

### OOP Guidance for Skilled Worker/Tier 2 sponsored Trainees

Type of OOP	Outcome
OOPT (Training)	<p>Where the training is still provided by NHS England (NHSE), Sponsorship will not be affected, and trainees will continue to be sponsored by NHS England (NHSE), NHSE will remain responsible for the trainee's day to day activities.</p> <p>If the training is provided by another organisation (i.e., devolved nation) then the sponsorship will end for the duration of the OOP.</p> <p>Where the training is outside of the UK, but still provided by NHS England (NHSE), it is <b>imperative</b> that NHS England (NHSE) can still meet strict reporting and monitoring duties if a trainee is outside of the UK. It is also advised that any trainee considering OOPT outside of the UK reviews <b>Indefinite Leave to Remain requirements</b> should they wish to use this route in the future as there are restrictions on how long a Skilled Worker/Tier 2 sponsored individual can be outside of the UK</p>
OOPE (Experience) with secondment agreement (i.e., Future Leaders Programme)	<p>NHS England (NHSE) can maintain sponsorship where specific conditions are met, where they cannot be met, sponsorship will be withdrawn for the duration of the OOPE:</p> <ul style="list-style-type: none"> <li>• NHS England (NHSE) will remain responsible for the trainee's day to day activities and must be able to continue to maintain reporting and monitoring duties to the Home Office via SMS <ul style="list-style-type: none"> <li>○ To include change of location and job title if applicable</li> </ul> </li> <li>• The trainee cannot carry out work or activities that are outside of their certificate of sponsorship or SOC Code (2211 'Medical Practitioner')</li> <li>• The minimum salary requirements for sponsorship must still be met</li> <li>• The existing employer will continue to pay the full-time salary</li> <li>• There is a secondment agreement in place between NHS England (NHSE) and the employer, but the main contractual arrangements remain with the current employer</li> </ul>

OOPE (Experience)	NHS England (NHSE) will withdraw sponsorship for the duration of the OOPE. When the trainee returns to training NHS England (NHSE) provide a CoS to re-sponsor them.
OOPR (Research)	NHS England (NHSE) will withdraw sponsorship and the trainee will need to find alternative sponsor (i.e., a University) for the duration of OOPR. When the trainee returns to training NHS England (NHSE), NHSE will provide a CoS to re-sponsor them.
OOPC (Career Break) *	NHS England (NHSE) will withdraw sponsorship for the duration of the OOPC. When the trainee returns to training NHS England (NHSE) will provide a CoS to re-sponsor them.
OOPP (Pause)	NHS England (NHSE) will withdraw sponsorship for the duration of the OOPP. When the trainee returns to training NHS England (NHSE) provide a CoS to re-sponsor them.

*Please note from the 1<sup>st</sup> of January 2021 the 'cooling off period' no longer applies*

### Reporting OOP to the Home Office

Where an OOP has been agreed and the above has been followed, it is critical that this information is sent to the Overseas Sponsorship Team ([sponsorship@hee.nhs.uk](mailto:sponsorship@hee.nhs.uk)) within **5 working days** of the change so that this can either be reported to the Home Office or for sponsorship to be withdrawn in a timely manner.

**\*Unpaid leave during sponsorship** (quoted from [Policy guidance](#))

S4.10 Sponsored workers can take short periods of unpaid leave but, unless an exception applies, you must stop sponsoring a worker who is absent from work **without pay for more than 4 weeks** in total in any calendar year (1 January to 31 December).

Exceptions: permissible absences

S4.13 When calculating whether the worker has been absent without pay for more than 4 weeks, the following types of absence are disregarded and do not count towards the 4 weeks:

- statutory maternity leave
- statutory paternity leave
- sick leave
- assisting with a national or international humanitarian or environmental crisis, provided you agreed to the absence for that purpose
- taking part in legally organised industrial action

- statutory parental leave
- statutory shared parental leave
- statutory adoption leave

### **Fellowships while still in training part time**

Fellowship while in training part time are not classed as OOP for the purposes of sponsorship, however the below information may be useful.

<b>Description</b>	<b>Specific conditions for sponsorship</b>
<p>Trainees remains part of the training programme. There are a number of fellowship opportunities around leadership, simulation, global health etc. and usually the trainee undertakes this as a 60/40 split.</p>	<ul style="list-style-type: none"> <li>• NHSE will remain responsible for the trainee’s day to day activities and must be able to continue to maintain reporting and monitoring duties to the Home Office via SMS               <ul style="list-style-type: none"> <li>○ To include change of location and job title if applicable</li> </ul> </li> <li>• The migrant cannot carry out work or activities that are outside of his/her certificate of sponsorship or SOC Code (2211 ‘Medical Practitioner’)</li> <li>• Minimum salary requirements for sponsorship will still be met</li> <li>• the trainee remains part of the training programme</li> <li>• The existing employer continues to pay the full-time salary</li> <li>• TIS records the trainee is in a full-time training post with a 60/40 split with hours/salary not below the threshold</li> </ul>