 **Guidelines for employing Tier 4 Students**

These guidelines summarise the eligibility of BU students on Tier 4 visas to undertake paid and unpaid work within the University.

**Tier 4 restrictions on working**

Students at undergraduate level or above, on a Tier 4 visa may work;

* part-time during term-time, that is no more than 15 hours\* a week and/or as defined by the conditions of the visa. This includes paid and unpaid work. For the purposes of work, a week is defined as a period of seven days starting on a Monday and ending on a Sunday.\*\*
* full-time during holidays. This is a period when they are not required to study. (NB. Re-submission of assignments or coursework is classed as term-time.)
* full-time from the course end date. The student must provide a letter to confirm the course has ended prior to working full-time.

Students must not fill a full-time permanent vacancy unless they are; i) on the Doctorate Extension Scheme or ii) beyond the programme end date **and** they have made a Tier 2 application before the expiry date of their Tier 4 visa.

\*NB. The University limits the number of working hours at the University to 15 hours per week during term-time for all Undergraduate students and those students undertaking full time studies at any level, across all contracts of employment with the University.

\*\* NB. With effect from 6 April 2017 the UKVI have confirmed that for the purposes of work, a week is defined as a period of seven days starting on a Monday and ending on a Sunday. Prior to this, the definition of a working week had been any consecutive seven day period from the contract start date, for example, if the contract starts on a Wednesday, the week runs from Wednesday to Tuesday continuously until the end of the contract. Where a part-time hourly paid contract has been issued prior to 6 April 2017, the definition of a working week will not change and working hours should be calculated on working for seven consecutive days from the contract start date.

**When can full-time work be undertaken by Tier 4 students?**

**Undergraduate (UG) and Postgraduate Taught (PGT) (Masters)**

UG and PGT students may only work full-time during individual course holidays. All Tier 4 UG and PGT students require a letter from askBU confirming their term and holiday dates, this will be obtained and shared by Human Resources upon issue of their Appointment Letter. This letter must be obtained and holiday dates confirmed prior to engaging them in full-time work. With effect from 1 April 2016, working hours at BU have been limited to a maximum of 15 per week outside of holidays (i.e. during term-time) for all new contracts of employment.

**Post Graduate Research (PGR)**

PGR students are classed as being in Term Time unless on annual leave. PGR students are entitled to up to 6 weeks annual leave (i.e. 30 days) as outlined in the [Code of Practice for Research Degrees.](https://intranetsp.bournemouth.ac.uk/pandptest/8a-code-of-practice-for-research-degrees.pdf) Students book this leave through their Postgraduate Research Administrator and should request a letter confirming these dates. This letter must be obtained and holiday dates confirmed prior to engaging them in full-time work. NB. Section 8.1 of Employment of Postgraduate Researchers (PGRS) for Teaching or Demonstrating duties – guidelines states: ‘In line with Research Council guidelines, full-time PGRs are limited to working **6 hours per week** (including preparation, class contact and marking).

**Contracts**

All part-time hourly paid staff, including Tier 4 students are subject to the Employment Procedure – Part-time Hourly Paid Staff.It is essentialthat verified, signed and dated evidence of permission to work and evidence of term dates must be obtained from all Tier 4 students prior to engaging them in work as outlined in the [Prevention of Illegal Working: Guidance on the Immigration, Asylum and Nationality Act 2016.](https://intranetsp.bournemouth.ac.uk/documentsrep/Immigration%20Regulations%20(Guidance).pdf)

In addition, prior to making a verbal offer of Appointment and allocating working hours, the Faculty or Service must check and update the [Immigration Spreadsheet](file:///I:/Personnel/Collaborative/Tier%204%20Students/Immigration%20Spreadsheet.xlsx).  All Tier 4 students who have a current live employment record are listed on this spreadsheet.  Where hours are offered, they need to be added to this spreadsheet (hours by date) by the Faculty / Service to ensure they are working no more than 15 hours per week across the University.

**Timesheets**

Working hours should be agreed by the Faculty/Service in advance of the student undertaking work in line with the conditions of their visa and the University’s guidance as outlined above.

Once work is complete students must fill in a [Tier 4 Timesheet](file:///I:/Personnel/Public/PTHP%20Staff%20Acad%20&%20Non%20Acad/PTPAY%20Tier%204.xlsx) and submit this to the Faculty/Service to approve. The Faculty/Service must check the correct timesheet has been used and that it is accurate, reflects the agreed hours of work and any work restrictions have not been exceeded. The timesheet should be fully completed with all the required information. Claims will be rejected and payment delayed if any of the essential fields are blank.

**Audit and Consequences of working over 20 hours during term-time**

Human Resources, in conjunction with Payroll, will undertake a regular audit of all Tier 4 timesheets against the [Immigration Spreadsheet](file:///I:/Personnel/Collaborative/Tier%204%20Students/Immigration%20Spreadsheet.xlsx). Human Resources will also audit copies of [eligibility to work documentation](http://intranetsp.bournemouth.ac.uk/policy/Immigration%20Regulations%20(Guidance).docx), to ensure that previous copies taken are satisfactory, have been signed and dated, and that documented term dates were provided **prior** to the Tier 4 student commencing work.

If a Tier 4 visa holder works above 20 hours per week during term-time they are in breach of the conditions of their leave under Tier 4. If a breach occurs, the University has an obligation to report this to the UKVI. For the student this could result in refusal of an immigration application, being removed from the UK and/or being barred from returning to the UK for a certain period. For the University this could result in a civil penalty up to £20,000 per illegal worker reported, criminal conviction, an audit being triggered and/or a revocation of our ability to sponsor staff who require permission to work in the UK.

In addition, Human Resources will undertake an investigation in line with the [Disciplinary Procedure](http://intranetsp.bournemouth.ac.uk/policy/disciplinary%20procedure.docx) which may result in, the termination of the part-time hourly paid contract for the Tier 4 students and disciplinary action against the individual who has allowed the student to work more than 20 hours per week or to undertake work without the eligibility to work check having taken place.

**If you have any questions on this guidance please contact the** [**Human Resources Team**](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/hrcontacts/) **via** [**email**](mailto:hrequiries@bournemouth.ac.uk) **or +44 (0)1202 961133 (internal – 61133).**