



Right to Work

Financial Assistance

Procedure

Review Date: 11th December 2024

Summary

This procedure sets out the process that is undertaken when a candidate or employee requests financial assistance in covering costs associated with retaining their Right to Work. The resource pack includes the forms that need to be completed.

Contents

Rationale	1
Introduction	1
Eligibility for Reimbursement of Costs.....	1
Conditions	2
Procedure.....	3
Repayment.....	3
Employee Moves to Different Establishment or Team.....	4
Non-Repayment - Upfront Head of Service Approval.....	4
Document Revision History	6
Appendix One – The Resource Pack	7

Rationale

This procedure provides clarification of the circumstances in which a salary advance may be permitted to help employees cover costs associated with obtaining/retaining their Right to Work. This procedure must be followed by an employee and their service for a salary advance to be provided.

Introduction

Aberdeenshire Council recognises that it is essential to retain high quality employees across the organisation.

It is also recognised that for some, the cost of obtaining the **Right to Work** in the UK can be prohibitive to the extent that they will be unable to continue or commence employment with the council.

To address this risk, services can elect to provide financial support to those individuals exclusively for the purposes of securing their Right to Work status.

The **total claim** for Right to Work financial support that can be requested under the terms of this procedure must not exceed £10,000.

Eligibility for Reimbursement of Costs

Where the individual is a current employee, all of the following criteria must be met:

- The salary advance is required to apply for an extension to their visa or to switch to a different immigration route.
- They must have confirmation of a successful visa application from the Home Office.
- They must have confirmation of payment for visa application, which sets out the amount that has been paid.

Where the individual is a new employee, all the additional following criteria must be met:

- All pre-employment checks must have been confirmed to be satisfactory,
- A start date must have been confirmed by the service,

Current and new employees on fixed-term contracts must have at least 12 months remaining on their contract at the time of application.

Current and new employees are not eligible to apply for a salary advance if they are:

- Employed on a relief or supply basis i.e. have no contractual hours of work
- Seconded from another employer

Conditions

The salary advance is to be used wholly and exclusively on costs directly relating to securing (or retaining) the employee's visa providing them with Leave to Remain, Indefinite Leave to Remain, or Settlement.

This may be extended to include costs directly related to securing or retaining the visa of an employee's partner or dependent(s), where appropriate. This would be at the discretion of the employing service.

The employee will be required to submit confirmation of payment(s) to their service for retention. The service will also require the employee to provide written confirmation from the Home Office (or other relevant regulatory body) that an application has been submitted within 14 days of the employee receiving the salary advance.

The maximum total salary advance that will be provided is £10,000. The amount provided will be dependent on the individual and service requirements.

Employees will not be required to pay any interest or an arrangement fee in relation to the salary advance.

The salary advance does not form part of an employee's contractual entitlements and may be withdrawn at any time. In the event of the Scheme being withdrawn, an employee part-way through a repayment period will be able to continue their repayments as originally agreed.

If the application for Right to Work financial assistance is refused the decision of the service is final and there is no right to appeal. If any employee is found to have misused the provisions of the scheme then the matter will be investigated under Aberdeenshire Council's Disciplinary Policy.

Procedure

An employee or candidate would approach their manager or recruiting manager to confirm they would have financial difficulty in covering the associated costs to retain their Right to Work.

Where the service believe they have budget and a significant requirement to retain the employee or candidate, they may agree to explore the potential to provide assistance.

The employing service must discuss this proposal with an HR Adviser in the Resourcing Team and their Finance Business Partner before committing to any financial assistance.

*as confirmed above, where a candidate requests such assistance, the following must be true:

- All pre-employment checks must have been confirmed to be satisfactory,
- A start date must have been confirmed by the service,

The [Right to Work Salary Advance Application \(Part A\)](#) (is completed by the service and emailed to necessary parties to ensure the provision and viability of financial assistance has been scoped out in full and approval provided by relevant Chief Officers.

If agreement is given to proceed, the employee or candidate is sent the [Right to Work Salary Advance Application \(Part B\)](#) to complete.

The salary advance will be released to the employee or candidate alongside their next available salary payment. The monthly repayments will then commence from the following month.

Repayment

All payments and recoveries will be facilitated through the payroll system.

In the event an employee has insufficient salary to cover the deductions associated with repayment of the salary advance, i.e., during pay-affecting absences, alternative methods of repayment will be discussed and agreed with the employee.

In the event employment with Aberdeenshire Council ends, the balance of the repayments due will be recovered from the employee's final salary payment. If there is insufficient salary to cover the monies due, an invoice will be raised for the outstanding balance and repayment terms can be arranged on receipt.

The advance is specifically configured so it is not considered a taxable benefit by HM Revenue & Customs. Consequently, there is no mechanism available to waive, or write-off, the advance, or any portion thereof.

Employee Moves to Different Establishment or Team

The Right to Work Financial Assistance is paid from the budget of the employing establishment or team. Where an employee changes to a role that lies within a different establishment or team, it is at the discretion of the establishment or team how they wish to treat the repayment:

- Liaise with the new establishment or team to transfer outstanding payment to the new budget,
- Decide an invoice will be raised for the outstanding balance and repayment terms can be arranged by the employee on receipt,
- Continue to receive payments across the term agreed.

Non-Repayment - Upfront Head of Service Approval

In exceptional circumstances, a service may decide that no repayment is required. In these cases, the limit of the financial assistance available is to be determined by the employing service. For example, where assured retention/onboarding of the employee or candidate outweighs the negative impact on continuation of service delivery if they were to leave/were not secured.

Support for this route must be sought from the relevant Head of Service, before the [Right to Work Assistance Grant Application \(Part A\)](#) is completed.

Please Note - In this situation, the payment due to the employee or candidate will need to be "[grossed up](#)". This means the cost to the council will consist of the payment due to the individual, **plus** the associated tax and national insurance contributions the payment attracts (those that would be paid by the employee and employer). The employing service must ensure they have sufficient budget to fund approximately **double the payment amount requested by the individual** to account for these additional grossing-up costs. This calculation is included on the Right to Work Financial Assistance Form – Grant.

The total sum must then be approved by Head of Service and Finance Business Partner, **before** 'no repayment' is confirmed with the employee or candidate. The Right to Work Grant Form must be completed by these parties to confirm their approval.

If agreement is given to proceed, the employee or candidate is sent the [Right to Work Assistance Grant Application \(Part B\)](#) to complete.

The grant will be released to the employee or candidate alongside their next available salary payment.

Document Revision History

Document Revision History					
Rev No.	Rev Date	Summary of Changes	Reviewing Team	Reviewers	Next Review Year
001	11 th December 2024	Creation of Documents	Resourcing	Diana Shand, Samara Smith, Niall Silvestro, Euan Proudfoot	
002					

Appendix One – The Resource Pack

[Right to Work Salary Advance Application - Part A](#)

[Right to Work Salary Advance Application - Part B](#)

[Right to Work Grant Application - Part A](#)

[Right to Work Grant Application - Part B](#)