

SAWS WORKER MANUAL

2012



**Seasonal Agricultural Workers
Scheme (SAWS)**



SEASONAL AGRICULTURAL WORKERS SCHEME (SAWS)

INFORMATION FOR SAWS WORKERS

PURPOSE

Applicants participating in the Seasonal Agricultural Workers Scheme (SAWS) have rights and obligations under UK legislation (for example the UK Immigration Rules, Health & Safety). This document is issued to inform and help applicants understand their rights and obligations under UK employment.

Attention is drawn to the disclaimer at the end of this document.

1. HOPS LABOUR SOLUTIONS LIMITED (HOPS)

HOPS Labour Solutions Limited is principally a United Kingdom Borders Agency (UKBA) appointed Operator of the Seasonal Agricultural Workers Scheme (SAWS). In addition to the SAWS, HOPS also administers its own Seasonal Workers Programme (SWP)

HOPS Labour Solutions Limited is a company wholly owned by the National Federation of Young Farmers Clubs (NFYFC) which is a rural youth organisation with some 20 000+ members.

HOPS is a GLA (Gangmaster Licensing Authority) licensed business.

2. SEASONAL AGRICULTURAL WORKERS SCHEME (SAWS)

The Seasonal Agricultural Workers' Scheme (SAWS) provides farmers and growers in the UK with a source of overseas labour to meet their unmet demand for seasonal workers. The scheme enables participants from the countries to meet the required work authorisation criteria to work in the UK, learning something of the culture and language during their stay and earning money in the process. The scheme is managed by the UKBA, which appoints Operators to administer the scheme on its behalf. HOPS is one of the appointed scheme Operators.

3. BACKGROUND


The Seasonal Agricultural Workers' Scheme (SAWS) originates from the immediate post-war years and has essentially been a cultural exchange scheme that has sought to facilitate the movement of young people from across Europe to work in UK agriculture and in particular to help with the harvests. The principles and features of the Scheme have remained largely unchanged since its inception.

4. HOW APPLICANTS QUALIFY AS PARTICIPANTS OF THE SAWS

- a) Applicants **MUST** be aged 18 or over on the date of arrival in the UK. *Note: there is no upper age limit.*
- b) If applicants are not in full time education or have recently graduated from university they should supply at least one of the following documents:
 - a. A copy of their Diploma/Degree/Masters Certificate
 - b. A copy of the highest qualification awarded to date
 - c. A copy of any other relevant qualification.
 - i. Driving licence
 - ii. Tractor driving licence

- iii. Mini bus driving licence (category D)
 - iv. This list is not exhaustive
- c) If applicants are full time students they should supply documentary Education Evidence that they are a student. The documentary Education Evidence must state:-
- i. Full name and date of birth of the student.
 - ii. The name of the University/college attended and the name of the faculty issuing the document.
 - iii. The signature of an official from the University/college and the official stamp endorsing the document.
 - iv. Authorisation from the University/college for the applicant to be absent for the period of participation.
 - v. The name of the course the student is undertaking.
- d) Generally, there are no special skills, experience or attributes required by those undertaking the seasonal tasks on a farm. However, farmers and growers seek participants who have worked or studied agriculture or horticulture and to be able to speak and understand the English language.
- e) Applicants should be able and willing to stay and work in the UK for a period that the farmers have requested and that is stated on their work permit, a maximum period of 6 months.
- f) Applicants should equip themselves with a suitable REPATRIATION AND / OR TRAVEL INSURANCE POLICY before travelling to the UK this is a condition of employment with employers who host SWP participants. HOPS provides NFU Mutual Repatriation Insurance policy to meet this requirement as part of becoming a HOPS Member the policy cannot be purchased separately. Further details of the NFU Mutual Insurance are enclosed at the end of this document. If you do not wish to become a HOPS Member then you must purchase suitable insurance cover and provide evidence of this with your HOPS application form.
- g) All Applicants MUST have an active email address, details of which should be given on the application form.
- h) **Applicants must answer all questions and sign the application form personally.**
- i) If applicants wish to be on a farm with their girlfriend/boyfriend/partner, please ensure that they apply to the same Operator of the SAWS program and that the application forms are fixed together before sending to the HOPS office.
- j) Do not copy the application form, or use a form that has been allocated to another person.
- k) **PLEASE COMPLETE THE APPLICATION FORM, ONLY IF YOU MEET THE CRITERIA LISTED ABOVE AND ARE HAPPY WITH THE INFORMATION CONTAINED WITHIN THIS DOCUMENT.**
- l) If an application is NOT accepted, it will be for one (or more) of these reasons:-
- i. Parts of the application form are not completed correctly.
 - ii. The details on the application form are not acceptable, for example if the applicant is not yet 18 years of age.
 - iii. The application form is not signed.
 - iv. Supporting paperwork has not been enclosed with the application.
 - v. You have not provided evidence of a suitable repatriation insurance policy.
 - vi. Your conduct was not appropriate in previous years working through HOPS
 - vii. You are deemed not to be a suitable participant for the relevant position
- m) If the application IS accepted:-
- i. The participant will receive an official invitation letter from HOPS, enclosing:
 - Your SAWS Workcard. You will need to give your Work Card to your employer temporarily to allow them to make a copy, which they must keep. This is your Workcard and should NOT be kept by the employer, unless for safe keeping.
 - Details and travel directions to the farm.
 - Participants are advised **NOT to** buy any travel tickets unless they have received a Workcard

n) When participants enter the UK they will need:-

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- **SAWS Workcard** – this is a valuable document – DO NOT LOSE IT.
 - Another copy of the **Education Evidence or other supporting document, if you are a student** to give to your employer.
 - All of the HOPS booklets and papers you were given with the application form and with the Workcard.
 - The **Welcome Letter** from the farm and the pink documents as supplied by HOPS containing farm details and directions.
 - A **sleeping bag, warm clothes and boots** to work in (including clothing suitable for cold or wet weather).
 - **MONEY** for travel and food for the first 7 days, a sum of approx £100- £150 Sterling is recommended.
 - Participants should have a TETANUS injection before leaving for the UK. All workers on farms are advised to have this immunisation.
 - Applicants apply for jobs as offered by HOPS. Details of the type of work and the duration of the job will be provided for you to help with your choice. Do NOT apply for a job that you do NOT want to do or if you know that you will be unable to remain for the full term of the job. If you wish to extend your period of work in the UK, it may be possible for you to apply for a transfer. HOPS cannot guarantee to be able to find participants a further placement, in which case they MUST return home.

o) **SAWS Participants**

- a. The Work Authorisation rules allow the participants to work legally only on a HOPS registered farm and not organise their own work elsewhere.
- b. The SAWS Workcard is a Work Authorisation Document; however this document is only valid for your employment by the named employer on the Workcard.
- c. If the participant leaves the employment of the employer recorded on the Workcard to work elsewhere, without the authority of HOPS, it will be recorded that the applicant is no longer participating on the SAWS and the participant will be reported to Work Abuse. ***The consequences of working anywhere other than where Work Authorisation Documents permit will result in 'on the spot fines' for both the employee and employer.***
- d. It is illegal for you to work anywhere other than a HOPS registered farm and you MUST have supporting Work Authorisation Documents for your employment on that farm.

5. **THE ROLE OF REPRESENTATIVES**

HOPS is charged with the responsibility of recruiting suitably qualified and skilled applicants to participate in the scheme and therefore be employed, on a temporary basis, by a UK farmer or grower. HOPS recruits directly and also engages the services of Representatives to assist with recruitment of applicants.

Representatives prepare and may give assistance to each candidate during the application process. They are expected:-

- To market the HOPS programme to potential recruits.
- To support the recruits during the application process.
- To be the first point of contact for HOPS during the application process.
- To provide the potential participants with the information regarding dates and type of work that is available, where these jobs are and to give any assistance required in deciding when and where the participant may work.

- To collate the application forms, ensuring each application form is complete and is accompanied by the relevant supporting documents.
- To return to the HOPS office via electronic correspondence and also to post via secure shipping the hard copies of the completed application forms to the HOPS office.
- To distribute to applicants SAWS Certificates when these are shipped to the Representatives.

Charges that Representatives may make to applicants

- Representatives may NOT charge applicants for the recruitment or selection process.
- Any services and associated charges made by a representative are **optional** and are not a condition of making an application to HOPS for a work placement.
- Charges may however be levied for specific services offered by the Representatives. For example this may include the booking of travel tickets to the UK and onward travel within the UK, English lessons, the secure mailing of completed application forms. This list is not exhaustive.
- Representatives must issue a detailed receipt and a signed agreement to any applicant paying them for any services. Each item should be listed separately. A copy of this agreement must be included with the HOPS application form when sent to HOPS even where no services have been purchased. This is to be audited annually by HOPS. Participants MUST keep a copy of this receipt, it is advised that they take one copy with them to the UK and leave one copy in their home country. The receipt should clearly detail exactly what the applicant is paying for. E.g. Travel, Insurance. This list is not exhaustive.

Please refer to our web site (www.hopsgb.org.uk/charges) for the details of charges for specific services offered by Representatives.

6. APPLYING DIRECTLY TO HOPS AS AN INDIVIDUAL

All representative services are optional and you are free to process your application yourself. If you chose not to use the services of a HOPS representative then you must mark this on the back of your application form. If you collect your application form from a representative they will ask you to sign a small statement to confirm you have been provided, free of charge, with an application form, this Worker Manual and an Individual Applicant Payment Slip.

If you chose to purchase HOPS membership (as detailed in section 20) as an individual applicant then you must pay this to HOPS and enclose a completed Individual Applicant Payment Slip with your application. If you chose not to purchase HOPS Membership then you must provide evidence and proof of purchase of a suitable alternative insurance policy. More details are provided in section 20 of this manual.

If you wish to apply individually you must enter a valid email address on your application form. You must check your emails regularly and respond to any information requests from HOPS. Failure to respond to emails from HOPS will result in your application being rejected. In all email correspondence with HOPS you must include on the email your full name, date of birth, the name of the farm you are going to work on and your start date.

If your application is accepted HOPS will write to you to confirm your placement.

Please note incomplete applications will be rejected and will not be reconsidered. Also late applications will be rejected and not reconsidered. Applications received in groups greater than 2 will not be accepted from direct applicants.

7. HOW FARMERS AND GROWERS QUALIFY TO EMPLOY PARTICIPANTS UNDER THE SAWS

- All farms employing participants under the SAWS must be registered with to one of the Scheme Operators.
- Farms should provide accommodation (usually on the farm) with facilities for the resident participants (for which the farm may make a modest charge each week). This charge should be in line with the current AWB Orders. HOPS inspects the accommodation and facilities annually to ensure that it is of a suitable standard.

- Farms are expected to provide a reasonable prospect of 39 hours of work per week for each participant. **It must however be noted that on occasion, due to unforeseen circumstances** (for example extremes in weather, a crop failure, customer demand), **there may be very little work for short periods of time.**
- **For SAWS participants** - the work participants can undertake must be **seasonal** and **agricultural** work on a farm or horticultural holding.
- Farms are expected to operate the business within all UK legislation, including employment legislation, health and safety legislation. This list is not exhaustive.
- The SAWS participants are the direct employees of the farmer or grower and will be paid directly by the farmer or grower. HOPS is not the employer.

8. TYPE OF WORK AND WAGES AVAILABLE TO PARTICIPANTS APPLYING TO PARTICIPATE IN THE SAWS ADMINISTERED BY HOPS

Type of work

- A wide variety of manual agricultural tasks will be available to participants recruited by HOPS. However, the vast majority of seasonal work within the agricultural industry is within the fruit sector (currently 70% of placements), the vegetable / salad sector (currently 15% of placements) and thereafter a wide spectrum of horticultural works. **Therefore, predominantly, the tasks that can be expected are planting, hand harvesting, on-field packing and general crop husbandry/ maintenance of fruit or vegetable crops (edible produce).**
- There are also a limited number of placements available in other sectors, for example, potato grading, tomatoes, salad crops, flowers and plants, dairy farms or poultry farms.
- Work is usually manual and unskilled.
- There are some seasonal jobs that will involve the operation of agricultural machines and vehicles. Participants wishing to be considered for these placements should already have some experience of the agricultural machinery/vehicles and the safe handling of them. These participants must hold a full driving licence and must bring this document with them to the UK, together with a verified translation (into the English Language) stating the participants name, home address and the category of vehicle the licence permits him or her to drive.
- Where participants are expected to drive vehicles on the road, they will be asked to demonstrate, in person, to their employer (the farmer or grower) that they are competent to drive vehicles safely on the UK's roads. In addition, they should have a good command of the English language in order to understand road and safety signs.

Wages

Participants will receive their first wages about 7-14 days after they start work. They must remember that they may **not** be able to start work as soon as they arrive at the farm if the crop is not ready. Participants will need to have enough money for food during the first week - they should also remember that food and other items are expensive in the UK.

Farms will have work ranging from just a few hours per week (if the weather is bad) to 5 or 6 full days in a week. Each week may be different, the crop may not be ready, or perhaps it is small, and the weather WILL affect the work in the field. Do **not** expect to work for every daylight hour you are in the UK.

In the UK there are basic wages that every employer must pay to all employees – these rates of pay are determined by the Agricultural Wages Board (England & Wales) [<http://www.defra.gov.uk>]; The Scottish Agricultural Wages Board [<http://www.scotland.gov.uk>] and the Agricultural Wages Orders for Northern Ireland [<http://www.dardni.gov.uk>]. In some cases your minimum wage will be set by National Minimum Wage legislation.

All people working in the UK must be paid a minimum wage. Often your pay will be calculated by the **PIECEWORK** method. On piecework the crop you pick is weighed and you are paid for each kilogram you pick. The harder you work the more you are paid. On this system most participants earn more than the minimum rate per hour, but a few participants find it difficult, even though they try, but some just do not work hard enough. If this happens the farmer may train you again to pick the crop quickly. If after this extra training, you are still too slow to earn the minimum wage and the farmer has no alternative employment, then the farmer has no choice but to terminate your employment. It is often

difficult for HOPS to move slow workers to another farm. Where alternative work cannot be found it may become necessary to ask you to leave the programme and the farm. Most participants earn on average £220 - £280 per week after accommodation charges are deducted though some can earn a lot more in peak season if working long hours. Slower workers may only earn £180 per week or maybe less after accommodation deductions. Full time work cannot be guaranteed for the whole of your stay in the UK particularly when you first arrive when the crop is sometimes late starting or the weather is bad. At other times there may be too much work and the farmer may want you to work long hours for a period.

Remember the majority of participants earn, on average, well over the minimum hourly rate and find their visit to the UK on the SWP a very worthwhile and financially rewarding experience - **you can do it too.**

Bank Accounts

In order for participant's wages and money to be kept safe whilst they are working on a farm in the UK, we strongly recommend that participants open a UK bank account. Most of the farms will pay the wages directly into participants bank account every week and help participants to open the account; however, UK bank regulations mean that participants will have to open the account themselves (the farm cannot open the account for you, but they will help you).

At the end of the employment participant's wages may be transferred to their home bank account. This may carry a commission charge and it is therefore recommended that transfers are made periodically through the season rather than weekly. HOPS advises that all participants open a bank account prior to their departure for the UK. Please ensure that the bank in which you open the account has a SWIFT code.

Barclaycard

Barclaycard Pre Paid is alternative to a bank account. HOPS developed the Barclaycard pre paid cards to provide a solution for wages where bank accounts could not be sourced. Where bank accounts can be opened quickly and reliably they remain a suitable solution for wages. Barclaycard provides workers with a structure for them to take control and responsibility for their wages.

What Participants should know about the Barclaycard

- Cardholder guides are provided in 6 languages: - English, Polish, Romanian, Latvian, Lithuanian and Bulgarian this will detail step by step how to use the phone / PIN services and all charges.
- PIN numbers are obtained via an IVR (Interactive Voice Response) telephone service instructions on use will be provided in the cardholder guide
- Balance enquiries can be made via IVR , On-line or at an ATM
- Cards cannot go into a debit balance.
- Cards can be used anywhere that VISA is accepted, on-line, face to face, via phone or ATM.
- Cards cannot be used to set up mobile phone contracts and credit agreements
- Cards cannot be used to transfer money directly from account to account
- Cards can be loaded via BACS or Faster Payment (BACS takes 4 days for the funds to register FP is an overnight process)
- Lost cards can be replaced at a cost of £5 however in the event of a lost card the funds are completely safe and are not lost with the card as the card is Pre-Paid, not a TOP-UP gift card.
- Lost cards are re-ordered through the IVR number.
- Cards can be "emptied" at a bank branch at the end of the season if required for a £3 charge
- Funds can be taken home on the cards but will incur the normal VISA FX fee if used outside the UK – 2.99%
- Card life is 12 months.
- Workers can use the card to take cash at the Post Office and wire money home using the Moneygram Service
- For security the cards are "closed loop" the only people who can load funds onto the cards are HOPS registered employers, transfers card to card, card to account or account to card are not possible.

Charges

Card opening fee	£10.00
Monthly Card Fee	£1.00
Cash-back	£0
ATM Withdrawal fee	£1.00
OTC withdrawal fee	£3.00
Card replacement fee	£5.00
FX conversion rate	2.99%
Set up fee	£0
Other charges	NIL
Card Life	12 months

Pay Slips

Every participant will be issued with a pay slip when they are paid. It is very important that participants keep all pay slips issued to them, as evidence of their earnings should there be any disagreements in relation to wages. HOPS takes accusation of under payment very seriously, however HOPS cannot take any action without documentary evidence. In addition HOPS strongly advises participants of the SAWS to make a personal record of their working hours.

Deductions from wages and other charges

Participants of the SAWS should expect some deductions to be made from their wages. These may include any of the following:-

- National Insurance - All nationals of EU countries will be subject to National Insurance Contributions.
- Income Tax

Full details regarding National Insurance and Income Tax are given further in the document.

- Charge for accommodation. This is usually deducted on a weekly basis and will be recorded on the payslip.
- Deposit – Most farmers and growers providing on-farm accommodation will require participants to pay a bond or deposit against damage to the accommodation and facilities. Deposits are returned to the participant when they leave the farm providing no damage is done and the accommodation is left in a clean condition.
- Each farm should write to participants with full details of all deductions before they travel to UK. Please provide an email address for this reason.

National Insurance Numbers

The HOPS office is co-ordinating the issuing of National Insurance numbers and anyone who does not have a national Insurance number is notified to the HOPS office (by the Employer) and form is ordered for them, which is sent to the farm and completed by the individual. The form is sent back to HOPS and checked and then sent on to the NI office. The NI numbers are then issued directly to the person at the farm. Each worker will receive a letter with their National Insurance Number confirmed. All workers must take care to keep the number safe. Workers returning in the following year will be asked to put their NI number in the HOPS application form.

9. LENGTH OF TIME A PARTICIPANT CAN EXPECT TO WORK ON A FARM AND REMAIN IN THE UK

- The maximum period of time a SAWS participant can work in the UK is 6 months (26 weeks).

- **SAWS** - Right to Work will be granted for the same dates as those recorded on the SAWS Workcard. Any participant wishing to extend his or her stay up to a maximum of 6 months is able to do so, providing work is available.
- The average period of time that work is available for participants is 22-24 weeks. Most jobs are available for up to 6 months.
- It is sometimes planned that applicants have 2 work placements in succession. If you are recruited for 2 work placements you will be expected to complete them both.
- It is very important that participants stay working on the farms for the whole time that the farmers have requested. Participants who leave their work placements early when work is still available will not be invited to participate in the SAWS again.
- **Participants should aim to arrive at the farm within 3 days either side of the start date.** If participants arrive too early, there may be no work available until the crop is ready for harvesting and accommodation may not be prepared. If participants are late then they may miss the training for the work and not be accepted at the farm and have to make alternative arrangements.
- If the weather has affected the harvesting date of the crop, HOPS will contact applicants to inform them of their new start date. Applicants will be expected to arrive within 3 days of the new date given to them by HOPS.
- Participants who would like a few days holiday within the dates given on their SAWS Workcard should agree the dates with their farmer at least 1 week prior to taking the holiday.
- Participants who are unable to come to the UK, and want to cancel their SAWS application for any reason, must inform their Representative immediately and return their SAWS Workcard. Participants who return their SAWS Workcard to HOPS in good time may receive a refund of the NFU insurance fees paid. If they fail to return the SAWS Workcard or return the Workcard very late in the year, HOPS will be unable to refund the fee.

10. HEALTH & SAFETY

The employer has a duty under the law to ensure, that all employees are safe without threat to their health when working. In general the employer's duties include:-

- Making the workplace safe and without risks to health
- Ensuring machinery is safe and that safe systems of work are set and followed
- Ensuring articles and substances are moved, stored and used safely
- Providing adequate welfare facilities
- Giving the information, instructions, training and supervision necessary for the employee's health and safety.

As an employee, you have legal duties under the health and safety regulations also. They include:-

- Taking reasonable care for their own health and safety and that of others who may be affected by what they do or do not do
- Co-operating with their employer on health and safety
- Correctly using work items provided by the employer, including personal protective equipment, in accordance with training or instructions
- Not interfering with or misusing anything provided for your health, safety or welfare.
- Notify the employer and contact HOPS if they feel that they are placed in an unsafe environment

11. WORKING TIME REGULATIONS

The Working Time Regulations implement the European Working Time Directive. The basic rights and protections that the regulations provide are:

- A limit of an average of 48 hours a week which a worker can be required to work. An individual worker may agree to work more than 48 hours a week. If so, he or she should sign an opt-out agreement, which they can cancel.

- Employers must record their working hours including when on piecework.
- Employers cannot force a worker to sign an opt-out. Any opt-out must be agreed to. Workers cannot be dismissed or subjected to detriment for refusing to sign an opt-out.
- Employers must keep a record of who has agreed to work longer hours.
- It is unlikely that many participants will be offered more than an average of 48 hours work in a week.
- A right to 11 hours rest a day.
- A right to a day off each week.
- A right to an in-work rest break if the working day is longer than five and half hours (rest break of at least 30 minutes). Rest breaks are not counted as working time and workers do not have to be paid during rest breaks. Employers must make sure workers *can* take their rest breaks, but are not required to make sure that they *do* take their rest breaks.
- A right to paid holiday, which if not taken will be accrued and paid at the end of the employment. The amount of holiday pay depends on how long you work at the farm.
- Further information is available from the Employment Relations page of the DTI Website: <http://www.berr.gov.uk> or ACAS 08457 47 47 47.

12. TYPE OF CONTRACT OF EMPLOYMENT A PARTICIPANT MAY BE ISSUED WITH BY A FARMER OR GROWER (THE EMPLOYER)

- This may be detailed in the Welcome Letter that some farmers send to all participants.
- All participants should be given written pay details and a statement of employment particulars (contract of employment) when they start work at the farm.
- Many of the jobs available to SAWS participants will be based on a “zero hours” basis; this means that there is no guarantee of work or continuity of work. It also means that an employer is not obliged to offer work to a participant every day, nor is the participant obliged to report for work each day. In reality most participants are offered work 5 or 6 days/week throughout the season.
- Some of the jobs available to SAWS participants will be based on a fixed term contract; usually the finish date will be the same as the finish date recorded on the SAWS Workcard, or when the work at the farm ceases, whichever is sooner.

13. IF WORK AT A PARTICULAR FARM BECOMES SCARCE (UNPLANNED, FOR EXAMPLE DUE TO A CROP FAILURE OR POOR WEATHER CONDITIONS) the following will apply:-


- HOPS will endeavour to find alternative work placements for the affected participants. This may include arrangements for the temporary loan of workers to work on nearby HOPS registered farms.
- Participants may be asked to accept a short period of reduced or perhaps no work if it is clear that full work will soon become available. In these circumstances employers will be asked to suspend accommodation charges.
- In extreme circumstances it may be that there is NO work available and in such cases the participants will be required to return home.

14. IF PARTICIPANTS FAIL TO MEET THE REQUIREMENTS FOR CONTINUED PARTICIPATION IN THE SAWS, the following applies:-

- Although participant may apply to join the SAWS and may be offered a work placement by HOPS, we do recognise that, for some participants, the experience may differ from their expectations and they may find it difficult to

continue to participate in the scheme. By far the majority of participants enjoy their work experience on a UK farm and it may be that with further explanation, and more encouragement, you will too.

- If participants are experiencing difficulty in participating on the SAWS, for whatever reason, then we would strongly recommend that they speak to their work supervisor on the farm in the first instance. The farm should understand that they may be homesick. In some instances participants may be offered alternative work if what they are currently being asked to do is unsuitable or difficult for them. Furthermore, if participants cannot participate in the scheme due to illness, then their work supervisor should be able to help them obtain medical attention.

 **Participants Behaviour at the Farm** - We expect all participants to be of good behaviour on and off the farm. We also expect participants to act in an honest and friendly manner towards the Employer, his staff and the other workers at the farm. If participants cause ANY problems on or off the farm, or if they do not keep the farm rules, or the UK law, then they may be dismissed by the farmer and asked to return home.

- **Alcohol** is readily available in the UK and can be purchased by anyone over the age of 18. Whilst there is nothing wrong with having a drink with friends in the evening after work, please remember that you may have to get up early for work the next day and you need to be ready and able to work. This is particularly important if you are driving or using machinery as part of your work. Please drink alcohol in moderation.
- **Drugs** – in the UK it is illegal to take drugs of any kind that were not prescribed to you by a doctor. If you are found in possession of any non-prescription drugs you may be dismissed by your employer. You may also be liable to prosecution by the police.
- If the above courses of action are not applicable, or do not work for you, then the farm will contact the HOPS office for further guidance. We may be able to find an alternative employer, more suited to participant's requirements and expectations. If this is not acceptable then participants will need to make arrangements for their removal from the SAWS and return home.

15. TRANSFER SYSTEM

There is a system whereby participants of the SAWS can apply to HOPS to move to another farm. This system also helps farmers and growers who have the capacity (both work and accommodation) to employ more participants to get extra labour quickly. In most cases your employer must give permission for you to transfer to another farm.

If work has finished at the farm and a participant wishes to continue working with the SAWS, he or she may apply to HOPS for a transfer to another farm. If another job can be found for the participant, a new Work Placement document will be issued. The new documents will be an official extension to their right to work in the UK.

16. PARTICIPANTS THAT ABUSE THE RIGHT TO WORK

Participants can work ONLY for the business named on the Workcard and for the dates recorded on the Workcard – up to a maximum of 6 months. Employers of SAWS participants are obliged to inform the scheme Operator (HOPS) if any participant leaves the farm without notice or under suspicious circumstances. This information will be logged on the Home Office database system and the participant will be reported to Work Abuse.

17. PARTICIPANTS RETURNING TO THE SAWS FOR ANOTHER YEAR

Terms of the SAWS allow participants to participate in the scheme as many times as they would like. Participants returning to the scheme must meet the normal criteria to participate.

If an applicant wishes to reapply either in the same academic year or the following year, they must first wait a minimum of 3 months before reapplying. It is not possible to issue another Workcard to an applicant if they have not waited at least 3 months before reapplying. This is a Home Office ruling.

18. INVITING NAMED PARTICIPANTS TO RETURN TO A FARM FOR A SECOND YEAR

HOPS operates a system whereby farmers and growers can invite named participants back to the farm for another season. These participants are known as '*Returnee participants*'.

At the end of the year HOPS asks all farmers and growers to consider if they would like to invite any worker back to the farm for the following year. Often the very best workers only are invited back to work for the farm for another season.

If this is the case HOPS will issue a new application form for collection from your In-Country Representative for the subsequent year.

19. TYPE OF ACCOMMODATION THAT IS PROVIDED BY FARMERS AND GROWERS

There are many different types of accommodation provided by farmers and growers ranging from caravan accommodation to a farm cottage or a farm hostel.

It is usual for participants to share all facilities, so they must expect some communal facilities however, where reasonably practical, separate ablutions (toilet and bathing facilities) are provided for men and for women. In some instances, particularly on small farm units, accommodation may be shared by both genders. In this case specific space will be reserved for each gender to ensure some level of privacy.

In most cases accommodation is single sex and provision for co-habiting couples is not always possible. **It is important that co-habiting couples note that they may not be able to share accommodation whilst participating on the SAWS.**

The most common form of on-farm accommodation is provided in mobile homes or static caravans – with space provided for food preparation/eating, ablutions, sleeping and resting. It is usual for groups of 4 or 6 participants to share a mobile home or static caravan.

Another common form of accommodation is provided in a portable structure (such as a Portacabin) that is furnished for sleeping and resting. Often, the food preparation and ablutions will be provided in other specifically equipped units adjacent to the sleeping/rest units.

HOPS will visit each farm annually to check the accommodation provided is of a suitable standard.

20. HOPS MEMBERSHIP WITH REPATRIATION INSURANCE

HOPS membership costs just £39 per worker is **optional** and is not a condition of making an application to HOPS for a job. Membership has been designed to make your work placement more enjoyable and rewarding. Membership lasts for as long as a participant is a worker with HOPS so starts when you arrive at the farm and finishes when you leave. Membership includes;

- NFU Mutual HOPS Worker Insurance (Summary of cover is attached).
- The HOPS Touchdown Ready Pack which includes; UK SIM card, UK and London Maps, a UK plug adapter and a guide for free places for you to visit.
- HOPS member website area with a login area providing;
 - Regular work updates on the work situation on HOPS farms in the form of a “blog” from HOPS staff translated into your own language.
 - Discount vouchers for HOPS members to the top attractions in the UK
 - 100 free places to visit listings.
 - Frequently asked questions section where you can ask anonymous questions of HOPS and the answers are registered to help other members.
 - Updates, introductions and special rates for services and products useful to a worker in the UK.
 - Opportunity to enter competitions for good performance.
 - Automatic entry into competitions for replying to HOPS questionnaires.
 - Live forums for asking questions in your own language.

Please note to be employed by a HOPS farm you do have to buy yourself adequate Repatriation Insurance cover. This is a condition of employment. Your own insurance must cover £25'000 Repatriation and £2'000'000 personal liability as a minimum. HOPS also advises that your insurance covers some personal belongings just in case you lose something. If you do buy your own please supply a translated copy of your insurance policy and proof of purchase to HOPS with your application form.

Please note that if you work anywhere other than employment arranged through HOPS, your membership and so insurance cover will end.

21. CANCELLATION POLICY

- Applicants may cancel their application or participation at any time.
- All cancellations MUST be made to Representative or HOPS directly by letter, fax or email
- Applicants who cancel their application BEFORE they travel to the UK, will have the Membership Insurance policy charge refunded to them in full.
- Applicants who cancel their participation in the SAWS AFTER they have arrived in the UK and started work will NOT have any fees paid for any services refunded.

Refund of fees

- All bank charges/fees are to be paid by the applicant.
- Refunds will be made as soon as it is reasonably practical after notification of the cancellation. This is normally in the Autumn.
- If applications are made via a Representative, the refund payment will be sent direct to the Representative and in the interest of reducing the bank charges, refunds will be sent in one payment only – all refunds due to applicants will be sent together.

22. CARS AND DRIVING IN THE UK

Cars

Before buying a car participants MUST seek permission to keep a car on the farm from the employer. Please note, not many farmers allow cars on their farms. If the farmer does agree, he will ask to see all the documents that car owners MUST HAVE concerning the car – these are a current MOT certificate, a current Tax disc and an Insurance Policy before a car can be driven on the road. The Insurance Policy will cost several hundreds of pounds. If you purchase a car without the permission of the farm, you will be asked to dispose of or remove the vehicle.

Drinking and Driving in the UK is a serious offence and you may be prosecuted and imprisoned if you are caught. NEVER drive a vehicle if you have been drinking alcohol. NEVER get into a car with someone who has been drinking alcohol.

Driving licences

Participants are advised to bring a driving licence with them if they plan to buy or hire or drive a car while they are in Britain.

What the law requires: The Law allows "a person resident outside the United Kingdom who is temporarily in Great Britain", to "drive in the UK during a period of 12 months from the date of entry into the United Kingdom" provided that s/he holds an international driving permit or a domestic driving permit from a country outside the UK. We are advised that the date of entry should be the first original date of entry to the UK

Driving in the UK

It is strongly recommended that all drivers purchase a copy of the "Highway Code" which is available from newsagents for around £2.50.

23. COMPLAINTS

HOPS recognises that, for many of the applicants participating in the Seasonal Agricultural Workers Scheme, this will be the first long stay away from home. As such it will be an exciting, learning experience; but we also recognise that it can be a traumatic experience for some participants.

We want all participants to gain the most from their work experience: from learning about British agriculture, learning about our culture and earning money in the process. We are here to help you get the most from your stay in the UK.

If participants have a concern about their work placement, the work they are undertaking, their wages, their accommodation, or access to social and cultural facilities then please discuss these with their farm Supervisor on the first instance.

If the Farm is unable to resolve the concerns satisfactorily, then the next stage is for participant to contact the HOPS office, usually by telephone. If the complaints are concerning wages, the complaints must be made **IN WRITING** and include photocopies of payslips together with precise details of the number of hours worked **EVERY DAY**. We will then agree a suitable course of action to address the concerns. **It is essential that participants retain all of their payslips for this purpose and make personal records of working hours.**

We will need to discuss all complaints with the host farm – however please note the details of the participant making the complaint will be treated as confidential and will not be shared with the host farm without your permission.

24. **DATA PROTECTION/SECURITY**

HOPS requires all farmers and growers to include in their terms of employment with participants a statement regarding the processing of personal data in the form set out in clause 13 of the example Terms and Conditions of Employment.

Use of Personal Information All details supplied to HOPS by farmers and growers, participants and partner organisations will only be used to administer the work programme being undertaken.

The information will be shared only with:-

- The UK Home Office (for example the Immigration and Nationality Directorate, The Immigration Service, Police Service)
- Any other government department, local government department or statutory body with an interest in the SAWS
- Any individual or organisation working under contract to HOPS
- The participants that are registered to HOPS
- The third party organisations that HOPS works with in partnership
- The farmers and growers that are registered to HOPS

HOPS may share aggregated demographic information with our partner organisations, for example overseas Universities. This information is in an anonymised format, such that no individuals can be identified from it.

Disclosure of Information. Personal details will only be used by HOPS, and shared with the parties recorded above. HOPS will **NOT** disclose this information to anyone else without first obtaining written consent from the individual concerned.

Mailing addresses and email addresses. HOPS will not send unwanted mail, junk mail or email messages, nor knowingly pass addresses or email addresses to any third party engaged in such activities.

Questions concerning the way HOPS uses personal information should be directed to the HOPS Executive Director via telephone, post, fax or email.

25. **DISCRIMINATION**

Discrimination against anyone with regards to their gender or race is illegal in the UK.

26. **FINAL THOUGHT**

Carefully consider whether a trip to work in the UK is right for you bearing in mind that it is not a holiday, it is hard physically demanding work. Remember that if you cannot do the work fast enough to meet the UK minimum wage you may be asked to leave the farm without covering your costs to travel to the UK. The majority of participants earns the minimum wage without trouble and find their visit to the UK on the SWP a very worthwhile and financially rewarding experience. HOPS employers warmly welcome their HOPS participants and value the work that they do.

If you decide to apply to come to the UK as a HOPS participant and are successful, we wish you a happy stay in the UK.

27. DISCLAIMER

HOPS Labour Solutions Limited has used its best endeavours to ensure that the content, layout and text of this document is accurate, complete and suitable for its stated purpose. It makes no warranties, express or implied, that compliance with the contents of this document shall be sufficient to ensure safe systems at work or operation. HOPS Labour Solutions will not be liable to pay compensation in respect of the content or subsequent use of this document for any purpose other than its stated purpose or for any purpose other than that for which it was prepared except where it can be shown to have acted in bad faith or there has been wilful default.

HOPS Labour Solutions Participant Insurance – 2012 Policy Summary

This policy summary does not contain the full terms and conditions of the insurance policy, which can be found in the policy document. A copy of the policy document is available on request.

The insurance policy is underwritten by The National Farmers Union Mutual Insurance Society Limited (NFU Mutual).

The period of cover starts from the date you arrive in the United Kingdom during 2012 and ends when your placement arranged by HOPS Labour Solutions ends or you depart from your employer's farm whichever is the earlier. A premium of £10.80 including 6% Insurance Premium Tax is payable for cover up to 6 months.

Questions and answers about the policy
What are the key features of the policy?

Key Features	Limit
Personal Accident Death, loss of limbs, sight, speech or hearing or permanent total disablement.	£6,000
Repatriation and associated costs Costs of necessary repatriation, additional travel or accommodation following accidental physical injury or illness.	£25,000
Money Loss of money including travel tickets, travellers cheques and credit cards.	£250 in cash, £500 in total
Personal liability Your liability for death, injury or illness to another person and accidental damage to the property of another.	Damage to accommodation £100,000, £2,500,000 all other losses
Personal belongings Loss of or damage to personal belongings.	£300 per article, £750 in total

What are the key exclusions or limitations of the policy?

You must pay the first **£35** of every claim made for personal belongings or money

You must pay the first **£100** for every claim made for damage to your accommodation

Personal Accident

- pregnancy or childbirth
- deliberate self injury
- intoxicating alcohol or drugs
- HIV and related conditions
- motor cycling
- various hazardous activities such as mountaineering or rock climbing
- any activities taken against medical advice and other specified activities

Money and Personal belongings

- losses not reported to the police within 24 hours
- credit card loss unless all conditions of the credit card company have been met
- unauthorised use of credit cards by you

Personal Liability

- death, injury or illness to another person
- damage to your own property and property in your custody or control
- death or injury following a direct or indirect assault or alleged assault
- liability arising out of the use of a motor vehicle

How can I make a claim?

To report an incident that may give rise to a claim on your policy, claim forms are available via your employer from: HOPS Labour Solutions, The National Federation of Young Farmers' Clubs, YFC Centre, Stoneleigh Park, Warwickshire, CV8 2LG (telephone 02476 698000). Completed claim forms should be sent to HOPS Labour Solutions and payment of the claim will be via them. If you are about to leave, the farm may settle your claim and your claim will then be to reimburse them – this must be clearly shown on the claim form.

What do I do if I want to complain?

NFU Mutual strives to provide its customers with the highest level of service. If you wish to make comments of any kind about our service please contact: The Manager, Group Corporate Business, NFU Mutual, Tiddington Road, Stratford-upon-Avon, CV37 7BJ

If you are not satisfied with the way in which we have dealt with your complaint, please write to: The General Manager, NFU Mutual, Tiddington Road, Stratford-upon-Avon CV37 7BJ.

In the unlikely event that you remain dissatisfied, the Financial Ombudsman Service may be prepared to review your complaint. You can find out more at www.financial-ombudsman.org.uk or by calling 0845 080 1800.

Am I entitled to compensation?

We are covered by the Financial Services Compensation Scheme (FSCS), which means that you may be entitled to compensation from the Scheme if we cannot meet our obligations. This depends on the type of policy you have and the circumstances of the claim. You can find out more at www.fscs.org.uk or by calling 0207 892 7300.

Additional information**The Law**

You and NFU Mutual are entitled to choose the law applicable to the insurance policy. NFU Mutual proposes to choose English Law as the law applicable to the insurance policy.

The contract and the relationship between NFU Mutual and you shall be governed by, and interpreted in accordance with, English Law. The contract shall be subject to the non-exclusive jurisdiction of the English Courts.

Statutory Status

You can check our statutory status on the Financial Services Authority's Register at www.fsa.gov.uk/register or by contacting the FSA on 0845 606 1234. Our FSA registration number is 117664.

Language

The contract and other documents are drawn up in the English language. We will communicate with you in English throughout the duration of the policy.

Claims Handling Process

If anything happens that may give rise to a claim, you must tell us as soon as possible, giving your name and policy number.

If a claim is being made against you:

- do not respond to any writ, letter, claim or other documentation;
- send any writ, letter, claim or other documentation to us without delay;
- do not admit, repudiate or negotiate any claim

NFU Mutual is The National Farmers Union Mutual Insurance Society Limited (No. 111982).
Registered in England. Registered Office: Tiddington Road, Stratford upon Avon, Warwickshire CV37 7BJ.
Authorised and regulated by the Financial Services Authority for insurance, pensions and investments.
Member of the Association of British Insurers.
For security and training purposes, telephone calls may be recorded and monitored



HG12008 Guidance Note for 2012 HOPS Applicants

Income Tax and National Insurance Contributions

All employees in the United Kingdom (England, Wales, Scotland and Northern Ireland) normally have to pay two deductions from their earnings before wages are paid to them. These two deductions are known as Income Tax (PAYE) and National Insurance Contributions (NIC's). NIC's are a payment for certain Social Security benefits in the UK. HMRC, the UK government tax collector, administers the collection of Income Tax and National Insurance.

Employers have a legal responsibility to deduct any Income Tax and NIC's due from employees to pay to HMRC. Employers are liable to pay the tax and NIC's due from employees if they fail to make the proper deductions from employees.

Income Tax deducted by employers - also known as PAYE (Pay As You Earn)

Income tax will be deducted from wages at the rate of 20% of all earnings over the weekly portion of the annual tax free personal allowance. **The annual tax free personal allowance is £7475 rising to £8105 (£155.87/week) from April 6th 2012.** The tax year runs from April 6th to April 5th in the following year.

If the period of employment is across two tax years, the participant will have the benefit of the tax free personal allowance for each tax year.

If a participant comes to work in the UK more than once in a tax year, the earnings are added together to set against the annual tax free personal allowance for that year. In this case if a P45 was issued at the end of the first employment it should be brought back to give to the next employer on return to the UK.

If Income Tax is deducted from wages, the employer has to issue a P45 tax form to the participant when the employment ends. The P45 form records totals of the wages paid and Income Tax deducted.

If the participant is going to another farm, parts 2 & 3 of the P45 must be given to the new employer. When the employment ends at the second farm a new P45 will be issued.

If the participant is returning to their home country, the participant may ask the local tax office for tax form P85 (or they may ask the employer to get one for them). This form should be completed by the participant and forwarded to the tax office with parts 2 & 3 of the P45. The employer should know the address of the tax office they deal with and may assist the participant to complete the simple form. After receipt of the forms, HMRC will decide if too much tax has been paid and if a refund is due, payment will be made direct to the participant in their home country by UK sterling cheque or to a bank account nominated by the participant.

However if you claim your tax back but then return to work in the UK in the same tax year you will be heavily taxed to recoup some of the tax return you claimed.

Special arrangements for students

If you are a full time student and can supply genuine education evidence in support of this to the employer, the employer **may** ask you to fill in and sign a P38(S) tax form. This form, when completed, may allow the employer **not** to deduct Income Tax from wages until the whole annual tax-free personal allowance has been earned The majority of students earnings do not exceed the personal allowance during their period of employment in the UK and in that case are not required to pay any Income Tax.

(Some employers do not operate this procedure so all employees will pay tax)

Once students UK earnings reach the annual personal allowance, Income Tax has to be deducted by the employer from **all** earnings thereafter. The tax deducted will currently be 20% of earnings.

If an employer expects a student to earn more than the personal allowance during the employment, the employer should put the student on the standard PAYE tax system deducting tax each payday on earnings over the weekly allowance.

National Insurance Contributions (NIC's)

All employed persons in the UK normally have Class 1 NIC's of 12% of any earnings over the earnings threshold deducted from wages to pay to HMRC. The employer also pays an additional sum to HMRC equal to 13.8% of the employee's earnings over the earnings threshold. **The earnings threshold** is £139/week for 2011/12.

Where a worker is an EU national and arrives in the UK to work for a UK employer, they and their UK employer will normally pay Class 1 NIC's.

On some farms, some workers may not have NIC's deducted from wages depending on certain circumstances. This may be confusing but **HOPS participants must always expect to have NIC's deducted from wages.**

Any person liable to make National Insurance Contributions must apply for a National Insurance (NI) number. For any participant requiring a NI number, an application form will be sent from HOPS to the farm. This must be completed and returned to the HOPS office within 30 days of arriving at the farm. HOPS will then pass on the application to the NI Processing centre, which will issue a NI number within 1 week of receiving the application. Most employers will be happy to assist their employees to obtain their NI number.

Once the NI number has been obtained it should be given to every employer you work for and used again whenever you return to the UK to work.

Participants who cannot obtain satisfactory help or advice on Income Tax and NIC's from their employer should contact the HOPS office for help.

CM Nov 11