

Tier 4 Student Work Placement Policy

Introduction

Students studying at the Academy with a Tier 4 (General) student visa are restricted in their ability to undertake external performance work, by their visa regulations, which prevent them from:

- a) Undertaking work as an entertainer
- b) Being self-employed
- c) Undertaking more than 20 hours of work per week in term time

(See *Tier 4 student visa guide to working* for more detail on general work restrictions.)

However, under an amendment to UK Border Agency guidance overseas Music degree students (Bachelors level and above) are allowed to undertake work as entertainers (paid or unpaid), providing the performance is arranged through the sponsoring institution and is an assessed part of the course. The placement can extend beyond 20 hours per week and the student may also work for up to 20 hours per week in addition to any time spent on a permitted work placement.

A permitted work placement is considered to be any professionally relevant work (paid or unpaid) that is assessed as part of a credit-bearing module. For the vast majority of students at the Academy such activity will be assessed as part of their Professional Development Activity requirements. For postgraduate students this means it must be included in the student's Professional Development Activity profile and will also normally be included in their Professional Portfolio. For undergraduate students it must be included in their Log Book (Years 1 and 2) or Professional Portfolio (Years 3 and 4). For Advanced Diploma students it will form part of the Viva Voce at the end of their course.

Fees for any paid work placement must be invoiced by the Academy and paid to the student via its payroll as an employee of the Academy. Students with a Tier 4 visa are not permitted to work in a self-employed capacity and therefore must not accept direct payment of fees for any work, including cash payments, unless it is paid through a payroll with tax and National Insurance deducted at source. Students may accept reasonable expenses directly.

Students with a Tier 4 visa are required to comply with the policies below in order to undertake any external performance work (paid or unpaid) or other work placement in compliance with their visa regulations. Any performance work undertaken which does not comply with this policy risks placing the student's visa status in jeopardy and could have serious consequences for their right to remain in the UK. If the Academy has reason to believe a student has broken the terms of their visa we are obliged by law to report that student to the UK Border Agency.

The procedures below refer to the following forms:

- **Tier 4 Placement Approval Form** (completed by the student's Head of Department and Programme Tutor)
- **Tier 4 Placement Application Form** (located on the External Bookings page of AIR. Completed by the student and submitted to the External Bookings Manager or other relevant member of staff)

Tier 4 Placement Approval Form

Tier 4 students wishing to undertake work placements outside of the Academy (including any paid or unpaid performance work) which are not part of core Academy activity must have approval from their Head of Department and Programme Tutor.

Note: Core Academy activity is considered to be any project that takes place within the Academy and its associated buildings, or any project initiated by Academy administrators that already contributes to an assessed part of the student's course, regardless of location. This includes but is not exclusive to Concerts Department projects, masterclasses, Royal Academy Opera projects and Open Academy projects. Programme Tutors can advise on this.

The **Tier 4 Placement Approval Form** must be completed and signed by the Head of Department and Programme Tutor indicating what types of external placements the student may undertake as an assessed part of their course. The External Bookings Manager will keep this on file and it will be valid for the duration of the academic year (for undergraduates), the duration of the students' course (for postgraduates), or until the student requests a review of their permitted activities. Other relevant members of staff at the Academy will have access to a digital copy of the form and will consult it whenever the student requests approval for a placement.

This form enables the Head of Department and Programme Tutor to have overall control of what types of placement the student undertakes without getting involved in the detail of each placement.

Once a student has a valid **Tier 4 Placement Approval Form** they may submit requests for individual placements, as and when opportunities arise, using the **Tier 4 Placement Application Form**.

*Note: Although the **Tier 4 Placement Approval Form** facilitates placements without the need to consult the Head of Department or Programme Tutor for each individual placement, for particularly high profile performance opportunities the External Bookings Manager reserves the right to consult the student's Head of Department before approving the placement.*

Tier 4 Placement Application Form

Tier 4 students who are offered a placement opportunity outside of the Academy should complete a **Tier 4 Placement Application Form** before accepting the opportunity. This form will be submitted to the **External Bookings Manager** or other relevant member of staff who will approve or decline the placement in accordance with the student's **Tier 4 Placement Approval Form**.

The student will be notified by email if their placement has been approved or declined and sent a PDF copy of the form, which they must include in their **Professional Portfolio or Log Book**. The student should only accept the placement once an approval email has been received. Without this they cannot legally undertake the placement.

Placements which take place after the student's exam board has met (usually in late June) should contribute towards Professional Development Activity for the following academic year, in the case of continuing students. In the case of graduating students, placements which take place after the student's exam board has met (in which their final degree classification will be ratified) will not be approved, unless the student has accepted a place on a new course beginning the following September, in which case the placement must form an assessed part of their new course. This may require the student to request a new **Tier 4 Placement Approval Form** signed by the Programme Tutor for their new course.

Policy for paid external performances

1. A minimum of three weeks' notice must be given before the start of any paid placement. Applications made with less than three weeks' notice will be dealt with as unpaid placements and the student will not be permitted to accept a fee (only expenses). Exceptions to this deadline will only be considered when the request is made directly by a Head of Department for exceptional professional performance opportunities.
2. On approval of a **Tier 4 Placement Application Form** for a paid performance the External Bookings Manager will contact the person or organisation offering the performance opportunity (hereafter referred to as 'the promoter') by email to confirm payment arrangements. The promoter will be issued with a contract and an invoice for the student's fee. The student will also be issued with a contract by External Bookings, which must be signed by the student prior to the beginning of the placement. The student should include a copy of this contract along with the **Tier 4 Placement Application Form** in their Professional Portfolio or Log Book.
3. Payment will be made to the student through the Academy's student payroll after the placement has taken place and once the promoter's invoice has been paid. Payment will be subject to tax and National Insurance deductions at source. If there is any delay in receiving payment from the promoter, the student will be responsible for following this up.
4. If the promoter is not VAT registered, the VAT costs will be deducted from the student's total fee. If the fee (after deduction of VAT, if necessary) is greater than the threshold for employer's National Insurance contributions, these will also be deducted from the student's fee to cover the Academy's losses in this respect. In addition to these deductions, any placement initiated by the student which pays more than £350 plus VAT (or £420 including VAT) will have a further 10% administration fee deducted from it (calculated after VAT is deducted but before employer's National Insurance contribution). This will be up to a maximum of £55. Furthermore, if a student initiates more than two placements within an academic year, a 10% administration fee will be taken from each subsequent booking they initiate, regardless of the total amount offered, up to a maximum of £55 per booking. All fees agreed are gross and may be subject to further deductions in respect of income tax and employee's National Insurance contributions when paid through the Academy's student payroll.

Policy for unpaid external performances

1. A minimum of 5 days' notice must be given before the start of any unpaid placement. Applications made with less than 5 days' notice will be refused.
2. Department Administrators may approve **Tier 4 Placement Application Forms** for unpaid placements in the External Bookings Managers' absence.
3. Students may accept reasonable expenses directly from the promoter but may not accept anything that could be considered a fee.

Policy for non-performance placements

Work such as (but not exclusive to) education workshops organised through Open Academy or playing/singing in church services is not considered to be working as an entertainer but may still be relevant to a student's course and professional development. It can therefore be organised through the Academy in order to be considered a work placement and to facilitate payment (where applicable) in line with the student's visa restrictions.

1. A minimum of three weeks' notice must be given before the start of any paid placement. Applications made with less than three weeks' notice will be dealt with as unpaid placements and the student will not be permitted to accept a fee (only expenses). Exceptions to this deadline will only be considered when the request is made directly by a Head of Department for exceptional professional performance opportunities.
2. A minimum of 5 days' notice must be given before the start of any unpaid placement. Applications made with less than 5 days' notice will be refused.
3. Paid or unpaid placements related to Learning and Participation work should be approved by the **Open Academy Administrator**. All other paid work should be approved by the **External Bookings Manager**. All other unpaid work should be approved by the **Head of Professional Development**. These members of staff all have access to students' ***Tier 4 Placement Approval Forms***.
4. If the placement is paid the External Bookings Manager will follow the financial procedures listed above in the policy for paid external performances.

Record management

All Tier 4 Forms will be filed electronically in a shared area accessible to administrative staff and will be available for inspection by UKVI if required.

Students are responsible for ensuring that placements are included in their Professional Portfolio, Log Book or Viva Voce to be assessed as part of their course. The Registry will ensure placements are included in Postgraduate students' Professional Development Activity profiles.