).
2. If an assistant's start date is delayed by 28 days or more, this must be reported to the British Council within 10 working days. A Right to Work check must be carried out prior to the assistant's employment on their delayed start date.
3. If an assistant does not receive their first or any subsequent salary payments, this must be reported to the British Council.
4. If an assistant is absent from work for more than 10 consecutive working days without permission, this must be reported to the British Council within 10 working days.
5. If an assistant is absent from work for more than 4 weeks in total during a calendar year, this must be reported to the British Council within 10 working days, with a reason being provided for absence and the salary received by the assistant during this period. Please note that assistants cannot be absent from work without pay for more than 4 weeks in

total in any calendar year without a valid reason for the absence.

6. If an assistant travels in and out of the UK during their placement, (e.g., going away on a short holiday at half-term) please remind the assistant to fill in the MLA UKVI Placement and Travel Survey (circulated directly to all assistants) so we can keep up-to-date records of the assistant's entry to and from the UK. UKVI may ask the British Council for this information.
7. If an assistant's contract of employment is terminated earlier than was indicated on their Offer Letter (for example where the participant resigns or is dismissed) this must be reported to the British Council within 10 working days.
8. If you are aware of any need to stop sponsoring the assistant for any other reason, this must be reported within 10 working days. For example:
 - a. the assistant moves into an immigration route that does not require a sponsor; or
 - b. the assistant takes a period of unpaid leave.
9. If there are any significant changes in the assistant's circumstances, these must be reported within 10 working days of the change. For example, a significant change includes:
 - a. a change in core duties
 - b. a change of salary from the level stated on the Offer Letter
 - c. a change of salary from the level stated on the Offer Letter due to a period of maternity, paternity or adoption leave, or a period of long-term sick leave that lasted for one month or longer.
10. If the employment location changes, or if the duration of their contract of employment is shortened, this must be reported to the British Council within 10 working days.
11. You must report any information which suggests that an assistant is breaching the conditions of their visa.
12. You must also give the police any information you may have that suggests that the participant may be engaging in terrorism or other criminal activity.
13. If there are any significant changes in your institution's circumstances (for example, if it ceases to operate or changes status), you must report this within 20 working days. We realise that such events are unlikely but are required by UKVI to inform you of this.