Memorandum

To: All Heads of School, School Examinations Officers, Directors of Teaching, Deans,
Vice-Principal (Learning and Teaching)

From: Human Resources

cc Registry
Deans’ Policy Support Officer

Date: 23 June 2010

Subject: Employment checks for External Examiners

The University of St Andrews is required, by the UK Borders Agency (UKBA) Immigration Regulations, to verify the ‘the entitlement to work in the UK’ of any person who undertakes any work at the University, regardless of number of hours worked or nature of work. Guidance has been produced following recent detailed consultation with both the UK Borders Agency (UKBA) and Universities UK which was recently circulated by Registry.

The whole area of the appointment and payment of External Examiners has been difficult and Universities UK has been working hard with UKBA to seek an effective solution to enable institutions to appoint and pay External Examiners within the new immigration rules.

The new Policy on External Examining recently approved by Academic Council states that under UK Border Agency regulations the University is legally required to ensure that employees are eligible to work in the UK and to retain proof of eligibility on record. Many Schools will be familiar with carrying out these checks on casual staff, but it has recently been confirmed that this includes our External Examiners. This may seem like an unnecessary additional burden but ensures that the University is not breaching UK immigration rules by preventing illegal working.

Registry has contacted all External Examiners asking for copies of their documentation in the first instance, although Schools still have to verify original documents when Externals first attend St Andrews.
The documents that are required to be checked are the same documents that Schools will check in relation to casual contracts and details are included in the Nationality Checklist.

The External Examiner’s passport needs to be copied and verified, this includes the front cover of the passport, the personal details page and any visas if the person is a non-EEA national.

Any visa documents will need to re-verified and copied every year along with the migrants passport to ensure that the migrant still has entitlement to work in the UK.

If an External Examiner is reappointed then the University has duty to carry out the checks every year and including checking any time limited visas to ensure that the person still has current entitlement to work in the UK. By doing this, the University will continue to have a defence against a civil penalty for the employment of illegal workers.

If the External Examiner has a work permit or certificate of sponsorship for another UK University then they can undertake work under the current ‘Supplementary Employment’ rules in the UKBA guidance. Migrants do not need to advise UKBA of any supplementary employment they undertake provided it is at the same professional level, no more than 20 hours a week and outside the normal working hours of their main employment.

The migrant should advise the University that this is supplementary employment so that the University can undertake the necessary checks in accordance with our obligations under the prevention of illegal working.

These checks should be made prior to any employment being undertaken and External Examiners should not be paid until proof of their right to work is established and verified. Original copies of relevant documentation will need to be seen, copied, verified and a copy retained locally and a copy sent to Registry (Curriculum) before payment can be made.

External Examiners who are currently under contract and have not had their documentation checked, have been asked to provide documentation as soon as possible. We are required to see and copy original documentation and this will avoid any potential breach of the UKBA guidance and the potential to be downgraded from an A-rated Sponsor to a B-rated Sponsor on our UKBA Sponsorship Licence.

This guidance will also apply to any External Examiners appointed to undertake the examination of postgraduate research degrees. The University must ensure that the Examiner’s entitlement to work in the UK is checked before any payments are made.

This guidance is subject to any changes that may be made within the guidelines of UKBA Immigration Policy.

Any queries regarding this circular can be made to Cameron Little, Human Resources Officer, cl81@st-andrews.ac.uk