

Responding to Sponsored Workers' Requests FAQ

On the 22nd May 2025, we held a webinar focusing on Responding to sponsored workers' requests. This included:

- Consideration when receiving requests in relation to pregnancy and maternity leave
- Redundancy protection for those on maternity leave
- Neonatal care leave
- Carer's leave; and
- Responding to flexible working requests

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

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

1. After maternity leave, if you receive a request for reduced hours of work due to a lack of support for childcare, how does that impact the Certificate of Sponsorship (COS)?

You should encourage the request to be made as a formal flexible working request. You can then consider whether it is possible to accommodate the request or reject it under one of the statutory grounds for refusal. In doing so, you will need to bear in mind that the worker's salary cannot fall below the sponsorship threshold, and so their availability will need to allow you to meet that.

2. If a worker is sponsored elsewhere and they are not being given enough hours, are we able to give them more than the 20 supplementary hours without us having to give them a COS?

No, you cannot employ someone for more than the 20 supplementary hours if you are not sponsoring them.

3. What should we do if an employee repeatedly refuses to work and has been on sick leave for more than 3 months?

If they are refusing to work without providing sick notes to authorise their sickness absence, they would be deemed to be absent without leave. If that is the case, you would need to report an unauthorised absence of 10 days via the Sponsorship Management System (SMS) within 10 days, and you could dismiss under disciplinary grounds.

If the individual is authorising their absence, you would need to deal with this under your capability procedure.

4. Can we terminate sponsorship if an employee rejects the employer's refusal to grant flexible working hours?

If a sponsored employee refused to work their contracted hours following a rejection of their flexible working request, this would need to be dealt with under your disciplinary policy.

5. What if the carer is at risk during pregnancy due to the nature of our service users?

You have a duty of care to monitor health and safety risks to pregnant employees. If your risk assessment has identified health and safety risks arising from service users, you are obliged to make adjustments to duties, consider an alternative role or medical suspension on full pay to avoid those risks.

6. If someone is pregnant and cannot do some of their usual shifts so that their hours are reduced, what do we do? The worker herself requested not to be placed on shift with some service users, as she did not have the energy or strength to work with them, meaning we have less options for her.

If you've not already done so, you should conduct a risk assessment about the health and safety risks posed in the role. If working with those service users is deemed to be a health and safety risk, you are obliged to make adjustments to duties, consider an alternative role or medical suspension on full pay to avoid that risk. If adjustments to duties or an alternative role are not possible, you will need to consider whether a temporary reduction in her hours will put her below the sponsorship threshold for the year. If so, you should consider measures to ensure that you meet the salary threshold.

7. What are the minimum hours for a flexible working request?

There are no minimum hours, but you will need to meet the minimum salary threshold for sponsorship. If the individual works less than 37.5 hours per week, they will need to be paid an annual salary of at least £25,000.

8. If the carer has sponsorship elsewhere but wants to move to another company, can this happen?

Yes, the new company will need to sponsor that individual.

9. If a COS is 40 hours per week and a sponsored worker requests to work 20 hours per week and therefore falls under the wage threshold, is that an automatic rejection for a flexible working request?

It wouldn't amount to an automatic rejection, but this would be something that would be easy to reject under one of the statutory reasons.

10. If a member of staff has requested 5 weeks annual leave which have been accepted by the company, do we need to report this through SMS?

No, unless four weeks' or more of the leave is unpaid.

11. If a pregnant worker can do some tasks but not the same as before so her hours are reduced, do I need to do a sponsorship note?

You need to report a significant change in a sponsored workers' duties via the SMS, and so this will depend on the nature of the changes to duties and hours.

12. If a worker is working 20 hours for ourselves and their employer who has sponsored them have dismissed them, would we be made aware of this?

Not automatically. It is recommended that you add a clause to the contracts of those working supplementary hours that require them to inform you of any changes to their sponsorship.

13. If an employee is on student visa and they tell you they can do more than 20 hours because they have finished school, what proof can you ask for?

You should ask for confirmation of their course start date, terms times and course finish date from their course provider when undertaking the Right to Work check for them.

14. Where a worker wants to switch to work for you and you have been providing them with supplementary hours, do they have to go through the displaced worker scheme before you can issue them a COS?

No, as one of the exceptions in paragraph SK4.29 of the Workers and Temporary Workers guidance will apply ([please refer to page 27 of the Sponsor a Skilled Worker Guidance](#)). The relevant exception is that the individual has been employed as a care worker for you for at least 3 months.

15. If a company already has COS's to assign, do they need to go down the route of engaging with the displaced worker pool, or is this only for when applying for further COS from the Home Office?

You will still need to engage with the displaced worker pool first, unless one of the exceptions apply ([please refer to page 27 of the Sponsor a Skilled Worker Guidance](#)).

16. How does the displaced worker pool link with TUPE? In other words, if a provider loses a contract would all workers need to go into the pool?

Not if TUPE applies, as they would automatically transfer to the new sponsor under a TUPE transfer.

The new sponsor must hold a sponsorship licence, or apply for a licence within 20 working days of the transfer taking place (please refer to paragraphs C4.6 to C4.13, [Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance](#), April 2025).

17. If a work visa runs out whilst an employee is pregnant or on maternity leave, do we have to extend the visa?

Technically no, but you will need a clear and justifiable reason that's unrelated to pregnancy or maternity in order to do so, otherwise the individual may have a sex or maternity discrimination claim against you.

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**

Free 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.](#)