

Pay and Redundancy Frequently Asked Questions

On the 30th January 2025, we held a webinar focusing on Pay and Redundancy. This included:

- When is a worker entitled to be paid for work?
- Family-friendly rights and pay
- Sick pay and reporting
- Redundancy

Note: These FAQs were accurate when the live webinar took place. Please refer to our [Disclaimer page](#) for more information.

Also worth noting, the minimum hourly rate for newly sponsored care workers increased, since this webinar was recorded, to £12.82 per hour (equivalent to £25,000 per annum, based on a 37.5 hours per week contract), from 9 April 2025. Sponsored staff employed before April 2025 will not be required to meet the new £12.82 minimum hourly rate

Here, we share some of the questions asked both via our helpline and during the webinar.

1. Can the sponsored worker spend the duration of their maternity leave outside the UK e.g. 6 months to 1 year maternity outside the country?

Spending more than six months outside of the country during one year is likely to breach the terms of their visa, so this wouldn't be permitted.

2. Is there any legal difference to paying 'block' hours compared to 'visit hours' So for example, working 40 hours split into blocks of time or paying for 40 hours' worth of actual visits? As doing 40 care hours wouldn't include travelling time. So if travelling time was included it may take their week from 40 to 50 hours.

Provided that the visiting hours took into account any waiting time and travelling time, there wouldn't be a difference. If visit hours didn't take into account waiting time and time spent travelling between appointments, this would need to be added as working time in addition to the visit hours.

Will this apply from then for domestic workers too re day 1 sick pay?

The Day 1 rights for statutory sick pay will apply for both sponsored and non-sponsored workers. We understand that those changes will come into force from October 2026.

- 3. Can a sponsored worker be dismissed without facing an unfair dismissal claim if the sponsored worker first reported to work as pregnant and has not reported to work after, exhausting the full 52 weeks maternity leave, even though 14-day notice to report to work has been issued to work after their maternity leave period?**

If the worker is unauthorised absent, this would be considered to be a misconduct issue. You may also have grounds to dismiss on the grounds of illegality, as they will be in breach of the terms of their visa. This is presuming that they have more than 2 years' service.

- 4. Is there a difference between paying block and paying for visit hours. For example, If they worked 9-3pm, in block hours this would be 6 hours-worth of pay at (for example) £12.00/hour. If it was done by 'visit hours', in order to work 6 hours, they could actually be out working from 9-5pm as well as being paid travelling time on top of it. So that technically would take their hourly wage below that of £12.00. As long as they are working their visa declared hours and earning the correct amount, does it matter which way round the payroll is worked out?**

Provided that their overall salary, if different rates are paid, exceeds the sponsorship threshold and national minimum wage when calculated together, this will be fine. The risk in paying different rates is that it makes salary calculations more complicated, which can lead to mistakes being made.

- 5. Regards when a provider has their Certificate of Sponsorship revoked – would this company be expected to pay their revoked staff redundancy pay?**

No, because the reason for dismissal would be on the grounds of illegality (as the sponsor can no longer legally employ staff requiring sponsorship) rather than redundancy.

- 6. If you make your staff redundant because there is a reduced need for that kind of work, will that affect the sponsorship licence that you hold with the Home Office? Will that warrant an investigation from the home office as to whether you should carry on being a sponsored provider or not?**

No, not necessarily. If you're taking proactive steps to monitor the work available and not continuing to sponsor staff where there's not sufficient work to allow you to meet the hourly/pay thresholds for sponsorship, this would be more likely to demonstrate that you don't pose a risk to immigration control.

- 7. Can we pay the travel time at the national minimum rate, but their hourly pay at £12 per hour?**

Yes, this would be possible but note the answer above regarding the risks of using several rates of pay.

- 8. Do we have to pay for an employee's authorised time off if it is not their annual leave?**

No, any authorised time off in addition to annual leave and where there's no eligibility for statutory pay does not need to be paid. This is usually treated as authorised unpaid leave.

Additional International Recruitment Related Support

You can find lots of advice and guidance via our [International Recruitment Hub](#). We'd also like to signpost you to:

- **HR & Legal Webinars**

If you are a Care Provider in the West Midlands and would like details about our future International Recruitment Human Resources & Legal Webinars, please email our team at hello@wmca.international

- **Legal & HR Advice**

If you need additional legal support please reach out to Lester Aldridge, who have been contracted to provide support until the end of September 2025: <http://irwestmids.co.uk/hr-legal-services-support/>

- **Recruitment & Immigration Support**

Sponsorship licenses and funding for recruitment and immigration support

Lifted, a Technology platform and expert immigration team, have been commissioned to help Care Providers recruit and retain sponsored workers who are already here in the UK, as part of the International Recruitment Programme 2024/25. They can support with Certificate of Sponsorship applications, compliance and much more. [You can find out more here.](#)