

Royal College of Nursing Westminster Hall debate briefing: Employment practices for internationally recruited health and social care staff 31 January 2024

The Royal College of Nursing (RCN) is the largest professional body and trade union for nursing staff in the world. We represent over half a million members who are registered nurses, midwives, students, and nursing support workers across the United Kingdom and beyond.

1. Introduction and RCN calls

- 1.1 Recent years have seen the number of internationally recruited staff rise in both health and social care systems across the UK. Whilst many staff have positive experiences of working in the care sector, the RCN is worried by growing reports of poor employment practices. Our internationally educated members employed in the social care and independent sector report exploitative practices including long working hours, substandard accommodation, and work finding fees.
- 1.2 According to data recently published by Skills for Care, between April 2022-March 2023, an estimated 70,000 staff were recruited internationally into direct care providing roles in the independent sector, an increase of 250% over the previous year.¹ Skills for Care estimate that 440,000 additional care workers posts will be needed by 2035.² As such it is likely that the sectors reliance on international recruitment will continue to grow. Given the current prevalence of unethical employment practices in the sector, it is imperative that action is taken now to stamp out exploitation and ensure employers are held accountable.
- 1.3 The RCN has called on the UK Government to enact measures to support strengthened labour market enforcement in the care sector. In their recent annual report, the Migration Advisory Committee noted the need for greater join-up across the different regulatory agencies active in the sector to reduce exploitation.³ In response to the recent BBC Panorama investigation into exploitation of overseas care workers⁴, the RCN has been clear that modern slavery within the care system must be dismantled root and branch.⁵

2. Modern Slavery

- 2.1 Modern slavery continues to exist within the UK and in the social care sector. Despite the passing of the Modern Slavery Act 2015, modern slavery has been identified by various investigations and worryingly has risen in some cases over the past few years. The Director for Labour Market Enforcement (DLME) in 2021/22 and 2022/23 assessed the care sector as high risk, including reports of cases of modern slavery.^{6,7}
- 2.2 The GLAA reports that the care sector accounted for 48% of all referrals/reports with forced labour indicators between July and September 2023.⁸ Between January and September 2023 alone, there were 76 reports/referrals made with modern slavery and human trafficking indicators in the care sector alone.⁹ Unseen

UK estimates the true number of potential cases of modern slavery to be far greater and predicts that there were over 700 potential cases of modern slavery in the care sector in 2022.¹⁰

- 2.3 The Gangmasters Labour Abuse Authority (GLAA) has also found evidence of migrant labour abuse in the sector, including substandard / overcrowded accommodation, withheld wages and payment below the minimum wage, debt bondage, and receipt of food in lieu of pay.¹¹

3. Repayment clauses

- 3.1 These clauses stipulate that a worker must pay an often undefined fee if they leave their contract before an agreed period. Since January 2022 the RCN has received over 100 member enquiries looking for support on this issue, with around 80 from members employed by private care providers.
- 3.2 Several RCN members have reported fees in excess of £10,000 including a claim of £16,000. The required duration of work is highly varied but has been reported to be as high as five years of employment. Many RCN members report that they were unaware of the exact cost to be repaid when signing an employment agreement.
- 3.3 These repayment fees demanded by employers can often include costs incurred by the employer. A member reported that a significant portion of their repayment fee included the Immigration Skills Charge. Under home office guidance this is a charge that must be paid by sponsoring employers, rather than individual workers.¹²
- 3.4 The RCN is aware of instances where passports have been withheld by employers and threats of deportation have been made to enforce collection of penalty fees. RCN member research has revealed that many internationally educated staff are often denied employment references when seeking new employment. This can take the form of blackmail, with employers threatening to withhold references if penalty fees are not paid in full.
- 3.5 Members report that employers have acted with a complete disregard for the wellbeing of employees upon becoming aware of an employees notice to quit. Wages are often withheld even where an employee has instructed that they are not in a financial position to pay any outstanding fees immediately. One member reports that this meant they could not afford rental payments, or transport to the workplace.
- 3.6 In other cases, our members told us that they were unaware of specific clauses, such as repayment clauses, or that these were downplayed when the contract was signed. In one example, an RCN member was originally notified they would only have to repay charges associated to recruitment which amounted to under £1000. The member was later threatened with a £10,000 charge if they did not sign a

revised contract within a week which would tie them into a minimum term of employment and associated early exit payments.

4. Rogue recruitment agencies

- 4.1 The RCN is concerned by reports we have received of fraudulent job offers being extended to internationally educated staff. We are also concerned by the growing number of staff being asked to pay work finding fees of up to £10,000 to secure employment.¹
- 4.2 The recent BBC Panorama documentary 'Care Workers Under Pressure' investigated a single care home in the North East of England. Within this care home, Panorama identified nine staff members from India who had been charged between £6,000 and £9,000 to secure visa sponsorship by recruitment agents.¹³
- 4.3 Case workers from UK Visas and Immigration have also seen instances of care workers being charged £21,000 to their sponsor for a visa and £25,000 to recruitment agents to forge documentation.¹⁴ Several instances of fraud were also investigated by border agencies, including a care home that had sponsored 498 visas since May 2022 despite having closed in September 2021.¹⁵ 85 sponsors are currently awaiting further action or are suspended, and 600 are flagged for further investigation.¹⁶

5. Poor employment conditions

- 5.1 International care staff can feel afraid to raise concerns around staffing levels and standards of care.¹⁷ Where no clear channels for whistleblowing exist, employees may feel as though speaking out could jeopardise their immigration status and right to remain in the UK.
- 5.2 The Migration Advisory Committee has estimated that internationally educated nurses are paid 18% less than UK-educated nurses, even after controlling for age, gender and regional differences.¹⁸
- 5.3 RCN members report that employers have unilaterally revised contracts after they have been agreed. In one such case, an RCN member's wage was reduced after they were already in employment. The member of staff was told that they would have to work additional hours to meet the £26,000 a year salary requirement for their visa, or risk being deported.
- 5.4 Many members describe their workplace conditions negatively, with reports of annual leave being declined and wages being withheld. In one example an RCN member described experiencing a life-threatening mental health crisis after being treated poorly at their place of work. Despite this, the individual was told by management that they would have to pay thousands of pounds to resign.

¹ Work-finding fees such as these are unlawful in the UK under the Employment Agencies Act 1973.

6. Inadequate accommodation

- 6.1 Accommodation is sometimes provided for a limited time on arrival in the UK, though workers will often have little idea of the condition of the accommodation until they arrive, after they have already agreed to rent the accommodation for a specified time. RCN members report being housed by their employers in inadequate and substandard accommodation in dilapidated buildings, in some cases needing to share bedrooms and bathrooms with as many as 11 other workers.
- 6.2 RCN members have also reported being asked to leave their accommodation without notice by their employers, with no assistance given to them to find alternative housing.

7. Suggested questions to ask the Minister

- What assessment has the government made on the prevalence of modern slavery practices and broader unethical recruitment practices within the independent care sector?
- What engagement has the Minister had with regulation bodies, including the Care Quality Commission regarding modern slavery and broader unethical recruitment practices in the independent care sector?
- Owing to the continued prevalence of these illegal and unethical practices in the independent care sector, does the Minister believe the current Code of practice for the international recruitment of health and social care personnel in England is fit for purpose?
- What further measures is the government considering to support strengthened labour market enforcement in the independent care sector?
- What engagement has the Minister had with the Home Office in identifying criminal activity and support victims in the independent care sector?

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¹ [The State of the Adult Social Care Sector and Workforce 2023 \(skillsforcare.org.uk\)](https://www.skillsforcare.org.uk)

² [The state of the adult social care sector and workforce in England \(skillsforcare.org.uk\)](https://www.skillsforcare.org.uk)

³ [Migration Advisory Committee \(MAC\) annual report, 2023 \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

⁴ [Overseas staff 'exploited and trapped' at UK care home - BBC News](https://www.bbc.com/news)

⁵ [Royal College of Nursing comments on Panorama programme 'Care Workers Under Pressure' | Royal College of Nursing \(rcn.org.uk\)](https://www.rcn.org.uk)

⁶ [Labour Market Enforcement Strategy 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

⁷ [Labour Market Enforcement Strategy 2022 to 2023 -GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/strategies/labour-market-enforcement-strategy-2022-to-2023)

⁸ [GLAA Intelligence Picture Q3 \(July-September 2023\) -GLAA](#)

⁹ [GLAA Intelligence Picture Q3 \(July-September 2023\) -GLAA](#)

¹⁰ [Who Cares? Modern slavery in the care sector -Unseen \(unseen.org\)](https://unseen.org.uk/who-cares-modern-slavery-in-the-care-sector)

¹¹ [Industry profile -Care -Labour exploitation -GLAA](#)

¹² [Immigration skills charge process.docx \(publishing.service.gov.uk\)](#)

¹³ [Overseas staff 'exploited and trapped' at UK care home -BBC News](#)

¹⁴ [Migration Advisory Committee \(MAC\) annual report, 2023 \(accessible\) -GOV.UK \(www.gov.uk\)](#)

¹⁵ [Migration Advisory Committee \(MAC\) annual report, 2023 \(accessible\) -GOV.UK \(www.gov.uk\)](#)

¹⁶ [Migration Advisory Committee \(MAC\) annual report, 2023 \(accessible\) -GOV.UK \(www.gov.uk\)](#)

¹⁷ [Overseas staff 'exploited and trapped' at UK care home -BBC News](#)

¹⁸ [Migration Advisory Committee \(MAC\) annual report, 2023 \(accessible\) -GOV.UK \(www.gov.uk\)](#)