Advertising for and appointing staff post Brexit

Following the UK leaving the European Union on 31 December 2020, there are some changes to the advertising for and appointment of staff.

Advertising - what has changed?
The Resident Labour Market Test has been abolished. Jobs can now be advertised with no minimum period and in whatever media as suits the vacancy/recruitment panel.

In order to allow candidates time to see and apply for posts, we recommend a minimum period of:

- 1 week for jobs graded 1-4
- 2 weeks for jobs graded 5 and above

All jobs can be advertised for as long as the panel requires and should be advertised on the University’s jobs page.

Advertising - what remains the same?
The job will be graded via HERA based on the duties and levels of responsibility. The grade determines the salary which in turn will determine whether it is eligible for visa sponsorship for migrant workers.

Staff on the Redeployment Register will still be offered the opportunity to apply for appropriate vacancies ahead of advertising.

Recruitment practices
We must still be able to justify why appointment of a non-UK candidate was the most suitable outcome, therefore shortlisting and interview notes must still be submitted to and retained by HR for all vacancies.

A fair and transparent recruitment exercise should be undertaken for all appointments. To avoid discriminatory practice and maintain compliance with the Equality Act 2020, a candidate’s national visa status or ability to obtain a visa, should not form part of the recruitment process. All candidates should be shortlisted in line with the criteria listed in the Further Particulars for the job.

Appointment of non-UK citizens - what has changed?
From 1 January 2021, all EU citizens currently residing outside the UK (but excluding Republic of Ireland citizens), will require a visa unless they already have the right to work in the UK. Further details can be found on the website [https://www.gov.uk/check-uk-visa/](https://www.gov.uk/check-uk-visa/)

The old Tier 2 (General Work) visas have been replaced by the new Skilled Workers visa. Eligibility is based on the skill level and the minimum salary level of £25,600, both set by the UKVI.

- **Professional services jobs below grade 5** will not be eligible for visa sponsorship.
- **Professional services jobs at grade 5 and above** are not automatically sponsorable but will now be checked against UKVI guidance on a case by case basis to ascertain if they are sponsorable. If the job is not sponsorable, any non-UK (excluding Republic of Ireland) citizen who is appointed will need to obtain the right to work in the UK without support from the University.
• All academic jobs at grade 5 and above are eligible for visa sponsorship (including research only and teaching only jobs).

Right to Work checks - what remains the same?
All employees must still prove their right to work before employment can commence. This includes:

- British and Republic of Ireland citizens
- EU/EEA/Swiss nationals resident in the UK by or before 31 December 2020 (these individuals can still use their EU passport as proof of their right to work until 30 June 2021 after which they need proof of the EU Settlement Scheme)
- Non-EEA nationals with Indefinite Leave to Remain/Settlement in the UK

Further support
For help with advertising, contact vacancies@/https://www.st-andrews.ac.uk/hr/recruitment/

For help with immigration and sponsorship, contact hrimmigration@