

18 December 2023

By Email

Rt Hon James Cleverly MP
Secretary of State for the Home Department
Home Office
Direct Communications Unit
2 Marsham Street
London
SW1P 4DF

CC:

Rt Hon Michael Tomlinson MP
Minister for Immigration
Home Office

Rt Hon Victoria Atkins MP
Secretary of State for Health and Social Care
Department of Health and Social Care

Dear Minister,

RE: Preventing exploitation of Health & Care Worker Visa holders on the Adult Social Care Sector

We write to you as a group of a coalition of organisations and academics working on the care sector or for the interests of migrant care workers to express our concern regarding the risks of serious harm and exploitation of migrant care workers in the adult social care sector. We also write to highlight the serious detriment to the social care sector that would result from the implementation of the recent policy proposals announced by the Government.

Our labour migration policies must ensure that social care workers are treated with dignity. Moreover, they are vital for the wellbeing of our society, particularly as the demand for social care continues to grow. The labour workforce needs arising from this demand require a migration system which grants both users and providers of care the opportunity to lead secure and fulfilling lives.

The significant increase in reports of severe exploitation in the care sector is deeply concerning, with issues including illegal recruitment fees, exorbitant repayment clauses, non-payment of wages, debt bondage and excessive overtime highlighted in media coverage. Using data collected through the Modern Slavery & Exploitation Helpline, the charity, Unseen, reported a 606% increase in the number of modern slavery cases in the care sector from 2021 and 2022.¹ The Director of Labour Market Enforcement has identified adult

¹ Unseen (2023), *Who Cares?: a review of reports of exploitation in the care sector*, p.4. Available at: <https://www.unseenuk.org/reports/care-sector-report/> (Accessed 6 December 2023).

social care as a high-risk sector for labour exploitation, with live-in and agency care workers believed to be at particular risk.² The Migration Advisory Committee (MAC) has stated that the Government has tacitly accepted exploitation in the care sector.³

The Home Secretary has stated his intention that the recently announced changes to the visa will:

*'ensure we continue to protect our NHS and social care systems while addressing significant concerns that have emerged since the introduction of the visa about high levels of non-compliance, worker exploitation and abuse within the adult social care sector, particularly for overseas workers employed within care occupations.'*⁴

As experts in this area, it is our position that the Government's recent proposals will not address exploitation in the sector, will exacerbate labour shortages and make life much harder for migrant care workers in the UK. Preventing workers on the Health & Care Worker visa from having their dependents accompany them will have a devastating impact on migrant care workers and their families. Many will either have to separate from their families or leave the UK. Beyond the obvious human impact of this, when we are facing a considerable shortage in the care sector, forcing those who have built skills and expertise in the UK to leave in order to maintain their family life is unconscionable. Further, these proposals fail to address the root causes of exploitation, outlined in the attached position paper.

The proposed reliance on Care Quality Commission (CQC) to regulate visa sponsors will not meaningfully address the scale of exploitation in the care sector. We do not believe that the CQC currently has the expertise, capacity or resources to safeguard the sector against labour exploitation. The key principles set out by the CQC to inform their approach to inspections do not actively address the working conditions, safety and wellbeing of care workers. Without significant changes to the functions and resourcing of the CQC the significant gaps in oversight and enforcement would remain, with many workers falling through the cracks and into exploitation including modern slavery. We call on the Government to honour its previous commitment to a Single Enforcement Body that would allow for stronger and more effective labour market enforcement.

There are clear solutions. We attach a list of recommendations produced by a coalition of expert organisations and academics working on the care sector or with migrant care workers, outlining the necessary steps that must be taken to ensure that the care sector is sustainable and free from exploitation.

Priority Recommendations

In order to prevent and mitigate the risk of exploitation in the care sector, the Government must implement a number of policy and legislative changes. The following four recommendations should be prioritised in any attempts to address labour exploitation in the care sector.

² Director of Labour Market Enforcement (2022), *United Kingdom Labour Market Enforcement Strategy 2022/23*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1143364/uk-labour-market-enforcement-strategy-2022-2023.pdf (Accessed 6 December 2023).

³ The Guardian (2023), *Exploitation of care workers in England is 'appalling', says government adviser*. Available at: <https://www.theguardian.com/society/2023/jul/30/exploitation-of-care-workers-in-england-is-appalling-says-governme-nt-adviser> (Accessed 6 December 2023).

⁴ Home Office (2023) *Home Secretary unveils plan to cut net migration*. Available at: <https://www.gov.uk/government/news/home-secretary-unveils-plan-to-cut-net-migration#:~:text=> (Accessed 6 December 2023).

- **National Care Service** - Establish a NHS-style system for social care.
- **Labour Market Enforcement** - Establish a Single Enforcement Body that is accessible to workers in practice, adequately funded, provided with robust enforcement powers and has secure reporting pathways in place. The Government must separate all labour market and immigration enforcement activity.
- **Dependency/Options for Workers** - Introduce bridging visas or the ability to apply to renew a visa in-country once expired. Ensure that all work visas have pathways to permanent settlement, the ability to change jobs easily and access to public funds. Recognising the vital role of care workers in the UK, and the need for migrant workers to support the sector, related visa fees for both the worker and the sponsoring employer must be removed.
- **Recruitment** - Recruitment should only take place via agencies on the 'ethical recruiters list'. Ensure that the UK Code of Practice on ethical international recruitment is made enforceable so that unscrupulous employers and recruitment agencies cannot operate freely outside of it. As recommended by UNISON, Integrated Care Systems in England, with involvement from local authorities, should operate a central point in the region tracking vacancies with sponsoring employers. This would enable care workers to find new employers more easily.

Focus on Exploitation and the Labour Exploitation Advisory Group have long warned of the need to address the risks of exploitation in the care sector and of their concerns regarding the use of sponsorship requirements on visa routes to address labour shortages.⁵ We ask that the Government acts urgently to safeguard care workers, ensuring access to rights and improve standards and conditions, while enabling the sector to recruit the workforce that the UK urgently needs.

Kind regards,

Focus on Labour Exploitation (FLEX)
 Dr Natalie Sedacca, Assistant Professor in Employment Law, Durham University
 Polish Migrants Organise for Change (POMOC);
 Kanlungan Filipino Consortium;
 Dr Inga Thiemann, Associate Professor, University of Leicester;
 The Joint Council for the Welfare of Immigrants (JCWI);
 Dr Joyce Jiang, Associate Professor in Human Resource Management, University of York
 Pan-African Workers' Association (PAWA);
 Migrant Voice
 Unseen
 Anti Trafficking and Labour Exploitation Unit (ATLEU)

⁵ FLEX (2019), *Disposable Workers: the future of the UK's migrant workforce*, p.6. Available at: https://labourexploitation.org/app/uploads/2019/03/FLEX_Briefing_DisposableWorkers_Final.pdf (Accessed 18 December 2023); FLEX (2019), *The Risks of Exploitation in Temporary Migration Programmes: A FLEX response to the 2018 Immigration White Paper*, p.16. Available at: https://labourexploitation.org/app/uploads/2019/05/Report_Risks-of-Exploitation-in-TMPs_May-2019_Final.pdf (Accessed 18 December 2023); FLEX (2018), *Preventing exploitation in the shadow of Brexit: The risks of temporary migration programmes*, p.6, Available at: https://labourexploitation.org/app/uploads/2018/09/FLEX-Briefing-temporary-migration_FINAL.pdf (Accessed 18 December 2021); FLEX & LEAG (2017), *Lost in Translation: Brexit & labour exploitation*, p.12. Available at: <https://labourexploitation.org/app/uploads/2017/08/LEAG-POSITION-Impacts-of-Brexit-Final.pdf> (Accessed 18 December 2023).