

Skilled Shortage Sensible

**Call for Evidence: Review of the
shortage occupation lists for the UK
and Scotland and Creative
Occupations.**

Migration Advisory Committee

September 2012



Shortage Call for Evidence

Migration Advisory Committee,
2nd Floor, Fry Building,
2 Marsham Street,
London,
SW1P 4DF.
www.ukba.homeoffice.gov.uk/mac
email: MAC@homeoffice.gsi.gov.uk

Review of the Shortage Occupation Lists for the UK and Scotland and Creative Occupations

Call for evidence

1 Introduction

- 1.1 On 20 August 2012 the Minister for Immigration wrote to the Chair of the Migration Advisory Committee (MAC) commissioning the MAC to undertake a review of the shortage occupation list and to assess whether creative occupations should continue to be included within Tier 2 of the Points Based System (PBS). Specifically, the Government asked the MAC to consider the following questions.

1. *“In which occupations or job titles skilled to at least NQF level 6 is there a shortage of labour that it would be sensible to fill using labour from outside the EEA and which therefore merit inclusion on the Shortage Occupation List (SOL)?*

2. *The Government has indicated that it wishes to remove from the SOL all occupations that have been on it for more than a given period, in principle two years, regardless of shortages affecting the sectors concerned. This reflects the fact that inclusion on the SOL is intended to provide temporary relief while measures are taken to mitigate the shortages. The MAC is asked to advise on:*

- i) A standard period after which removal from the SOL should become automatic and whether exceptions should be permitted.*
- ii) Whether a transitional period should be accorded to those occupations currently on the SOL and which have exceeded the advised standard period.*

In advising on 2 i) and ii), the MAC should have regard to time already spent on the SOL and mitigation measures taken, plans for further mitigation measures and the business impact of removal from the SOL.

3. *Tier 2 is now reserved for occupations skilled to at least NQF level 6 and in general the SOL should be aligned with that policy. However, for those job titles currently on the SOL which are not skilled to NQF level 6, is there a shortage of labour that it would be sensible to fill using labour from outside the EEA and, therefore, a case for retaining them on the list?*

If so, which pay threshold should be applied in the relevant codes of practice for those job titles which the MAC recommends for inclusion on the SOL?

4. *The Government has retained within Tier 2 the following creative occupations in the arts and design fields which are not skilled to NQF level 6: artists, authors, actors, dancers and designers. Does the MAC see a*

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case for continued inclusion of certain creative occupations in Tier 2 and, if so, on what terms?”

- 1.2 The Government has asked the MAC to provide its advice and recommendations on the above commission by 31 January 2013.
- 1.3 In support of its review, the MAC has issued a call for evidence. This document discusses the evidence the MAC would like to consider in order to formulate its recommendations to the Government. The next section of this document details how evidence can be submitted to the MAC. Section 3 provides some contextual information on Tier 2. Section 4 outlines the shortage occupation route and the sort of evidence the MAC will find useful in considering occupations and job titles for inclusion on the shortage occupation lists for the UK and for Scotland. Section 6 looks at the issues to be addressed in considering whether there should be a time limit for occupations and job titles to be on the shortage occupation list. Section 6 considers creative occupations and identifies questions that the MAC will need to consider. Sections 4, 5, 6 and 7 identify questions that the MAC will find it helpful to have evidence on and these are gathered together and reprised in section 8 along with details of where to submit evidence.

2 Call for evidence

- 2.4 This section provides information on ways in which evidence can be submitted to the MAC and the following sections detail the sort of evidence that the MAC will find most useful. The closing date for evidence to be received by the MAC is **30 November 2012**.
- 2.5 This document refers to “corporate partners” or just “partners” in relation to the submission of evidence. This term is used to cover all parties with an interest in the MAC’s work or its outcomes, so private and public sector employers, trade unions, representative bodies and private individuals are included within this term.
- 2.6 This call for evidence document has been placed on the MAC’s website at <http://www.bia.homeoffice.gov.uk/aboutus/workingwithus/indbodies/mac/> and has also been sent to all partners whose contact details are recorded on the MAC’s database. Hard copies of this document are available by contacting the MAC at mac@homeoffice.gsi.gov.uk and all partners are encouraged to circulate this document further to any interested party.
- 2.7 The MAC will be arranging a series of events and meetings to discuss the evidence partners could provide and to hear partners’ views. Two general events, to which all partners are welcome, have been arranged at 2 Marsham Street, London SW1P 4DF for the following dates:
- **Friday 19 October 2012.**
 - **Wednesday 7 November 2012.**

2.8 Additionally, the MAC has arranged to host separate, occupation based sessions at 2 Marsham Street, London, SW1P 4DF to discuss this commission with relevant partners on the following dates and locations:

- **Education and science: Thursday 11 October 2012**
- **Engineering and construction: Monday 15 October 2012**
- **Health and social care: Monday 15 October 2012**
- **Finance, legal, business and IT: Thursday 25 October 2012**

2.9 The MAC will also host a meeting to discuss creative occupations at 2 Marsham Street, London, SW1P 4DF on:

- **Tuesday 16 October 2012**

2.10 Partners who would like to attend these events should get in touch with the MAC secretariat at mac@homeoffice.gsi.gov.uk and they will be notified of the timings and agenda for the meetings. All partners must notify the MAC in advance of their attending any of these events and must bring photo ID with them to obtain entry to 2 Marsham Street.

2.11 The MAC will also contact partners outside of London to seek assistance in arranging regional events and will contact Scottish partners about arranging separate events to discuss the shortage occupation list for Scotland.

2.12 If partners would like to meet with the MAC or its secretariat or can offer to host an event at which the MAC could engage with a number of partners, please contact mac@homeoffice.gsi.gov.uk. The MAC would also be interested to hear about any upcoming meetings, conferences or forums which would provide good opportunities to engage with wider groups. Notification of further upcoming events will be placed on the MAC website at

<http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/indbodies/mac/>

3 Context

Tier 2

3.13 The Points Based System (PBS) for migration to the UK from outside the European Economic Area (EEA) was introduced in 2008. It consists of five tiers:

- Tier 1: investors, entrepreneurs, and exceptionally talented migrants.
- Tier 2: skilled workers with a job offer in the UK.
- Tier 3: low-skilled workers needed to fill specific temporary labour shortages. Tier 3 has never been opened.

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- Tier 4: students.
 - Tier 5: youth mobility and temporary workers. This route is for those allowed to work in the UK for a limited period of time to satisfy primarily non-economic objectives.
- 3.14** Tier 2 comprises Tier 2 (General), which is made up of the resident labour market test (RLMT) route and the shortage occupation route, plus the intra-company transfer route and the ministers of religion and sportsperson routes. The shortage occupation route enables employers to apply to bring in workers from the outside of the EEA without going through the RLMT if the occupation is on the Tier 2 shortage occupation list. The shortage occupation list details the occupations and job titles held to be experiencing a labour shortage that would be sensibly filled using non-EEA labour either in the whole of the UK or in Scotland only.
- 3.15** Since 6 April 2011, Tier 2 (General) has been subject to an annual limit of 20,700 places for out-of-country applicants. Following analysis from the MAC in early 2012, the limit has been kept at the same level of 20,700 in 2012/13 and 2013/14.
- 3.16** The skill level required to qualify under the Tier 2 RLMT and intra-company transfer routes was raised in June 2012 to NQF6+. Migrants applying to work in certain creative occupations (see paragraph 7.44) were exempted from this change. Tier 2 is also subject to a minimum pay threshold of £20,000 with higher thresholds for the intra-company transfer route.
- 3.17** The UK Border Agency uses codes of practice to detail further conditions that must be met by migrants and their sponsors for applications under Tier 2. The codes of practice set out the minimum appropriate pay, over and above the £20,000 Tier 2 threshold, for occupations and some job titles. The codes also detail the advertising requirements that employers need to fulfil in order to show that there is no suitably qualified worker from within the UK or the EEA available to fill a specific skilled vacancy.
- 3.18** In April 2012, the MAC was commissioned to review the Tier 2 codes of practice including the minimum pay thresholds. It is due to report to the Government on this work at the end of September 2012 and to publish it in October.

The shortage occupation list route

- 3.19** Employers can apply to bring in workers from the outside of the EEA without going through the RLMT if the occupation is on the Tier 2 shortage occupation list. The Government periodically asks the MAC to review the content of the list. The current shortage occupation list comprises occupations employing under 1 per cent of the workforce (both migrants and British workers).

- 3.20 Visa applications made under the shortage occupation route of Tier 2 constitute a relatively small proportion of the total. Table 1 below details the number of in and out-of-country certificate of sponsorship applications granted between 1 July 2011 and 30 June 2012.

Table 1: Tier 2 General and ICT certificates of sponsorship (CoS) granted from 1 July 2011 to 30 June 2012

	Shortage	RLMT	ICT (long and short term)	Total
In-country	1,456	8,789	4,871	15,116
Out-of-country	1,309	7,123	23,310	31,742
Total	2,765	15,912	28,181	46,858
Percentage of total CoS granted				
	Shortage	RLMT	ICT (long and short term)	
In-country	3.1	18.7	10.4	
Out-of-country	2.8	15.1	49.9	
Total	5.9	33.8	60.3	

Note: Applicants are required to meet the criteria for Tier 2 from the point of the last major immigration rule change (14 June 2012) at the point of being allocated a certificate of sponsorship. As a consequence, data for the period covered will include some individuals who would have met the pre-14 June 2012 visa rules for Tier 2 but would not have met the subsequent rules. These data have therefore been filtered to exclude those individuals who would not meet the current visa rules. Therefore totals do not match published overall totals for Tier 2 CoS used published in *Immigration Statistics April-June 2012*, due to the following:

First, a main applicant to the RLMT route has been excluded if the occupation is not skilled to National Qualifications Framework level 6 or above (NQF6+) (unless the occupation is one of the creative occupations exempt from this: 3411, 3412, 3413, 3414 and 3422) and/or earnings on the job are less than £20,000 per year and/or they are clergy (who would use the Tier 2 minister of religion route). Second, a main applicant to the shortage occupation route has been excluded if the occupation is not on the shortage occupation list as at 14 November 2011 and/or earnings in the job are less than £20,000 per year and/or they are chefs earning less than £28,260 per year. Third, a main applicant to the long-term intra-company transfer route has been excluded if their occupation is not skilled to NQF6+ (or is one of the creative occupations) and/or earnings in the job are less than £40,000 per year. Finally, a main applicant to the short-term intra-company route has been excluded if their occupation is not skilled to NQF6+ (or is one of the creative occupations) and/or earnings in the job are less than £24,000 per year.

Further, data is excluded if the salary reported is not annual or we were unable to distinguish between in/out of country applicants.

Not all the individuals using CoS may be granted visas since some may have their visa applications rejected. Furthermore, even when a visa is granted, a person may not travel to the UK and on arrival they may also not be admitted.

All of the figures quoted are management information which have been subject to internal quality checks, but have not been quality assured to the same standard as National Statistics. As much of the input data (for example, salary levels) is self declared by the sponsor, UK Border Agency is not able to validate the quality of the source information, and we are advised by the UK Border Agency that data quality anomalies could impact on the findings. These data are provisional and subject to change.

Source: UK Border Agency management information July 2011 to June 2012.

Creative occupations

- 3.21 In April 2012 the Government published a Statement of Intent ("Statement of intent and transitional measures: Tier 2 of the Points Based System" Home Office, April 2012) with regard to changes it was making to Tier 2 of the PBS. Amongst other things the statement announced that the Government was increasing the skill level for Tier 2 occupations to NQF6+

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but that there would be exceptions for those occupations on the shortage occupation list and for certain creative occupations. The statement identified the following creative occupations (at 4-digit level of the Standard Occupation Classification (SOC) 2000) as those permitted under Tier 2 notwithstanding that they are not skilled to NQF6+: SOC 3411 artists, SOC 3412 authors, SOC 3413 actors, SOC 3414 dancers and choreographers and SOC 3422 product, clothing and related designers. The number of CoS granted to applicants under these SOC codes are very small. Numbers of CoS granted to these occupations between 1 July 2011 and 30 June 2012 are detailed in Table 2 below:

Table 2: Tier 2 General and ICT certificates of sponsorship (CoS) granted in creative occupations not skilled to NQF6+ from 1 July 2011 to 30 June 2012

SOC 2000	Occupation	Shortage	RLMT	ICT	Total
3411	Artists	7	16	6	29
3412	Authors	0	28	2	30
3413	Actors	0	25	1	26
3414	Dancers and choreographers	17	2	0	19
3422	Product, clothing and related designers	0	60	14	74
Total		24	131	23	178

Note: See note below Table 1

Source: UK Border Agency management information July 2011 to June 2012.

4 The review of the shortage occupation list

- 4.22 The current shortage occupation list is based on the Standard Occupation Classification (SOC) 2000. In 2010, the Office for National Statistics revised and updated SOC 2000 into the new SOC 2010. The MAC's recommendations about changes to the shortage occupation list will be made based on the updated SOC 2010.
- 4.23 Table A.1 in the annex to this document updates the current shortage occupation list into SOC 2010 and indicates which SOC 2010 occupations are skilled to NQF6+. This is based on a MAC analysis of NQF6+ occupations carried out in preparation for the MAC review of the Tier 2 codes of practice. The final list of NQF6+ occupations will be set out in the MAC's report on the codes of practice which will be available in October 2012. The final table will not differ much from what is presented in Table A.1 and therefore partners are encouraged to rely on Table A.1.
- 4.24 The methodology developed by the MAC for determining whether to recommend an occupation or job title be placed or retained on the shortage occupation list requires that the occupation or job pass three tests:
- first, is the individual occupation or job title sufficiently **skilled** to be included on the list;

- second, is there a **shortage** of labour within each skilled occupation or job title sufficient to merit inclusion or retention on the list; and
- third, is it **sensible** for immigrant labour from outside the EEA to be used to fill this shortage.

4.25 Reports providing further detail on the MAC's methodology and previous MAC reviews of the shortage occupation lists can be accessed at <http://www.bia.homeoffice.gov.uk/aboutus/workingwithus/indbodies/mac/reports-publications/>.

Skill

4.26 Table A.1 in the annex to this document includes an indication of whether occupations on the current shortage occupation list are skilled to NQF6+. While this may be subject to change in light of the MAC report on the Tier 2 codes of practice, **the MAC is not looking to receive evidence in relation to skill levels for those occupations identified as NQF6+.** Where an occupation is not skilled to NQF6+ but partners consider that a job title within that occupation is skilled to that level (and is in shortage) then partners must provide evidence to the MAC of the skill level of the job in line with the criteria identified in this call for evidence. When assessing job titles, evidence on qualifications and earnings is taken into account alongside two other indicators of the skill level, namely:

- on the job training or experience; and
- innate ability.

4.27 The Government also asked the MAC to review job titles on the current shortage occupation list that are not skilled to NQF6+ and to recommend whether these should remain on the list. For these job titles the MAC requires evidence only in relation to the **shortage and sensible criteria** in the same way as for NQF6+ occupations and job titles. The MAC does not require evidence relating to the **skill criteria** for job titles on the current shortage occupation list which are not skilled to NQF6+.

What partners can tell the MAC about Skill:

4.28 Information on as much as possible of the following is required:

- Typical earnings, or ranges of earnings, in the job title.
- Information on the proportion of individuals qualified to various levels (particularly to NQF6+).
- Minimum qualifications required (either informally or on a regulatory basis) to be a skilled practitioner in a particular job title.
- Evidence on the required or compulsory level or duration of on-the-job training or experience required to become a skilled practitioner.

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- Evidence that innate ability, of a level or rarity which exceeds such requirements in a typical NQF6+ job title, is required.
- Opinion on the applicability of the MAC's skill indicators to particular job titles (e.g. "qualifications are a good indicator of skill because...").

Shortage

4.29 For its national level data analysis, the MAC examines twelve quantitative measures of labour shortage which include indicators based on vacancy numbers and durations, and changes in pay and hours worked. As with skill, the national level indicators are available at the occupational level only, rather than for more specific job titles. Table B.1 provides details of all 12 indicators.

What partners can tell the MAC about Shortage:

- 4.30** Evidence of labour shortages is required in support of all proposals for occupations and job titles to be included on the MAC's recommended shortage occupation list. Information on as much as possible of the following is required:
- Vacancy numbers, rates and typical durations.
 - Typical earnings growth over recent months or years.
 - The extent to which newly qualified workers are being recruited and how this has changed over time.
 - Normal number of hours worked and how this has changed over time.
 - Growth in expenditure on training and recruitment by employers.
 - Information on past or projected future trends in the demand for, and supply of, workers within an occupation: this may include information on the age profile of the workforce, expected retirement patterns and the number of newly qualified workers expected to come on stream.
 - Opinion on the applicability of the MAC's shortage indicators to particular occupations or job titles.
 - Suggestions of additional shortage indicators for particular job titles or occupations, with an explanation of their relevance.

Sensible

- 4.31** The MAC considers four indicators of whether it is sensible to employ migrants from outside the EEA:
- What are the alternatives to employing migrants?

- How would bringing in migrants relate to skills acquisition of the UK workforce? Are there enough UK resident workers in training and education to fill shortages? Will bringing in migrants reduce employers' incentives to invest in training and up-skilling of UK workers?
- How will the employment of migrants affect investment, innovation and productivity growth?
- How will a decision to add an occupation to the Tier 2 shortage occupation list affect the wider UK labour market and economy? How, if at all, will access to migrant labour affect employment opportunities and conditions of the UK workforce?

What partners can tell the MAC about Sensible:

4.32 All proposals to include occupations and job titles on the MAC's recommended shortage occupation list must discuss the MAC's sensible criteria. It is important that partners provide information on and examples of as many as possible of the following:

- Whether and how employers are considering using alternatives to non-EEA migrants, including investment in technology and machinery, and efforts to recruit employees from within the EEA labour market.
- Current actions to train and up-skill the resident labour force, including timings, likely volumes of trained individuals who will exit such programmes and enter the occupation, and estimates of how this is likely to help meet demand.
- Whether migrants are likely to take jobs that would otherwise have been filled by resident workers or, conversely, whether employment of migrants will help to create employment conditions that also allow additional recruitment of resident workers.
- Opinion on the applicability of the MAC's sensible indicators to particular occupations or job titles.
- Suggestions of additional sensible indicators for particular job titles or occupations, with an explanation of their relevance.

5 Minimum pay thresholds for job titles

5.33 The MAC will also consider the minimum pay thresholds for those job titles skilled to NQF6+, but falling within occupations not skilled to NQF6+, which it recommends for inclusion on the shortage occupation list.

What partners can tell the MAC about minimum pay thresholds for job titles

5.34 For those job titles where the occupation is NOT skilled to NQF6+ but partners wish to provide evidence on skill, shortage and sensible, the MAC welcomes evidence on what the minimum pay thresholds should be.

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- 5.35 The MAC forthcoming report on the review of Tier 2 codes of practice, expected to be published in October, will contain recommendations on the minimum pay thresholds for occupations skilled to NFQ6+. If a job title is in one of the SOC codes covered by the new codes of practice the minimum salary threshold will normally apply.
- 5.36 The MAC requires strong evidence of the following in order to accept that a job title should be set different minimum pay thresholds from its parent occupation:
- How different is the pay of the job title from the parent occupation?
 - Why is this?
 - What are the levels of pay within this job title for:
 - new entrants; and
 - experienced workers?

6 Sunset clause

- 6.37 The commission from the Government states that the Government wishes to remove from the shortage occupation list all occupations and job titles that have been on the list for longer than a given period. This is in order to reflect the fact that inclusion on the shortage occupation list is intended to provide temporary relief. The MAC has been asked to advise on the length of time for which occupations and jobs should remain on the list and whether there should be a transitional period and any exemptions.
- 6.38 Workers from outside the EEA in occupations removed from the shortage occupation list will still be able to come to the UK to work under Tier 2 of the PBS using the RLMT, provided they and their employers meet the requirements of that route.
- 6.39 As the MAC outlined in its most recent review of the shortage occupation list (*“Skilled, shortage and sensible – full review of the recommended shortage occupation lists for the UK and Scotland”* Migration Advisory Committee, September 2011), some job titles on the current shortage occupation list have been on the list for a considerable period of time. Table A.2 and Table A.3 in the annex to this document list the occupations and job titles that have been on the shortage occupation list for more than two years and more than four years respectively.
- 6.40 The MAC will first review whether those occupations and job titles in both tables remain in shortage and will then consider whether to recommend any or all of them for removal from the shortage occupation list. For those it recommends for removal, the MAC will consider whether to recommend any transitional arrangements to be put in place prior to their removal. Finally, the MAC will consider what should be the standard period of time

for occupations and job titles to remain on the shortage occupation list and whether there should be exceptions to this.

What partners can tell the MAC about the sunset clause

6.41 The MAC will find it very helpful to have the views of partners on:

- Whether the Government's indicated time period of two years is a reasonable amount of time to enable mitigating action to be put in place and to have effect before an occupation or job title is removed from the list.
- Whether there should be different time periods for different occupations and jobs, and what grounds might there be for awarding an extended time period.
- The likely business impact of removing an occupation or job from the shortage occupation list.
- Whether there should be a transitional period for occupations or jobs that are on the list and how long that period should be.
- Mitigating measures already taken to alleviate occupation shortages and whether these were effective. What further mitigating measures are planned.

7 Creative occupations

7.42 The Government has asked that the MAC advise on whether there is a case for the continued inclusion within Tier 2 of certain creative occupations which are not skilled to NQF6+ and, if so, on what terms. This is a separate list to the shortage list but is addressed within this call for evidence partly because it is set out in the Government's commission to the MAC on shortage and also for the convenience of partners.

7.43 The creative occupations listed in the Government's Statement of Intent as being permitted to continue making Tier 2 applications notwithstanding that they are not skilled to NQF6+ are identified using SOC 2000. The SOC codes listed in the Government's Statement of Intent are the same in both SOC 2000 and SOC 2010, although the MAC is aware that certain job titles have moved to different occupations. Partners are advised to look up job titles of interest to them in the SOC 2010 user guidance (volumes 1 and 2), which is available on the ONS website:

<http://www.ons.gov.uk/ons/guide-method/classifications/current-standard-classifications/soc2010/index.html>

7.44 The SOC 2010 creative occupations being considered in this call for evidence are as follows:

- 3411 artists;

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- 3412 authors;
- 3413 actors;
- 3414 dancers and choreographers; and
- 3422 product, clothing and related designers.

7.45 These occupations are not skilled to NQF6+ and the MAC will consider whether the skill levels of these occupations are assessed appropriately as things stand, including how the very specific creative skills fit into the NQF framework. The MAC will also consider how the skills of individuals in these occupations could be assessed and what evidence is available to help with this. In addition, the MAC will consider whether Tier 2 is the most appropriate route for these occupations and what alternative routes might be more appropriate. Finally, the MAC will consider how alternatives would work in practice.

What partners can tell the MAC about creative occupations

7.46 The MAC will find it helpful to have the views of partners on whether the occupations identified in paragraph 7.44 should remain within Tier 2 and the grounds for doing so, and any conditions or exemptions that should be applied to these occupations. Specifically, the MAC would find it helpful to have views on the following questions:

- Are the skill levels for these occupations assessed appropriately?
- How do the very specific creative skills exhibited in these occupations fit into the NQF framework?
- How could the skills of individuals in these occupations be assessed and what evidence is available for this?
- Do individuals in these occupations have specific skills unique to these occupations that can be used to justify an alternative approach?
- Would these occupations be better served by an alternative, bespoke route within Tier 2 like the separate routes for ministers of religion and sportspersons, or would they fit better into another tier such as Tier 5?
- What are the practical implications for employers of bringing in individuals from outside the EEA for these occupations that a new or existing route would have to address, including ensuring that vacancies are open to UK resident workers?

8 Summary of the questions and how to respond to this call for evidence

8.47 The following are the areas on which the MAC would particularly value evidence in response to this commission.

Skill

8.48 The MAC only requires evidence on skill in relation to job titles within occupations not skilled to NQF6+ that partners believe should be included in the shortage occupation list.

8.49 Information on as much as possible of the following is required:

- Typical earnings, or ranges of earnings, in the job title.
- Information on the proportion of individuals qualified to various levels (particularly to NQF6+).
- Minimum qualifications required (either informally or on a regulatory basis) to be a skilled practitioner in a particular job title.
- Evidence on the required or compulsory level or duration of on-the-job training or experience required to become a skilled practitioner.
- Evidence that innate ability, of a level or rarity which exceeds such requirements in a typical NQF6+ job title, is required.
- Opinion on the applicability of the MAC's skill indicators to particular job titles (e.g. "qualifications are a good indicator of skill because...").

Shortage

8.50 Evidence of labour shortages is required in support of all proposals for occupations and job titles to be included on the MAC's recommended shortage occupation list. Information on as much as possible of the following is required:

- Vacancy numbers, rates and typical durations.
- Typical earnings growth over recent months or years.
- The extent to which newly qualified workers are being recruited and how this has changed over time.
- Normal number of hours worked and how this has changed over time.
- Growth in expenditure on training and recruitment by employers.
- Information on past or projected future trends in the demand for, and supply of, workers within an occupation: this may include information on the age profile of the workforce, expected retirement patterns and the number of newly qualified workers expected to come on stream.
- Opinion on the applicability of the MAC's shortage indicators to particular occupations or job titles.

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- Suggestions of additional shortage indicators for particular job titles or occupations, with an explanation of their relevance.

Sensible

- 8.51 All proposals to include occupations and job titles on the MAC's recommended shortage occupation list must discuss the MAC's sensible criteria. It is important that partners provide information on and examples of as many as possible of the following:
- Whether and how employers are considering using alternatives to non-EEA migrants, including investment in technology and machinery, and efforts to recruit employees from within the EEA labour market.
 - Current actions to train and up-skill the resident labour force, including timings, likely volumes of trained individuals who will exit such programmes and enter the occupation, and estimates of how this is likely to help meet demand.
 - Whether migrants are likely to take jobs that would otherwise have been filled by resident workers or, conversely, whether employment of migrants will help to create employment conditions that also allow additional recruitment of resident workers.
 - Opinion on the applicability of the MAC's sensible indicators to particular occupations or job titles.
 - Suggestions of additional sensible indicators for particular job titles or occupations, with an explanation of their relevance.

Minimum pay thresholds for job titles

- 8.52 The MAC requires strong evidence in order to accept that a job title should be set different minimum pay thresholds from its parent occupation:
- How different is the pay of the job title from the parent occupation?
 - Why is this?
 - What are the levels of pay within this job title for:
 - new entrants; and
 - experienced workers?

The sunset clause

- 8.53 The MAC will find it very helpful to have the views of partners on:
- Whether the Government's indicated time period of two years is a reasonable amount of time to enable mitigating action to be put in

place and to have effect before an occupation or job title is removed from the list.

- Whether there should be different time periods for different occupations and jobs, and what grounds might there be for awarding an extended time period.
- The likely business impact of removing an occupation or job from the shortage occupation list.
- Whether there should be a transitional period for occupations or jobs that are on the list and how long that period should be.
- Mitigating measures already taken to alleviate occupation shortages and whether these were effective. What further mitigating measures are planned?

Creative occupations

8.54 The MAC will find it helpful to have the views of partners on whether the occupations identified in paragraph 7.44 should remain within Tier 2 and the grounds for doing so and any conditions or exemptions that should be applied to these occupations. Specifically, the MAC would find it helpful to have views on the following questions:

- Are the skill levels for these occupations assessed appropriately?
- How do the very specific creative skills exhibited in these occupations fit into the NQF framework?
- How could the skills of individuals in these occupations be assessed and what evidence is available for this?
- Do individuals in these occupations have specific skills unique to these occupations that can be used to justify an alternative approach?
- Would these occupations be better served by an alternative, bespoke route within Tier 2 like the separate routes for ministers of religion and sportspersons, or would they fit better into another tier such as Tier 5?
- What are the practical implications for employers of bringing in individuals from outside the EEA for these occupations that a new or existing route would have to address, including ensuring that vacancies are open to UK resident workers?

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- 8.55 Responses to this call for evidence can be sent direct to the MAC at either: mac@homeoffice.gsi.gov.uk or

Migration Advisory Committee
2nd Floor
Fry Building
2 Marsham Street
London
SW1P 4DF

- 8.56 To contact the secretariat, please call 020 7035 8117.
- 8.57 The closing date for this call for evidence is **30 November 2012**. However, partners are strongly encouraged to submit their evidence earlier if they can.
- 8.58 The MAC will reflect the evidence gathered from this call for evidence as part of their report to the Government at the end of January 2013.
- 8.59 This call for evidence document can be downloaded from the MAC website at <http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/indbodies/mac/>
- 8.60 **Please note that the MAC may quote evidence received, attributed to the individual or organisation that supplied it, in their published report unless they are explicitly asked not to do so.**

Annex A

A.1 Table A.1 below contains a list of occupations and job-titles currently on the shortage occupation list in both SOC 2000 and SOC 2010 format.

Table A.1: Occupations and job-titles on the current shortage occupation list					
Occupation or job-title	SOC 2000		SOC 2010		NQF6+
Managing directors, programme directors and site directors within the decommissioning and waste management areas of the nuclear industry	1112	Directors and chief executives of major organisations	1123	Production managers and directors in mining and energy	Yes
Project managers within the electricity transmission and distribution industry	1121	Production, works and maintenance managers	1121	Production managers and directors in manufacturing	Yes
Site managers within the electricity transmission and distribution and electricity generation industries	1123	Managers in mining and energy	1123	Production managers and directors in mining and energy	Yes
Physiologists, cardiac	2112	Biological scientists and biochemists	2219	Health professionals n.e.c.	Yes
Physiologists, respiratory					
Neurophysiologists, clinical					
Scientists, clinical vascular			2112	Biological scientists and biochemists	Yes
Physiologists, sleep					
Engineering geomorphologists	2113	Physicists, geologists and meteorologists	2113	Physical scientists	Yes
Engineers, geophysical					
Geophysical specialists					
Geophysicists					
Geoscientists					
Hydrogeologists					
Nuclear medicine scientists					
Radiotherapy physicists					

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Table A.1: Occupations and job-titles on the current shortage occupation list (*continued*)

Occupation or job-title	SOC 2000		SOC 2010		NQF6+
Staff working in diagnostic radiology (including magnetic resonance imaging)	2113	Physicists, geologists and meteorologists	2113	Physical Scientists	Yes
Geochemists					
Geologists					
Technical services managers in the decommissioning and waste areas of the nuclear industry					
Scientists, environmental			2142	Environment professionals	Yes
Engineers, completion	2121	Civil engineers	2121	Civil engineers	Yes
Engineers, control and instrument					
Engineers, drilling					
Engineers, fluids					
Engineers, geomechanics					
Engineers, geotechnical, design					
Geotechnical specialists					
Engineers, offshore and subsea					
Engineers, petroleum					
Engineers, process, safety					
Engineers, reservoir					
Engineers, reservoir, panel					
Engineers, rock mechanics					
Engineers, soil mechanics					
Engineers, tunnelling					
Engineers, well					
Engineers, mining					
Engineers, mining, geotechnical					
Mechanical engineers within the aerospace sector	2122	Mechanical engineers	2122	Mechanical engineers	Yes
Electrical engineers in the oil and gas industry	2123	Electrical engineers	2123	Electrical engineers	Yes

Table A.1: Occupations and job-titles on the current shortage occupation list (*continued*)

Occupation or job-title	SOC 2000		SOC 2010		NQF6+
Power system engineers within the electricity transmission and distribution industry	2123	Electrical engineers	2123	Electrical engineers	Yes
Control engineers within the electricity transmission and distribution industry					
Protection engineers within the electricity transmission and distribution industry					
Engineers, chemical	2125	Chemical engineers	2127	Production and process engineers	Yes
Engineers, plastic					
Design engineers within the electricity transmission and distribution industry	2126	Design and development engineers	2126	Design and development engineers	Yes
Simulation development engineers					
Manufacturing engineers (process planning) within the aerospace sector	2127	Production and process engineers	2127	Production and process engineers	Yes
Technical services representatives in the decommissioning and waste areas of the nuclear industry					
Planning/development engineers within the electricity transmission and distribution industry	2128	Planning and quality control engineers	2461	Quality control and planning engineers	Yes
Quality, health, safety and environment engineers within the electricity transmission and distribution industry					
Specialists, geoenvironmental	2129	Engineering professionals n.e.c.	2142	Environment professionals	Yes
Engineers, geoenvironmental					
Engineers, land, contaminated					
Engineers, landfill					

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Table A.1: Occupations and job-titles on the current shortage occupation list (*continued*)

Occupation or job-title	SOC 2000		SOC 2010		NQF6+
Proposal engineers within the electricity transmission and distribution industry	2129	Engineering professionals n.e.c.	2129	Engineering professionals n.e.c.	Yes
Engineers, processing, metallurgical/mineral					
Project engineers within the electricity transmission and distribution industry					
Aerothermal engineers within the aerospace sector					
Stress engineers within the aerospace sector					
Chiefs of engineering within the aerospace sector					
Advance tool and fixturing engineers within the aerospace sector					
Operations managers within the decommissioning and waste management areas of the nuclear industry					
Decommissioning specialist managers within the decommissioning and waste management areas of the nuclear industry					
Project/planning engineers within the decommissioning and waste management areas of the nuclear industry					
Radioactive waste managers within the decommissioning and waste management areas of the nuclear industry					

Table A.1: Occupations and job-titles on the current shortage occupation list (*continued*)

Occupation or job-title	SOC 2000		SOC 2010		NQF6+
Radiological protection advisors within the decommissioning and waste management areas of the nuclear industry	2129	Engineering professionals n.e.c.	2129	Engineering professionals n.e.c.	Yes
Software developers within visual effects and 2D/3D computer animation for film, television or video games	2132	Software professionals	2136	Programmers and software development professionals	Yes
Shader writers within visual effects and 2D/3D computer animation for film, television or video games					
Systems engineers within visual effects and 2D/3D computer animation for film, television or video games			2135	IT business analysts, architects and systems designers	Yes
Consultants within: genitourinary medicine, haematology, neurology, occupational medicine, emergency medicine, clinical neurophysiology	2211	Medical practitioners	2211	Medical practitioners	Yes
Consultants within: forensic psychiatry, general psychiatry, learning disabilities psychiatry, old age psychiatry					

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Table A.1: Occupations and job-titles on the current shortage occupation list (*continued*)

Occupation or job-title	SOC 2000		SOC 2010		NQF6+
Non-consultant, non-training, medical staff posts in the following specialties: anaesthetics, paediatrics and general medicine specialities delivering acute care services (intensive care medicine, general internal medicine (acute), emergency medicine, general surgery, obstetrics and gynaecology, and trauma and orthopaedic surgery)	2211	Medical practitioners	2211	Medical practitioners	Yes
ST4 level trainees in paediatrics					
Secondary education teaching professionals in the subjects of maths, chemistry or physics	2314	Secondary education teaching professionals	2314	Secondary education teaching professionals	Yes
All teaching posts in special schools	2316	Special needs education teaching professionals	2316	Special needs education teaching professionals	Yes
Qualified actuaries working in the life assurance, general insurance and health and care sectors	2423	Management consultants, actuaries, economists and statisticians	2425	Actuaries, economists and statisticians	Yes
Social workers working in children's and family services	2442	Social workers	2442	Social workers	Yes
Commissioning engineers in the electricity transmission and distribution industry	3113	Engineering technicians	3113	Engineering technicians	No
Substation electrical engineers in the electricity transmission and distribution industry					

Table A.1: Occupations and job-titles on the current shortage occupation list (*continued*)

Occupation or job-title	SOC 2000		SOC 2010		NQF6+
Specialist nurses working in operating theatres	3211	Nurses	2231	Nurses	Yes
Operating department practitioners					
Specialist nurses working in neonatal intensive care units					
HPC registered diagnostic radiographers	3214	Medical radiographers	2217	Medical radiographers	Yes
HPC registered therapeutic radiographers and sonographers					
Nuclear medicine technologists	3218	Medical and dental technicians	3218	Medical and dental technicians	No
Radiotherapy technologists					
Animators within visual effects and 2D/3D computer animation for film, television or video games	3411	Artists	3411	Artists	No
Skilled classical ballet dancers (NQF4+)	3414	Dancers and choreographers	3414	Dancers and choreographers	No
Skilled contemporary dancers (NQF4+)					
Skilled (NQF4+) orchestral musicians who are leaders and principals and meet the standard required by internationally recognised companies (e.g. London Symphony Orchestra, London Philharmonic Orchestra, Philharmonia Orchestra, and Royal Philharmonic Orchestra)	3415	Musicians	3415	Musicians	Yes

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Table A.1: Occupations and job-titles on the current shortage occupation list (*continued*)

Occupation or job-title	SOC 2000		SOC 2010		NQF6+
2D, 3D, visual effects or computer graphics supervisors within visual effects and 2D/3D computer animation for film, television or video games	3416	Arts officers, producers and directors	3416	Arts officers, producers and directors	Yes
Producers, production managers or technical directors within visual effects and 2D/3D computer animation for film, television or video games					
Compositing artists, matte painters, modellers, riggers, stereo artists and texture artists within visual effects and 2D/3D animation for film, television or video games	3421	Graphic designers	3421	Graphic designers	No
Manufacturing engineers (purchasing) within the aerospace sector	3541	Buyers and purchasing officers	3541	Buyers and procurement officers	No
High integrity pipe welders skilled to NQF4+	5215	Welding trades	5215	Welding trades	No
Licensed and military certifying engineer/inspector technicians	5223	Metal working production and maintenance fitters	5223	Metal working production and maintenance fitters	No
Overhead linesworkers (high voltage only)	5243	Lines repairers and cable jointers	5249	Electrical and electronic trades n.e.c.	No
Chefs skilled to NQF4+	5434	Chefs, cooks	5434	Chefs	No

A.2 Table A.2 below lists the job-titles on the current Scotland shortage occupation list:

Table A.2: Occupations and job-titles on the current Scotland shortage occupation list					
Occupation or job-title	SOC 2000		SOC 2010		NQF6+
ST3, ST5 and ST6 level trainees in paediatrics	2211	Medical practitioners	2211	Medical practitioners	Yes
SAS staff doctors in paediatrics					
Consultants in paediatrics					

A.3 Table A.3 below presents occupations and job-titles that have been on the shortage occupation list for two years or more.

Table A.3: Occupations and job-titles on the shortage occupation list for two years or more					
Job-title	SOC 2000		SOC 2010		
Project managers within the electricity transmission and distribution industry	1121	Production, works and maintenance managers	1121	Production managers and directors in manufacturing	
Physiologists, cardiac	2112	Biological scientists and biochemists	2219	Health professionals n.e.c.	
Physiologists, respiratory			2112	Biological scientists and biochemists	
Neurophysiologists, clinical					
Scientists, clinical vascular					
Physiologists, sleep					
Engineering geomorphologists	2113	Physicists, geologists and meteorologists	2113	Physical scientists	
Engineers, geophysical					
Geophysical specialists					
Geophysicists					
Geoscientists					
Hydrogeologists					
Nuclear medicine scientists					
Radiotherapy physicists					
Staff working in diagnostic radiology (including magnetic resonance imaging)					
Engineers, completions	2121	Civil engineers	2121	Civil engineers	

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Table A.3: Occupations and job-titles on the shortage occupation list for two years or more (*continued*)

Job-title	SOC 2000		SOC 2010	
Engineers, control	2121	Civil engineers	2121	Civil engineers
Engineers, drilling				
Engineers, fluids				
Engineers, geomechanics				
Engineers, geotechnical, design				
Geotechnical specialists				
Engineers, offshore and subsea				
Engineers, petroleum				
Engineers, process, safety				
Engineers, reservoir				
Engineers, reservoir, panel				
Engineers, rock mechanics				
Engineers, soil mechanics				
Engineers, tunnelling				
Electrical engineers in the oil and gas industry	2123	Electrical engineers	2123	Electrical engineers
Engineers, chemical	2125	Chemical engineers	2127	Production and process engineers
Engineers, plastics				
Design engineers within the electricity transmission and distribution industry	2126	Design and development engineers	2126	Design and development engineers
Quality, health, safety and environment engineers within the electricity transmission and distribution industry	2128	Planning and quality control engineers	2461	Quality control and planning engineers
Proposals engineers within the electricity transmission and distribution industry	2129	Engineering professionals n.e.c.	2129	Engineering professionals n.e.c.
Consultants within: genitourinary medicine, haematology, neurology, occupational medicine	2211	Medical practitioners	2211	Medical practitioners

Table A.3: Occupations and job-titles on the shortage occupation list for two years or more (continued)

Job-title	SOC 2000		SOC 2010	
Consultants within: forensic psychiatry, general psychiatry, learning disabilities psychiatry, old age psychiatry	2211	Medical practitioners	2211	Medical practitioners
Non-consultant, non- training, medical staff posts in the following specialities: anaesthetics, paediatrics, general medicine specialities delivering acute care services (intensive care medicine, general internal medicine (acute), emergency medicine, general surgery, obstetrics and gynaecology, and trauma and orthopaedic surgery)				
ST4 level trainees in paediatrics				
All teaching posts in special schools	2316	Special needs education teaching professionals	2316	Special needs education teaching professionals
Social workers working in children's and family services	2442	Social workers	2442	Social workers
Specialist nurses working in operating theatres	3211	Nurses	2231	Nurses
Operating department practitioners				
Specialist nurses working in neonatal intensive care units				
HPC registered diagnostic radiographers	3214	Medical radiographers	2217	Medical radiographers
HPC registered therapeutic radiographers and sonographers				
Nuclear medicine technologists	3218	Medical and dental technicians	3218	Medical and dental technicians
Radiotherapy technologists				

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Table A.3: Occupations and job-titles on the shortage occupation list for two years or more (continued)

Job-title	SOC 2000		SOC 2010	
Licensed and military certifying engineer/inspector technicians	5223	Metal working production and maintenance fitters	5223	Metal working production and maintenance fitters
Refined (job titles are not exactly the same) but can be assumed to have been on the list for 2 years				
Site managers within the electricity transmission and distribution and electricity generation industries	1123	Managers in mining and energy	1123	Production managers and directors in mining and energy
Power system engineers within the electricity transmission and distribution industry	2123	Electrical engineers	2123	Electrical engineers
Control engineers within the electricity transmission and distribution industry				
Protection engineers within the electricity transmission and distribution industry				
Planning/development engineers within the electricity transmission and distribution industry	2128	Planning and quality control engineers	2461	Quality control and planning engineers
Secondary education teaching professionals in the subjects of maths, chemistry or physics	2314	Secondary education teaching professionals	2314	Secondary education teaching professionals
Commissioning engineers in the electricity transmission and distribution industry	3113	Engineering technicians	3113	Engineering technicians
Skilled classical ballet dancers (NQF4+)	3414	Dancers and choreographers	3414	Dancers and choreographers
Skilled contemporary dancers (NQF4+)				

Table A.3: Occupations and job-titles on the shortage occupation list for two years or more (continued)

Job-title	SOC 2000		SOC 2010	
Skilled (NQF4+) orchestral musicians who are leaders and principals and meet the standard required by internationally recognised companies (e.g. London Symphony Orchestra, London Philharmonic Orchestra, Philharmonia Orchestra, and Royal Philharmonic Orchestra)	3415	Musicians	3415	Musicians
Overhead linesworkers (high voltage only)	5243	Lines repairers and cable jointers	5249	Electrical and electronic trades n.e.c.
Chefs skilled to NQF4+	5434	Chefs, cooks	5434	Chefs
The following job-titles have been on the shortage occupation list for 2 years but have been reallocated to different SOC codes from September 2011				
Software developers within visual effects and 2D/3D computer animation for film, television or video games	2132	Software professionals	2136	Programmers and software development professionals
Systems engineers within visual effects and 2D/3D computer animation for film, television or video games			2135	IT business analysts, architects and systems designers
Engineers, geoenvironmental	2129	Engineering professionals n.e.c.	2142	Environment professionals
Engineers, land, contaminated				
Animators within visual effects and 2D/3D computer animation for film, television or video games	3411	Artists	3411	Artists
2D, 3D, visual effects or computer graphics supervisors within visual effects and 2D/3D computer animation for film, television or video games	3416	Arts officers, producers and directors	3416	Arts officers, producers and directors

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Table A.3: Occupations and job-titles on the shortage occupation list for two years or more (*continued*)

Job-title	SOC 2000		SOC 2010	
Producers, production managers or technical directors within visual effects and 2D/3D computer animation for film, television or video games	3416	Arts officers, producers and directors	3416	Arts officers, producers and directors
Compositing artists, matte painters, modellers, riggers, stereo artists and texture artists within visual effects and 2D/3D animation for film, television or video games	3421	Graphic designers	3421	Graphic designers

A.4 Table A.4 below presents occupations and job-titles that have been on the shortage occupation list for four years or more.

Table A.4: Occupations and job-titles on the shortage occupation list for four years or more				
Job-title	SOC 2000		SOC 2010	
Geophysical specialists	2113	Physicists, geologists and meteorologists	2113	Physical scientists
Geophysicists				
Geoscientists				
Hydrogeologists				
Engineers, geomechanic	2121	Civil engineers	2121	Civil engineers
Engineers, geotechnical, design				
Geotechnical specialists				
Engineers, petroleum				
Engineers, reservoir, panel				
Engineers, rock mechanics				
Engineers, soil mechanics				
Engineers, tunnelling				
Engineers, chemical	2125	Chemical engineers	2127	Production and process engineers
Engineers, plastic				
Consultants within: genitourinary medicine, haematology, neurology, occupational medicine	2211	Medical practitioners	2211	Medical practitioners
Consultants within: forensic psychiatry, general psychiatry, learning disabilities psychiatry, old age psychiatry				
Specialist nurses working in operating theatres	3211	Nurses	2231	Nurses
Operating department practitioners				
HPC registered diagnostic radiographers	3214	Medical radiographers	2217	Medical radiographers
HPC registered therapeutic radiographers and sonographers				

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Table A.4: Occupations and job-titles on the shortage occupation list for four years or more

Job-title	SOC 2000		SOC 2010	
Refined (job titles are not exactly the same) but can be assumed to have been on the list for 4 years				
Secondary education teaching professionals in the subjects of maths, chemistry or physics	2314	Secondary education teaching professionals	2314	Secondary education teaching professionals
Skilled classical ballet dancers (NQF4+)	3414	Dancers and choreographers	3414	Dancers and choreographers
Overhead linesworkers (high voltage only)	5243	Lines repairers and cable jointers	5249	Electrical and electronic trades n.e.c.
Chefs skilled to NQF4+	5434	Chefs, cooks	5434	Chefs

A.5 Table A.5 below presents the 12 quantitative indicators of labour shortage examined by the MAC.

Table A.5: The 12 quantitative indicators of shortage

Code	Indicator	Source
P1	Percentage change of median real pay (over 1 year).	ASHE
P2	Percentage change of median real pay (over 3 years).	ASHE
P3	Return to occupation.	LFS
I1	Change in median vacancy duration (over 1 year).	JCP
I2	Vacancies/claimant count.	JCP
V1	Percentage change of claimant count (over 1 year).	JCP
V2	Percentage change of employment level (over 1 year).	LFS
V3	Percentage change of median paid hours worked (over 3 years).	ASHE
V4	Change in new hires (over 1 year).	LFS
E1	Skill-shortage vacancies/total vacancies.	ESS
E2	Skill-shortage vacancies/hard-to-fill vacancies.	ESS
E3	Skill-shortage vacancies/employment.	ESS

