

Sponsorship Policy

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Key messages

The main objective of this policy is to:

- Set out the approach and criteria that will determine when sponsorship is appropriate to enable consistent and fair decision making across the ICO.

Does this policy relate to me?

This policy applies to all ICO employees and is intended to provide clear guidance on visa sponsorship.

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Introduction

- 1.1. All employers are required to ensure employees are eligible to work in the UK as determined by the regulations set out by the Home Office. This policy outlines the ICO's approach to the sponsorship of new employees and also existing employees where there is a need to apply for extensions of stay or indefinite leave to remain.
- 1.2. This policy should be read in conjunction with the Recruitment and Selection Policy.

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2. Terms and Definitions

- 2.1. Eligibility to work in the UK

All employers in the UK have a responsibility to prevent illegal working under the Immigration, Asylum and Nationality Act 2006. This is done by conducting a right to work check before someone is employed and making sure the individual is not disqualified / restricted from carrying out the work in question by reason of their immigration status.

Individuals who are not British or Irish citizens may require a visa to work in the UK. If they do not have the right to work in the UK in their own right, it may be possible for the ICO to issue a Certificate of Sponsorship to support their application for a skilled worker visa, as per 2.3. However, this is by no means guaranteed and will be subject to meeting both the Home Office requirements

and the ICO's principles determining when to offer sponsorship as set out in this policy.

2.2. Permission to stay

An individual who is already in the UK on a visa and is therefore applying for permission to stay must be in the UK on the date of their application and must not have, or have last been granted, permission as a:

- Visitor
- Short-term student
- Parent of a Child Student
- Seasonal Worker
- Domestic Worker in a Private Household
- Or outside the Immigration Rules.

It is not possible, except in exceptional circumstances, for somebody without current permission to stay in the UK and switch immigration status. This situation may arise in respect of people awaiting the outcome of asylum applications in the UK, seeking humanitarian protection in the UK or otherwise without status whilst UK Visas and Immigration (UKVI) consider their circumstances. It is particularly important that the ICO identifies the immigration status of candidates and whether it is possible for them to switch immigration status within the UK or not.

2.3. Certificate of sponsorship

The ICO is licensed to provide a Certificate of Sponsorship (CoS) which demonstrates that an individual (employee or candidate) has a firm offer of appropriate employment and as such supports an individual's visa application (but does not guarantee its approval and does not give the individual the right to work in the UK). The CoS represents only the initial stage of the visa process. Once the ICO has approved and issued the CoS, it is the individual's responsibility to submit their own visa application. The CoS is not a paper certificate or document, but a virtual document

with a reference number, issued by UK Visas and Immigration (UKVI) and provided to the individual via the Level 1 User for the Sponsorship Management System from the ICO's People Services team. Sponsorship in each case provides the ICO with an obligation to make specific payments and comply with a set of Government administrative requirements.

2.4. Visas

There are several types of visa routes available to both job applicants and existing employees who require a change or extension of an existing visa and are recommended to check their personal eligibility on [Work in the UK - GOV.UK](https://gov.uk/work-in-the-uk). All provisions are subject to review in accordance with Government policy or changes. Appendix 1 contains a list of visa types and the ICO's approach with regards to sponsorship.

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3. Non-compliance

3.1. Penalties for non-compliance with the legal requirements are potentially severe, and include:

- on-the-spot fines for each employee without permission to work;
- prison sentences for employers if employees are employed knowingly; and
- downgrading or revocation of the ICO's sponsor licence, with the potential consequence that all sponsored employees would have to leave the ICO and the UK.

Importantly, since all ICO Directorates are housed under one sponsor license, non-compliance from just one area could mean consequences for the entire ICO. The government's UK Visas and Immigration department undertakes visits to check compliance with the relevant legislation, policies and regulations. These visits can be unannounced.

3.2. In order to stay compliant, the ICO needs to do the following:

- be aware of individual roles and responsibilities;
- conduct right to work checks for all employees; and
- follow this policy in relation to sponsoring non-British/Irish workers and our responsibilities in relation to recruitment, reporting, and record-keeping.

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4. Consideration of sponsorship

4.1. Before sponsorship is considered, existing employees and candidates are encouraged to check their personal eligibility as there may already be a route available for them [Work in the UK - GOV.UK](#). The ICO will only apply for sponsorship for the visas listed under Appendix 1 and that meet the criteria set out below. The Talent team will first assess legal eligibility. If this is confirmed, the people manager must submit a business case, signed off by the relevant departmental Director, to the Director of People Services taking into account the ICO eligibility criteria listed below. Assessment can take time and reasonable advance notice should be planned with People Services.

4.2. Legal Eligibility Criteria

The following must be met as set out by the Home Office:

- The role requires a skill deemed equivalent to Level 6 of the Regulated Qualifications Framework in the UK, which is at Graduate level. This is subject to the following exceptions which allow sponsorship below degree level;
 - If the role is on the Immigration Salary List
 - If the role is on the Temporary Shortage List
 - If the individual was sponsored into the visa route on the basis of a CoS assigned pre-22 July 2025

- The role must be on the list of eligible occupations as set out by Home Office
- The role should pay the minimum general salary threshold as stated by the Home Office
- The role must also meet the “going rate for the job,” as defined by the Government; and
- There is a genuine need for the role to be undertaken in the UK.

4.3. ICO Eligibility Criteria

The following ICO criteria (supported by clear evidence) will be considered to support a business case for sponsorship:

- a traditional difficulty in recruiting to the role;
- the resourcing need cannot be met through developing skills internally (for example, via an apprenticeship), either because this is either not possible or the need is urgent;
- the role requires specific qualifications and / or experience which are not likely to be present in the candidate field and cannot be amended to remove these requirements;
- the service delivery impact and risks if the individual is not granted sponsorship;
- the candidate’s wider experience, visa status and location;
- if the person is an existing employee, completion of their probationary period and levels of performance;
- other available options for the individual to obtain a right to work without sponsorship from the ICO. If these are available the individual should pursue this route first.

Any decisions to sponsor individuals will be based on a business case and not on the level of cost alone, or other personal factors. Where appropriate, individuals will be required to provide relevant and genuine written evidence to support sponsorship applications.

The Talent team will communicate the sponsorship decision directly to the individual.

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5. Approach to considering applications

5.1. In each case where sponsorship is being considered a business case should be produced by the people manager in consultation with the relevant People Business Partner. As per 2.3, approving and assigning the CoS is only the initial step in the sponsorship process and does not guarantee that a visa will be granted. It is important that no commitments or assurances of sponsorship or employment are given to existing employees or candidates until the internal business case has been approved by the Director of People Services. This ensures consistency, fairness and compliance with both immigration and organisational requirements. Consideration should be also given to timelines to allow the individual to submit their visa application. The business case should consider the eligibility criteria in section 4 and should also be balanced against the following risk factors:

- Any potential challenge in meeting the administrative requirements of sponsorship.
- The likelihood of a large number of applications if sponsorship was considered appropriate, which may be disproportionate.

5.2. Rationale for declining to sponsor

There are a series of reasons why the ICO may wish to decline the sponsorship of an existing employee or candidate. Some common examples of reasons to choose not to sponsor include the following:

- An assessment of the costs and benefits of sponsorship. It may be that, in view of the number of applications that have been received, the quality of other candidates, the skill and shortage of the relevant role and the benefits the candidates seeking sponsorship may offer, the cost of the

sponsorship is disproportionate to its benefit. Note that cost alone is not a justifiable reason to decline a request.

- It may be that the employee's performance whilst holding a different visa does not justify sponsorship. This would be relevant in respect of those already working at the ICO with limited leave to remain (such as the graduate visa) who may seek sponsorship prior to the conclusion of this.
- An assessment of skill availability in the relevant sector.
- The urgency of the vacancy and whether it would in fact be possible for an overseas candidate to acquire the necessary permission to work in sufficient time.
- The length or duration of the contract and the assessment of the eligibility for sponsorship.
- Any wider ICO considerations relating to the recruitment and / or development of staff.

The Talent team will communicate the sponsorship decision directly to the employee or candidate.

5.3. Appeals

In the event of any challenge by an employee or candidate to a decision not to sponsor, an appeal may be considered by the Executive Director Strategy, Resources and Transformation. There is not further right of appeal beyond this.

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6. Costs

- 6.1. An employer with a sponsorship license must pay fees upfront to sponsor an employee. Each time a new Certificate of Sponsorship (Cos) is issued the ICO must pay the CoS fee and Immigration skills charge (ISC). The cost of the annual license will be covered centrally by People Services however the cost of the individual certificates must be funded by the relevant directorate's budget. The costs can be found on the government website: [UK](#)

[visa sponsorship for employers: Certificates of sponsorship - GOV.UK](#)

- 6.2. The longest the ICO can sponsor is for 5 years; it is recommended sponsorship is issued for an initial 3 years.
- 6.3. Fees in respect of the visa application, biometric fee and Immigration Health Surcharge will be paid by the employee. Individuals should refer to [Skilled Worker visa: How much it costs - GOV.UK](#)
- 6.4. The ICO will not pay application fees relating to the dependents of an individual acquiring permission to work in the UK.

Feedback on this document

If you have any feedback on this document, please [use this form](#) to provide it.

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Version history

Version	Changes Made	Date	Made by
1.0	Creation of new policy.	June 2025	Talent

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Appendix 1: Visa Types

The information below sets out information in relation to different types of visas or scenarios, and the ICO's approach to sponsorship.

Student visa

- New or existing employees with student visas will normally be expected to switch to a Graduate visa if they have successfully completed their course of study and can provide evidence of completion. The conditions for this are either:
- The student must be studying a full-time course of study at degree level or above and the start date of their employment occurs no earlier than the course completion date. (A copy of their CAS will be required to confirm the course completion date). Or
- The student must be studying a full-time course of study leading to an award of a PHD and the start date of their employment is no earlier than 24 months after their start date.

Graduate visa

- Graduate visas last for 2 years and cannot be extended after they expire. The ICO will therefore normally consider sponsoring new or existing employees once their Graduate visa has expired if approved via a business case.

Currently sponsored by the ICO for 3-year period

- Initially sponsorship will be provided for a 3-year period. Where the visa of an existing employee is due to expire, the ICO will normally offer sponsorship for a further 2-year period, subject to 4.3.
- If an existing employee moves to a role with a different occupation code, sponsorship will be subject to the criteria set out in 4.2 and 4.3.

Sponsorship visa with another organisation

- A new sponsorship visa is required if a person is changing jobs, and the new job is with a different employer. It is also required if the job changes to a different occupation code (e.g. with the same employer) or if the person leaves a job that is not on the list. In these circumstances the ICO will need to carefully consider this as there are

no other options open when changing jobs to a different employer or occupation code.

Other visas:

- Will need to be considered on a case-by-case basis, as unlikely to warrant sponsorship.