

# Environment, Food and Rural Affairs Committee

## Oral evidence: Labour shortages in the food and farming sector, HC 713

Tuesday 14 December 2021

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Members present: Neil Parish (Chair); Ian Byrne; Dave Doogan; Rosie Duffield; Dr Neil Hudson; Robbie Moore; Mrs Sheryll Murray; Julian Sturdy; Derek Thomas.

Questions 283 - 408

### Witnesses

I: Kevin Foster MP, Parliamentary Under-Secretary of State, Home Office; Philippa Rouse, Migration and Citizenship Director, SRO Future Border & Immigration System Programme, Migration & Borders Group.



## Examination of witnesses

Witnesses: Kevin Foster MP and Philippa Rouse.

Q283 **Chair:** Welcome to the EFRA Committee. We have with us the Home Office Minister, Kevin Foster, and Philippa. Minister, could you introduce yourself for the record, followed by Philippa, please?

**Kevin Foster:** Thank you. I am Kevin Foster. I am the Minister for Safe and Legal Migration in the Home Office.

**Philippa Rouse:** Good morning, all. I am Philippa Rouse. I am director for migration and citizenship policy in the Home Office.

Q284 **Chair:** Thank you very much. The food and farming sector is currently facing severe labour shortages. We have taken a lot of evidence from stakeholders and, despite the measures the Government have introduced, the overall impression we got from them was that the response was too little, too late, and that the Government failed to see these problems coming. Do you accept this assessment?

**Kevin Foster:** No.

Q285 **Chair:** Why not?

**Kevin Foster:** First, we look at the skilled worker route, which was broadened quite significantly this time a year ago. Previously, to recruit across the globe you had to be recruiting at graduate level. We broadened it to actually be more reflective of the types of skills and training people have and need, to the equivalent of to school leaver level. For example, an oft-quoted one is butchers; they have become eligible for recruitment on a global level through the skilled worker visa.

There have been issues with sector take-up. For example, of the four big pork processors, only one currently has a skilled worker sponsor licence. One of the others let theirs expire in September last year, and we are waiting to see if the other two will actually make an application.

Q286 **Chair:** Slaughtering pigs on farms and not being able to get them to the food industry is acceptable, is it, as far as you are concerned as a Minister? I am sorry, Minister. You came in here just over a year ago, saying that there was no problem. There are many problems now, including huge cutbacks in production. Please take it seriously this morning, because we are not in the mood for another session of, "There is no problem; it is all the industry". What is the Home Office Migration Advisory Committee set up for, Minister?

**Kevin Foster:** The Migration Advisory Committee advises the Government on, for example, what jobs meet the RQF3 threshold. They do that on a professional basis. You will know that last year, for example, they added deckhands on trawlers over nine metres, following representation from the sector and the industry and assessing the role. They also advise us on other aspects of it—the shortage occupation list



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and what the rules should be. They recently did one on inter-company transfers, and they now have an expanded role to look at reviews of their own, not just reviews that would be commissioned by the Home Secretary or myself.

**Q287 Chair:** Therefore, it was set up by the Home Secretary to give you advice. Why do you then ignore the advice? In September 2020, the MAC recommended was the addition of 70 entire occupations and job titles with them, including veterinary nurses, meat hygiene inspectors, jobs in the fishing industry and butchers. Here we are now, and we will not go into all the details because that is very much Neil Hudson's questions on the pig sector, but all these things were predicted. They were predicted not only by the industry, but by your own committee that you set up to give you advice.

It does beg the question of when you are going to take advice and when you are going to act much more quickly so that we do not give away our business to the rest of the world and stop our production because we cannot process it.

**Kevin Foster:** First, being on the shortage occupation list does not change things like the skills threshold. I accept that it means that you can pay a lower wage, although, for example—

**Q288 Chair:** No, no, please answer the question. I do not want you to go into details on what it means or what it does not mean. I want you to answer the question of why you do not take the advice of your own committee that the Home Secretary set up to advise you. A year later, you eventually begrudgingly take some of its advice. I want that answer, not a whole load of rigmarole about why it is there or what is there. It is there to advise you. Why do you not take its advice?

**Kevin Foster:** It is always relevant to talk about what our visa routes cover and what particular things have an impact. I think that is eminently relevant to the question being asked and also to the views we take on the advice the Migration Advisory Committee provides us with. As I say, on the skilled worker visa, the advice we took from the Migration Advisory Committee was to, for example, broaden the skills threshold and that being purely at graduate level was far too academically focused and far too narrow in terms of a global migration system.

**Chair:** Why, Minister, did it take you so long to take the advice from your own advisory committee? I will keep going until I get an answer from you. You must realise that I am bloody-minded—excuse my language—when I need to be. I apologise for the language. I will keep going until you answer the question.

**Q289 Mrs Murray:** Chair, perhaps the Minister could tell us what the process and timeline is once the Migration Advisory Committee provides advice.

**Kevin Foster:** First, the professions you said have not been added to the shortage application list are eligible for the skilled worker visa. We will probably go on to the temporary routes and the difference between them



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and the skilled worker visa in a few minutes, but the process is that the Migration Advisory Committee will be commissioned; it may now decide on its own, but predominately it will be commissioned. It will then take a range of evidence from stakeholders and businesses and then publish—

Q290 **Mrs Murray:** How long does that take?

**Kevin Foster:** It will be in the remit of the Migration Advisory Committee to decide the exact details.

Q291 **Mrs Murray:** How long does it normally take?

**Kevin Foster:** It is normally in the months rather than in the years. It also depends on the level of review we are asking them to do.

**Philippa Rouse:** It is usually about six to eight months, because they go through a very rigorous process of call for evidence, which they give 12 weeks for engagement with the sectors.

Q292 **Chair:** Sorry, Sheryll, but leave it to me for this moment, please. The committee had sat and gone through this whole process. To be honest with you, we are talking about something that is irrelevant, because they had already sat, taken evidence and come up with the advice last September that we should have more butchers, for instance. It does not happen. It is ruled out of order by the Home Secretary and by you, the Home Office Minister.

Then you come in here this morning and proceed to carry on with exactly the same argument, and I just cannot accept it. We are seeing our industry slowly being destroyed: 25% less vegetables planted; 12.5% less poultry being produced. I thought Brexit was about encouraging production in this country, not discouraging it. This is down to labour shortages. We have now seen this morning that there are record vacancies in the job sector. Therefore, furloughing did not bring this massive amount of labour back on to the market.

All I want you to say is that you are looking at these things and that you will take action quickly in the future, but you say, "It is no problem. It was not our problem". It is. I am sorry, Minister. Please answer the question. When do you take their advice?

**Kevin Foster:** We took their advice. Butchers qualify for the skilled worker visa, based on the MAC advice last year. They can be recruited under the skilled worker visa today. You have to be a sponsor, regardless of whether the vacancy is on the shortage occupation list or not, to recruit via the shortage occupation list or the skilled worker visa. There are about 50,000 sponsors, including many small and medium-sized businesses.

Q293 **Chair:** They are not on the shortage occupation list, are they?

**Kevin Foster:** They are eligible, and the salary that we keep getting quoted in the press for a butcher would qualify over the £25,600



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threshold. You can recruit via the skilled worker visa. That has been the case since last year.

Q294 **Chair:** I am sorry, Minister; I am not going to allow you just to go through process after process. The industry has been in to see you all through last year. Last year, you had advice from this Migration Advisory Committee to grant these new jobs on to the shortage occupation list, and you resisted it. Therefore, the butchers have not been available and we have slaughtered pigs on farm. A lot of poultry is being slaughtered on farm and it is a huge waste, not only to the farmer but to food in general. Why do you not take it more seriously, rather than just having your blasted processes that you have in the Home Office that take forever, and you prevaricate and prevaricate and the situation gets worse?

It is no wonder the industry gets so worked up over where you are. I was expecting you at least to come in here and have some element of, "We may have made some mistakes and we may not have listened when we should have done", but instead you come in here as though everything is right in what you have done, and I would say to you quite clearly it is not.

**Kevin Foster:** Again, I will go straight back to the point that whether something is on the shortage occupation list or not does not affect whether the job itself actually qualifies for the skilled worker visa. Secondly, to actually recruit via the shortage occupation list subset of the skilled worker visa, you have to be a sponsor. Fifty thousand businesses are. To be fair, we can actually split out pork and poultry. Two of the biggest poultry processors have become a sponsor. They are recruiting via this route. You can recruit butchers on a global basis, not just in terms of the EEA. The rules are nationality-blind. By the way, there is no cap anymore, so on the old argument that we cap under the skilled workers route, we do not; we suspended the cap last year. You could literally recruit as many butchers as you want at the UK labour market rate.

I accept that, if you added it to the shortage occupation list, you could recruit at under the UK labour market rate, i.e. you would look to recruit more cheaply overseas. We can debate whether that would be a particularly attractive prospect.

Q295 **Chair:** There is an argument that they are paying good money for labour now and they just cannot get it. Please do not keep playing that card. You are playing exactly the same card that you played last year when you were here, and the situation has got so much worse. I cannot understand why you will not accept advice from your own advisory committee and act more quickly to stop these huge animal welfare issues. On the fact that we are reducing our poultry production, and we are reducing our vegetable production by 25%, I know production is not directly your responsibility in the Home Office, but are you not worried that the policies that you are pursuing in the Home Office are gradually reducing our



industry in this country?

**Kevin Foster:** I am worried if I see a sector that does not want to recruit at the UK labour rate. I am not sure what driving wages down would do to reduce a labour shortage. It could potentially make it worse. I do not see what reducing terms and conditions would do to help attract more people into a sector and industry. Again, as you say, the sector says it pays well. So we should not get fixated on whether a job is on the shortage occupation list. Until a year ago, SOL exempted from the cap under the skilled worker route. The cap is now suspended. You can recruit as many as you want under the skilled worker visa as long as it is a genuine job they are coming for. We do not say that there is a certain quota in particular sectors or industries like we did when there was a cap. You can recruit a butcher at the UK labour market rate via the skilled worker visa. If we want to come on to how long it takes to get a visa under the skilled worker route, it is under three weeks.

Q296 **Chair:** It took you nine months to come to the decision to implement it. This is the problem.

**Kevin Foster:** We did it last year. You have been able to recruit butchers under the skilled worker visa since last December, full stop. We can come on to the temporary route in a minute. You do not have to put a sponsor for each individual job you want to sponsor. Once you are a sponsor, you can recruit everything, from a vet to a butcher to any of the roles that are available under the skilled worker route.

Obviously, we look to see if people do unusual patterns of recruitment. For example, a pork processor recruiting an archaeologist would perhaps flag our interest. If you are genuinely recruiting and if you become a skilled worker sponsor, which is £1,476 for a four-year licence, or £536 for small and charitable businesses, you can then sponsor any route to any role under the skilled worker visa, regardless of whether it is on the SOL or not. It is so strange to hear this argument that, if we had added it to the SOL, we would be able to recruit butchers. The only difference that would make is a slightly cheaper visa fee and being able to pay under £25,600. As the sector makes clear every time it presents on this, it pays over £25,600. It is rather hard to see how that is going to be much of an advantage to them when they are already paying the salary that would qualify.

For the last year, unlimited, if you want to recruit butchers, you can do so via the skilled worker visa. You can do it on a global basis. The only thing we ask is that you become a sponsor. As I say, the poultry and pork sectors are different. There has been good engagement in the poultry sector with some of the biggest players in that sector, who are now sponsors and who are starting to recruit under the skilled worker visa. I hope you will appreciate why it is not appropriate for me to start chucking out the details of individual companies in this forum.



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When we look over to the pork sector, there are four big processors. I understand that one is looking to sponsor. One let their sponsorship licence run out in September last year, even though they knew the end of free movement was coming. In terms of predictability, renewing your sponsorship licence is a pretty good idea if you are going to look to recruit overseas workers in particular roles.

Defra engaged with us very early on, and we made clear that, given the pressure in the sector, we would expedite sponsorship applications from those businesses concerned. They have not come forward. We can come on to the temporary routes, which are slightly different, but for the last year, you have been able to recruit. That includes bringing dependants to the UK, and, if the dependant is over 18, i.e. a spouse or durable partner, they have general access to the employment market as well here in the UK. It can almost be like recruiting two people at the same time, one skilled worker and one spouse and dependant.

That was done a year ago. I am conscious that, every time I have gone in the media, I have heard, "We need a visa for butchers". There is one.

**Q297 Chair:** With the figures that have come out today and given the last few weeks and months, we all understand that the more homegrown labour we can get, the better, but we have to accept now that there will be a time period through which we will need imported labour in order to keep our businesses going. Are you absolutely confident that the Home Office will have a visa system in place, that is easy to access and will work, so that we can actually get our production back up again, rather than reducing it?

**Kevin Foster:** If you are looking for roles that take longer to train, such as a butcher—I keep coming back to that one, given the context, but there are others, such as poultry processor, farmer or fishmonger; there are quite a number that are available to be recruited under the skilled worker route—they are available. We are even working with a group called Talent Beyond Boundaries to do skills audits in refugee camps in the Middle East, to see where there are skilled workers. I must say, we started with the NHS, but there is certainly nothing to stop the food sector. I accept that parts of the food sector, such as pig producers, probably would not find that as productive as, for example, poultry may find, given the demographics of the region.

To give an example, over 205,000 work-related visas were granted in the year up until September 2021. That is even with all the issues we have had around travel, which has inevitably impacted on people's wish to relocate. In the middle of a global pandemic, you are less likely to want to move to take up employment.

**Q298 Chair:** It could have been a legitimate argument that, after furlough, there would be a lot of people needing work. It seems to be the reverse. Quite a number of people have decided to retire and not work anymore—that is a lifestyle decision—and we are very short of workers now. Are



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you actually looking at getting the systems up and running and looking at the cost of visas and red tape, to see if you can make it more seamless? In the end, we need these workers for our businesses.

**Kevin Foster:** We put out a sponsorship road map for reform, which will see some major changes over the next year, which will make it simpler for businesses in terms of the sponsorship process. It is not impossible. There are 50,000, but we are going to make it simpler more widely. We are rolling out more fully digital application systems. We will come on to the temporary routes in a moment. We actually combined the launch of those with the launch of a fully online application route for EEA nationals. In years to come, we will roll that out to a wider group of nationals. You will appreciate why we have to have certain security thoughts when we are doing those sorts of things.

This afternoon, in about two hours' time, we will launch a system where those applying for permission to stay under the skilled worker route, if they are an adult with no dependent children, will no longer have to go to a service centre within the UK. That is a particular issue in some rural communities, for example those in the fishing sector working in Orkney and Shetland, for whom their local service centre is Glasgow, which is certainly not local. That will allow them to make an application literally from the convenience of home. That is using the same technology as we have used for the EUSS and the Hong Kong BNO route, which is another one that allows fully digital applications.

It is not just about the scope. We accept that it is also about how it works and how it interacts, particularly as we roll out fully digital application routes. For example, in countries like Australia, we can probably appreciate why, if you are an aboriginal Australian living in parts of Australia, your local visa application centre may not be particularly local.

Q299 **Robbie Moore:** The new immigration system is aimed at delivering a high-skill, high-wage economy, yet we have to identify the lack of adjustment period to this new immigration policy. This Committee has heard that there are potentially in excess of 500,000 vacancies, about one in eight of the 4.1 million roles, including 100,000 HGV driver shortages and up to 188,000 people employed in the hospitality sector. That is before we start talking about butchers, as we have gone on to. Do you accept that the food and farming sector cannot make this transition to the new immigration policy overnight and that we need to have much more of a focus on getting that balance right now, and it should have been done months ago?

**Kevin Foster:** First, it was not unknown that freedom of movement was coming to an end. The referendum was in June 2016, and the end of freedom of movement was 31 December last year. It should not have come as a great surprise to many businesses that that was going to happen.





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In terms of the impact on the employment market, first, we saw many international students take up roles in hospitality who were not here last year. We saw a big surge in September of applications under the student route. The significance of that is they can work for 20 hours during term time, unlimited during holiday periods. That has created a very large pool of staff that would not be seen as work visas. They are not predominantly work visas, but they can have quite a big impact on the employment market in a range of places across the country.

In terms of HGVs, there is a shortage across the whole of Europe. There are longstanding issues. I would not recognise the figure that you have quoted for the number of shortages. Again, it is a sector that has had issues with investment, in making sure people are training. There has been a long history of the workforce getting older, almost a complete exclusion of women from the workforce as well, for the same reasons that men are leaving it.

It is interesting to look through the organisations that have submitted evidence. You might perhaps find it interesting to talk to someone like Unite, the trade union representatives of workers in that sector, who can normally give a different perspective from perhaps their employers as to why there are issues with recruitment. Ultimately, tackling some of those underlying issues is important. For example, Africa is the only continent that currently has a surplus of HGV drivers. I could in theory open up an immigration route, but then there is an issue: we do not recognise any driving licences.

**Q300 Robbie Moore:** Minister, yes, HGV drivers has obviously been an issue, but it is across the whole food and farming sector, even vegetable pickers or those who are involved in picking berries, and we have talked about butchers and those involved in the poultry and pork sector. I want to understand whether the Home Office still recognises that, in order to meet the new immigration policy, coming out of the European Union and the challenges of that creates challenges in the short term in terms of meeting that demand.

**Kevin Foster:** That is why we have had the seasonal agricultural workers scheme, which is the only sector that has such a scheme. If we get on to it in a minute, I will probably be able to confirm some changes we will be making to it as well, but I am presuming you want to ask about that separately.

We work with colleagues. One of the reasons why we launched some of the temporary routes that we did earlier this year was in response to the sectors saying that these would be effective ways of recruiting. I can say the results have been mixed and variable. None has got anywhere near what the sector thought would recruit under them, although, to be fair, the poultry one has produced a seasonal role. We know why turkeys do not want an advent calendar. It is that seasonal role. There is a labour supply around that seasonal period, and that has produced a reasonable level of work, but it is safe to say some of the other routes perhaps



proved quite dramatically that immigration was not going to provide a solution.

Q301 **Robbie Moore:** I am sure everyone around this table, including yourself, wants to see a thriving food and farming sector in the UK. We have the capacity to produce it, but we have to make sure we are addressing the labour shortages. Tom Bradshaw of the NFU said, "If we are not letting labour in ... we will import the product" from elsewhere. We have the capacity here to produce it and we want to be able to produce it, but at the moment, the system is not working. If the migrant labour cannot be replaced by local workers or technology, do you accept that this will inevitably lead to a smaller food and farming sector here, which is not what many people will want to hear.

**Kevin Foster:** First, we need to look behind what is being said. If it is about letting labour come here so that industry can always guarantee recruitment at the minimum wage, I do not think that is a vision for a prosperous society or a prosperous food or farming sector. It is a vision for people to do the minimum period in that industry to get ILR to then move on and do something else immediately, which is what other domestic workers would look to do.

I do not think we can just say that, if there is a vacancy, the instant lever we need to reach for is more immigration. We also need to make sure that we are addressing underlying issues in particular sectors. Even as demonstrated by some of the temporary routes, immigration does not guarantee you labour supply. It is not a guarantee that people will come to the UK unless you open up to parts of the developing world where your offer is effectively, "Come here for four years, do this job, and then go off and do something else", which again does not generate a sustainable food or farming sector.

So we have SAWS. We have massively expanded the skilled worker route. You can contrast the number of roles that would have qualified under graduate, so vet, basically, to the number of roles that qualify now. Those are permanent settlement. After five years, ILR, you are here permanently; after six years, you can become a British citizen. We think that is quite a powerful offer in terms of our system. It is quicker than many other comparable countries in terms of migration. We believe the support is there, but the immigration system should not act as a guarantee that, if you are offering below the UK labour market packages and poor terms and conditions, if you cannot recruit one way, you can recruit the other.

Q302 **Ian Byrne:** I have a really quick point to make on terms and conditions and systemic failings in the industry. Just for the purpose of the report, according to the TUC, around 85,000 HGV licence-holders in the UK do not drive despite being able to, which could suggest that driver shortages could be resolved by improving working conditions and providing drivers with fair rates of pay. Do you recognise that?



**Kevin Foster:** Yes, I do. It is not a criticism—it is obviously for the Committee to decide who it wants to see—but I was surprised not to see someone like Unite on the list of evidence givers, given its obvious insight into not just the transport sector, but the wider economy.

The first way of increasing the number of HGV drivers, which sounds an odd one, is to stop people leaving. That has been the biggest driver of shortages; I do not mean that as a pun. It has been people finding better jobs and not wanting to sleep in their lorry cab overnight. We ask why women are not going into the sector. It is for the same reasons men are leaving. Who wants to sleep in their cab on an industrial estate?

It is about increasing, and it is quite staggering. You look at the number of people who have an HGV licence. Some will have retired, and some may have gone into managerial roles or other things, but certainly the biggest thing needs to be the retention of drivers. I understand that, certainly in recent months, we are now seeing increased retention as better packages and terms and conditions are being offered. We are also seeing very large increases in the number of people applying for provisional HGV licences, showing that some of the impacts of the shortage, in terms of driving up terms and conditions and pushing up wages is now, unsurprisingly, increasing the supply of drivers. In terms of just opening up immigration routes, the EEA has a huge shortage of drivers as well, for very similar reasons as why the UK sector has a shortage.

Q303 **Chair:** Just before we leave this question, we have talked privately to many processors, and one of the big problems is not actually the wages. What is happening is that they are offering, quite rightly, higher wages, but they are just moving from one factory to another and one job to another. You cannot blame the workers for it. If we do not get the supply of workers right, we are just in a perfect storm. You make quite a lot of the fact that we finally got poultry workers in for Christmas, but we will still have issues with poultry beyond Christmas. We still have less poultry and fewer eggs being hatched because they are worried about labour. We need to make sure this works.

You pat yourself on the back and say what a wonderful job you did on poultry workers, but it was only after huge pressure was put on the Home Office that you set up companies to get these workers in, and finally local producers could actually get workers. You are just not reacting in enough time, and this is what the industry is so frustrated by.

**Kevin Foster:** You talk about the longer term. Perhaps I will read them out; that might help. In terms of the jobs you that can recruit under the skilled worker visa, there is poultry processor, dresser of bird/game, killer and plucker, poultry sticker, trusser, poulterer and plucker. Those are all ones you can recruit. That is not temporary. That gives a longer-term option.

**Chair:** The question I am putting to you is not about the fact that you



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can recruit them. It just took so long to get it in place that we just about got the workers here in time. We might just about get the workers here in time to pick the daffodils. We will come on to that later.

**Kevin Foster:** I was not quoting a temporary route.

Q304 **Chair:** Everything is so late, and the Home Office seems to get dragged screaming to the place where we need you to be. Why do you not have a plan to have the labour in place?

**Kevin Foster:** I was quoting to you the skilled worker route that has existed since last December. To be fair, we have had some good engagement with the poultry sector. The two biggest players, if I can put it that way, are now recruiting. That is what I read to you, not the temporary list.

Q305 **Chair:** We have talked in this Committee, and I talk privately, to a lot of people with poultry, and they had a lot of trouble getting these workers in; there was a lot of bureaucracy. It was only when you set up these particular companies to help that we actually broke through that. Like I said, please do not come in here and pretend that everything in the garden is wonderful because it is not.

**Kevin Foster:** We are just giving the facts of what roles can be recruited: 50,000 businesses recruit under the skilled worker route, from small and medium-sized enterprises right up to the biggest companies in this country. To be honest, in this sector we are talking about some pretty big players.

Q306 **Chair:** We are probably 500,000 workers short, are we not?

**Kevin Foster:** There are 7 billion people across the globe, and these routes apply to recruit on a global basis. In terms of the sponsorship, on the poultry side, in terms of the use of the skilled worker visa, we have seen good engagement now with the sector.

Q307 **Chair:** You will be happy to continue these visas after Christmas.

**Kevin Foster:** I am talking about the skilled worker visa, which is a permanent part of our immigration system. There are now sponsors, and this is the route people can arrive, bring dependants and make their life here. The temporary routes, which we can come on to in a minute, are different.

Again, I can only read out what has literally been in place for the last 12 months. To be fair to the poultry sector, we have had good engagement over the last few months in getting—

**Chair:** It would be better, Minister, if you did not actually read out what the process was and actually listened to the industry.

Q308 **Dr Hudson:** Minister, I am sure you have many discussions across Government, with the Cabinet Office and Defra, etc. Do you accept that there are crucial labour shortages in the food and farming sector and that



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some are at crisis point?

**Kevin Foster:** We accept there is a need for certain routes and certain positions and skills at this time. As I say, we dramatically widened the skilled worker route last year to allow a wider selection of recruitment across the world, and we have seen many sectors take advantage of that, including some parts of the food and farming industry. We have created routes in response to sector requests. Over the last few months, I would say some have been used; I think it is safe to say that others are not meeting the sector's expectations of recruitment.

Q309 **Dr Hudson:** Does the Home Office recognise that there are some crisis points? I will come back to the Chair's line of questioning in terms of butchers, for instance. That is a critical profession that we do not have enough on at the moment. It is causing a crisis point. Do you accept that?

**Kevin Foster:** That is why you can recruit it via our main migration system with no caps and limits on how many you recruit, at the UK labour market rate, by the way.

Q310 **Dr Hudson:** You keep saying that we can recruit them through the skilled worker route, but the MAC recommended that it should go on to the shortage occupation list. If they had gone on to the shortage occupation list, do you think that would have helped?

**Kevin Foster:** Given the salaries quoted, no.

Q311 **Dr Hudson:** You are saying that the shortage occupation list does not help at all.

**Kevin Foster:** No, not particularly. Where it helps is if the pay rate is below £25,600. The sector keeps on saying—every time they give an interview, they will happily confirm to you that they pay a qualified butcher more than £25,600 a year.

Q312 **Dr Hudson:** Is it not a formal recognition that this country needs certain professions? The veterinary profession called long and hard for vets to go on to the shortage occupation list, and it went on that. If a recommendation comes in that you need those occupations, it should not hurt putting it on that list, should it?

**Kevin Foster:** We took a view more widely in terms of the fact that we had massively expanded the skilled worker eligibility last year, because previously it made quite a difference. If you were not a graduate job, you had to be on the shortage occupation list to be recruited under the old tier 2, whereas many of the skilled worker roles came on automatically. Where the SOL makes a big difference, for example, is for senior care workers, where the average salary is nearer £20,000. If we had a threshold of £25,600, there is an obvious difference there.

In terms of this particular sector, we took a view that, having just expanded and taken off the cap, which was the other issue with the SOL,



it made sense to launch it and assess the impact in terms of how many people actually applied. When I launched this route, I was getting all sorts of predictions from people that this would be the biggest surge of migration ever into the country, given that I had effectively opened up to school leaver level recruitment on a global basis. You can work out roughly the percentage of India or China's population that could now potentially qualify for this visa route.

We took the view that that made sense, and, against the backdrop of what was going on in the recruitment market more generally at that time, that it made sense to defer making major changes to the SOL in the jobs that had just joined the skilled worker eligibility list until the point at which we were beyond the pandemic. The MAC is due to review again next year, and we will then see what its conclusions are in light of the experience of having had the route running for over a year now and having had the evidence of what difference it might actually make.

As I say, if the labour market rate for a job is £26,000, it is unlikely to deliver a large number of recruits for the opportunity to be paid £20,480, which is the main benefit of being on the shortage occupation list. As I say, I accept it would be different if we still capped visas, because that would be the big difference. That is no longer applied.

**Q313 Dr Hudson:** I think you have acknowledged that we have a crisis and we are getting very bogged in process. If I can come back on to the pork situation, there is an animal welfare crisis and a human welfare crisis. We have had reports that upwards of 16,000 pigs have been killed on farms, but that is probably an underestimate. There are human health implications of that. I speak as a vet who has been involved in the foot-and-mouth crisis, involved with supervising the slaughter of farm animals on farm that do not end up ultimately in the food supply chain. That is devastating for vets, farmers and slaughter workers alike. Do you accept that we have an animal welfare and human welfare crisis as we speak that needs addressing by the Government urgently?

**Kevin Foster:** We launched the butchers temporary visa on 1 November.

**Q314 Dr Hudson:** Do you accept we have a crisis?

**Kevin Foster:** I accept there was a demand for it, hence we agreed as a Government to launch this visa. I would contrast the crisis, as you are rightly highlighting, and much of the comment we were getting a couple of months ago, with the fact that it is safe to say we have not been rushed off our feet with applications. We were surprised about that, given many of the comments and people implying that there is this great crisis and saying, "There are all these butchers who want to come into the UK. If only the Home Office would allow them to."

**Q315 Dr Hudson:** I do not think anyone is "implying" there is a crisis: there were thousands of animals stocked up on farms, pigs developing respiratory diseases, increasing reports of tail-biting. We are facing an



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imminent crisis where we will have thousands of them slaughtered on farm. The Government have the opportunity to urgently act in the short term.

**Kevin Foster:** We have. There are up to 800 butcher visas available in that sector, and at the moment we are looking at applications in the dozens, nearly two months later.

Q316 **Dr Hudson:** If I can come on to numbers, what are the latest figures on the number of temporary visas that have been issued for the poultry sector, HGV drivers and pork butchers?

**Kevin Foster:** We do not have verified numbers that would be appropriate for me to give as a specific figure, and also they change every day, but I can probably give you ballpark numbers.

Q317 **Dr Hudson:** Can you give us some ballpark numbers, please?

**Kevin Foster:** You are portably talking about a couple of thousand on poultry. To be fair, we have also seen poultry taking advantage of skilled worker visas as well.

Q318 **Dr Hudson:** What about HGV drivers?

**Kevin Foster:** A couple of hundred.

Q319 **Dr Hudson:** What about pork butchers?

**Kevin Foster:** In the dozens. To be fair, that has been going a month and a half, rather than the other routes, which have been going longer.

Q320 **Dr Hudson:** In those three categories, how many have started working in the UK?

**Kevin Foster:** The poultry workers have all pretty much started because, to be honest, Christmas is next week. We can work out that most of them have started already. Once they get a visa, they can literally arrive the next day.

Q321 **Dr Hudson:** We have been told by the British Meat Processors Association that, as of the beginning of this month, they have not seen any pig butcher arrive on the temporary visa scheme. Is that your understanding as well? We have heard that there could potentially be 50 on their way.

**Kevin Foster:** Again, we can only grant a visa when it is applied for. Once the visa is granted, of course, people can come. We'd certainly grant it but, given much of the public commentary the Home Office had had from the sector, it is safe to say we were very surprised. There was very good engagement with Defra as well in the run-up to what we were doing in launching it. There are fully digital application routes available for EEA nationals on this particular route. The rules do not vary for other nationals; it is just they have to go to a VAC to make an application rather than just using their smartphone or an online solution.



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Q322 **Dr Hudson:** Just in terms of the application process, do you think the scheme was introduced too late? Is it taking too long to process?

**Kevin Foster:** No. It takes about nine to 10 days.

Q323 **Dr Hudson:** It is all tickety-boo. You are pretty happy, are you?

**Kevin Foster:** We were not happy, given the comments I had had, given all the attacks on the Home Office we had had and given all of the impressions that had been given to the public and to many others that there were large numbers of butchers just itching to come into the country the moment there was a visa route. We launched it, we put it out there and then we waited for applications. As I say, today, we are in the dozens; we are not in the hundreds. There are up to 800 spaces that could be used immediately if people wanted to do so.

We had the discussion earlier on. We have had people saying, "I cannot recruit butchers via the visa system." Well, that is because you have not applied to be a sponsor, which is not just process; it is a key part of ensuring welfare and other things. As I say, there are vacancies there, and people can recruit a butcher. To be clear, there is no nationality restriction. Some have mistakenly reported this as EU butchers. It is not EU butchers. You can recruit anyone.

Q324 **Mrs Murray:** Minister, you have quantified this when you have said dozens. Are we talking about 24 or are we talking about 96?

**Kevin Foster:** It is probably nearer your latter figure.

Q325 **Mrs Murray:** It is nearly 100, then.

**Kevin Foster:** No. It is nearer 100 than 20.

Q326 **Mrs Murray:** 96 is nearly 100.

**Kevin Foster:** The problem is that giving out figures off our management information system can be problematic, because they are not verified and they are not meant to be there.

Q327 **Mrs Murray:** You must have an idea. You are the Immigration Minister.

**Kevin Foster:** I do.

Q328 **Mrs Murray:** I would expect you to have an idea. "In the dozens" is not really telling us anything.

**Kevin Foster:** Let us hit the nail on the head then. Less than 100 applications have so far come through for 800 spaces.

**Chair:** We had better correct that for the record.

**Mrs Murray:** Yes, absolutely.

**Kevin Foster:** That was launched on 1 November, and, as I say, there is a three-week service level agreement processing time, but we are currently processing more quickly than that.





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Q329 **Mrs Murray:** Why were the existing operators of the seasonal workers pilot chosen to operate the temporary visa scheme, given that they had no experience of recruiting butchers, poultry workers and HGV drivers? Could this be one of the reasons why we are not seeing the numbers coming in that you expected?

**Kevin Foster:** No. The time needed to get new operators and providers stood up would have delayed. In the ideal world, perhaps you might have said that would be an idea to do. It would be for Defra to talk about the specific assurances specific companies and organisations gave them. In one case, they made the point that they had lists of drivers. On later engagement, we discovered that that list of drivers did not have a driving licence that was recognised in this country to drive a truck.

Q330 **Mrs Murray:** What did you do about it?

**Kevin Foster:** What have we done about it? All the way along we have been very clear that the challenges in recruiting truck drivers are far more linked to the other issues in the sector than they are to whether there is an immigration route or not, hence there is a massive shortage in Europe as well.

Q331 **Mrs Murray:** You have just admitted that the assurances you were given for HGV drivers came through, but you then realised that these people did not have the qualifications to drive in this country. What did you do about it, and how long did it take you, if you took any action, to find another route?

**Kevin Foster:** First, you cannot suddenly magic up licensed truck drivers.

Q332 **Mrs Murray:** But you can certainly change the company very quickly to try to recruit.

**Kevin Foster:** To be fair, that was not the provider. That was one of the sector firms that felt that immigration would be the solution to their issues, and we quickly discovered what many others are discovering across the whole of the European Union. We look particularly at Ireland, where free movement still exists. They are trying to recruit truck drivers in South Africa.

Q333 **Mrs Murray:** I would like to go back, because you have very cleverly focused on truck drivers. My question was about existing operators that had no experience in recruiting butchers, poultry workers or HGV drivers. Can we hear about butchers and poultry workers? Why did you use operators that had no experience in recruiting butchers and poultry workers to go and recruit? What assurances were you given that they were going to be able to do it?

**Kevin Foster:** First, again, it was the sector that felt they would be able to recruit the numbers, and it is ultimately the sector that would look to identify specific workers. The Home Office is not an international labour agency.



In terms of the choice to use the existing four providers, first, they were experienced in sourcing seasonal labour. The type of areas where you are most likely to source seasonal labour to come to the UK would be exactly the same sort of places as you would be sourcing seasonal labour for fruit and vegetables and other areas, as proved to be the case with the visa applications that we received.

Secondly, they were used to and signed up to our principles around, for example, preventing exploitation of migrant labour. In the area around seasonal workers, it is sadly not unknown for there to be problems with exploitation and abuse of labourers and the workforce, particularly given they are away from home and are normally living in accommodation provided by their employer, which can be a particular issue. Again, they are unlikely to be in contact with services and are very unlikely to be a member of a UK trade union and those sorts of things that would protect them in the UK.

The decision was made to go with the existing four providers because they were ready and already had a long experience of dealing with seasonal workers. We had added two on last year. They were already signed up to our protections around things like the gangmasters and labour protection, which was a vital part of any move to bring temporary workers into the UK, and they were able to stand up relatively quickly, alongside the visa routes that were being created and used. Ultimately, in the poultry sector we saw a reasonable supply of labour created.

The idea that another agency would have suddenly been able to find more truck drivers is not a reality when we look at the situation across the whole of the European Union.

**Q334 Mrs Murray:** There is the pig industry. We have just heard from Dr Hudson that we are seeing pigs slaughtered. Do you accept some responsibility for that happening, because of your processes that you have been extremely keen to outline to us today?

**Kevin Foster:** No, I am not outlining processes. I am outlining abilities to recruit. The abilities to recruit are sat there. It is basic engagement. We have offered engagement. We have offered priority services.

**Q335 Mrs Murray:** You do not think that the result of any delay in you taking action is that we are seeing pigs slaughtered on the farm. You do not accept any responsibility whatsoever. Minister, it is about time we saw a little bit of humility from you. I am not saying to you that you come here and say, "I am wrong", but you are not perfect, and what you are outlining is far from perfect. We are seeing pigs slaughtered on the farm because of your slow process. I am putting that to you. Will you accept just a tiny bit of responsibility?

**Kevin Foster:** The idea that we have a slow process, when we have one of the quickest visa application processes for skilled workers in the world,



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is bizarre. I appreciate that there are some who would rather free movement had continued.

**Mrs Murray:** That is not what any of us are asking for. Chair, I rest my case.

**Kevin Foster:** As I say, we have launched the route and we were genuinely surprised. As I say, we have offered further engagement. We have offered to support. It is good with the poultry sector; with the pig sector, it is a bit different.

Q336 **Chair:** Minister, before we leave this question, I had one of my own poultry producers go to the four companies that were used to recruit workers. Only one of these companies actually replied. It was only when I went through the special advisers in Defra that this guy was got back to and he got his workers. That is not a process that is working well.

As Sheryll said, can you please just listen to the fact that there are problems? You do not have a perfect system. It is quite flawed. I can understand, having you here this morning, why the industry is so frustrated, because you do not appear to listen. All you do is tell us a process, and you have got the process off very well. I will grant you that you can quote the process until the process comes home with the chickens and the pigs, but seriously, Minister, you have to listen to the practicalities of what the people are finding to get these workers through the system. We will go on when Ian asks his question about the cost. Just on the process itself, I have had people directly contacting me because these recruitment agencies did not work.

**Mrs Murray:** Devon farmers.

**Chair:** Exactly. Are you not worried about this?

**Kevin Foster:** I am concerned that we launched a route in response to the sector saying it will recruit hundreds and we got dozens. I am concerned that we launched a route that the sector said will get thousands and we got a couple of hundred. Again, we also need to look at the reasons why—

Q337 **Chair:** You came here this morning to try to downplay the number of butchers, talking about dozens and instead it was nearly 100. Come on. Do not be economical here, please. Are you listening or not?

**Mrs Murray:** No.

**Chair:** You obviously do not appear to be.

**Kevin Foster:** We are doing large amounts of stuff in our immigration system in direct response to what people say. We are even offering to do priority processing and priority changing so that they can access the opportunities that are there. As I say, I find myself rather struggling when there is a sector that is constantly saying it cannot recruit via a



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particular visa and we need to have extra eligibility for this visa for a particular job that is already eligible under this visa, but actually the first thing you need to do is become a sponsor like 50,000 other companies.

**Chair:** We are getting on to the next question, where we will talk about the cost of visas and the like. Let us move on because, Minister, dare I say it, you appear slightly hard of hearing.

Q338 **Ian Byrne:** Minister, we have been told individual businesses have spent hundreds of thousands of pounds, excluding extra wages, to use these schemes and attract workers for four to six weeks of employment. A poultry business reported that the visa scheme "was good in that it has no requirements in terms of pay rates or remuneration, language skills (in contrast to the skilled worker scheme)", so it helped recruitment. However, the cost of using the scheme for the company was nearly £500,000, excluding wages, for just four to six weeks of additional workers, and meant that "there would have been no financial benefit for these workers joining us for such a short period of time."

The Cold Chain Federation said, "Nearly all of our members did not progress an application despite struggling for workers, citing the HGV scheme as being 'too expensive, too short and too late'". Do you accept that these barriers make it non-economical for many companies to access labour through the temporary visa scheme?

**Kevin Foster:** I think the visa fee is £244. In terms of the cost of, for example, training an HGV driver or keeping them on your books for a period of time, again, I would touch on the idea that paying good rates and good terms and conditions is the real solution here in terms of HGV driving. The visa fee was £244.

Q339 **Ian Byrne:** You do not accept what the industry is telling us in evidence sessions.

**Kevin Foster:** That is what we charge. I would be interested to hear how they felt they were paying different. There is a sponsor licence, but that is one hit per business

Q340 **Chair:** What is the price of the sponsor licence?

**Kevin Foster:** I have it here. The worker and temporary worker one is £1,476, and that is for four years. That is to be a skilled worker and a temporary sponsor. Most apply for both because it makes sense to have that, and obviously it is relatively simple if you have one skilled worker to apply for temporary.

Q341 **Ian Byrne:** You are challenging the evidence that we are getting supplied by industry.

**Kevin Foster:** I can give you the fact of what we charge for a visa. We engage with some sectors, and I can accept that they want immigration to be the cheaper option. For example, rather than pay to train a truck driver or vet, which is extremely expensive, they might say, "Actually, we



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would rather a visa fee. That is a lot cheaper. I can then get someone off the shelf from another country who is trained in that skill instead.”

Also, if it is an under-six-month visa, the temporary visa, the immigration health surcharge does not apply. That cost is not there and is not a factor for those coming in as well. If you are recruiting more permanently, most would apply on the skilled worker visa for 30 months and then apply for another 30 months and then a settlement. That is roughly how it works.

**Q342 Ian Byrne:** Minister, we are getting evidence in these sessions, and you must be getting it in consultation with industry. What you are saying to us is diametrically opposed to what we are hearing. You are saying that there is no issue. You are not accepting that these barriers, which have been outlined by industry, are making it uneconomical.

**Kevin Foster:** We had one claim that it had taken a year to process a skilled worker visa back in September, and we gently pointed out that the route had not even been launched for a year, so it was impossible to see how it could even physically have taken that long, and, secondly, we were dealing with visas in three weeks, unless there was an issue of suitability or criminality. There was no visa that had been outstanding that long.

We can say what the position is. I accept there will be sectors and companies—that is why it might be interesting to hear from representatives of workers as well as from representatives of sectors and employers—that want to see a migration system that provides them a cheaper option. I can understand the business model and the business pressure for that, because if you can drive down your labour cost, it is inevitably going to be cheaper.

**Q343 Ian Byrne:** Just to cut to the chase with regard to the failings outlined in the evidence that we have been getting in numerous sessions and the written evidence and everything else that we are hearing, I am really interested in listening to your response. It’s been quite forceful. You have defended your Department, so fair play to you. In terms of the shortages that we are seeing and everything that we are hearing, would you say that the failing actually resides with the sectors and not the Home Office?

**Kevin Foster:** It is not good to sit here, finger-point, blame each other and this, that and the other. I sat on “Newsnight” hearing, “Butchers are £15 an hour and they cannot get a visa”, and I am sitting there thinking, “A £15-an-hour butcher qualifies for a visa”. We can get into all those sorts of rows and arguments. The core of this is that the temporary worker route, the SAWS route, is one that has been used by many farms and others up and down the country for a number of years.

**Q344 Ian Byrne:** Minister, if we do not resolve the situation, where you listen and then we come to a solution, we are going to carry on having these evidence sessions. As you said, the impact of what we are actually seeing on the sector is catastrophic, and also on national food security. Just



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looking at it objectively: there needs to be far more listening, and your position does not chime with the evidence that we are getting from the sector and have had from the sector.

Can I just move on to the second part of the question? Do you accept that, if there are unused visas, it would be because of the cost and delays businesses have faced and not evidence of a lack of a labour shortage in these sectors?

**Kevin Foster:** You have to be slightly clearer. In terms of the premise of the question, is it because there are no shortages? For example, there is a huge shortage of truck drivers in the EEA. It is not a great surprise that, if you open up a migration route, you may have a shortage—

Q345 **Chair:** We have done truck drivers to death, if I may say so. Can you talk about poultry processors?

**Kevin Foster:** Poultry, to be fair, produced a reasonable amount of labour. How many want to travel in the middle of a pandemic? That is a debate and discussion. We saw many of our routes fall off over the last year and many of them have started to come back. Again, temporary work was one of the biggest ones affected by that. In terms of what we see, does it say that instantly there is not a shortage if they cannot recruit via immigration? No. But it may also say that the skill they are recruiting for is in short supply anyway, because if they cannot recruit it via the skilled worker visa, where they can offer five years to be permanently settled in the UK—

**Ian Byrne:** A later question will talk about retraining, so I will not go into that.

Q346 **Chair:** Before we leave this one, one big producer, a chicken processor, told the British Poultry Council that, while the visa application itself was actually quite straightforward, the bureaucracy and paperwork required was very time-consuming, and it had moved three staff from normal activities to complete applications, which took over 125 hours of staff time, with a total cost of over £110,000, and counting.

Can you please just say that you might take some of this evidence away with you and actually look at your systems, rather than coming here and saying that you have got absolutely everything right? You do not have it right, otherwise we would not have these problems in the industry and you would not be here this morning before us. You have come here as though there is absolutely nothing wrong: “It is nothing to do with the Home Office, gov’nor”. It is everybody’s fault but the Home Office’s. Surely you can look at what the industry is saying, take note and see if you can improve the situation. Can you just take that away? Is it possible for you to say that, Minister?

**Kevin Foster:** Chair, at the top of the meeting I talked about our sponsorship reforms. We put the road map out—I am very happy to circulate that to the Committee—about the major reforms that we want to make to our sponsorship process. That is the basics, such as



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introducing a system where, if you are sponsoring a visa, you can fire off an email to your prospective worker to click and make an application, which means that a lot of it is pre-filled already. By the way, that makes it even quicker for the person making the application in terms of tracking where the company has got to. Again, though, this still does not negate the fact that you need to apply to be a sponsor, to sponsor people under the skilled worker route. Fifty thousand have done so.

We are looking to make further changes. Literally in the next hour or two, we will launch another improvement to make things easier. We recognise that the system and the process are changing. They need to be made slicker and more efficient. That is what we want to do.

I must say that it is not just this sector that we are looking to do that for. It is across the board. Some core basics are still there. You can recruit via it, and many companies do. It is more for smaller businesses that we feel it needs to be made simpler. The larger businesses in most sectors generally work very well with this. Compared with some of the other business compliance measures around food safety and other things that people rightly have to comply with, the compliance levels for the sponsorship of skilled workers are not that significant.

**Q347 Chair:** One of my local turkey producers reckons that he has about 5,000 turkeys, and that it would cost him £15,000 to get the labour in before paying them. You work it out. It is £3 a turkey before you have even started to pay your workers to do the work. The costs are adding up all the time. There is this argument that the workers are there. You have not repeated that today, but last year you repeated that there were plenty of homegrown workers out there. The statistics show that they are not there.

Therefore, we need to make the system less costly and less time-consuming so that, instead of a 12.5% drop in our poultry, we see a 12.5% increase in our poultry. Otherwise, we are importing not all of our food but a lot of our food, which we can produce with better quality, better welfare and everything else here. This is what is upsetting us so much. We have such good food production in this country. We have good welfare and environmental standards, yet this way we are just losing it. This is what we want you to take away from today. More and more of our industry is slowing down. If we do not get this system right, if we do not get the cost and the bureaucracy right, it will just get worse.

**Kevin Foster:** As I said, we are planning to deliver major sponsorship reforms. We are making customer service improvements, which also make it easier for visa holders. In the long term, let us say the next few years, we are already looking at how all nationals could move to having an online visa application system—the booking and appointment system would go to the VAC. In some countries it would make a massive difference, because you will no longer have to travel a couple of hundred miles to give us your face and your fingerprints. We are also looking at



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reuse more generally, so if you have come once, you do not need to keep doing that every time you reapply.

Q348 **Chair:** Are you going to be flexible with the numbers?

**Kevin Foster:** In terms of numbers, remember that most of our routes are not capped. Skilled worker is completely uncapped. Student is uncapped.

Q349 **Chair:** A lot of poultry workers are not necessarily classed as skilled workers, are they?

**Kevin Foster:** I read you the list earlier. Do you want me to read it again? Poultry processor qualifies for the main skilled worker route. You have bird or game dresser, killer and plucker. There are a couple on there. You have poulterer and plucker. They qualify as RQF3 jobs.

**Chair:** I walked into your trap.

**Kevin Foster:** As I say, Chair, those are completely uncapped.

**Chair:** We will leave that particular one there.

Q350 **Dave Doogan:** Minister, one route that is capped is the seasonal workers pilot. Why is that?

**Kevin Foster:** First, it is meant to fill a specific need but not to provide an unlimited opportunity. Recruitment of seasonal workers via the seasonal workers scheme should be balanced with looking to make opportunities available within the domestic market and looking at making sure that there is an element of the market factored into the pay and terms and conditions that people receive.

Q351 **Dave Doogan:** Where have you seen any evidence that the domestic workforce can satisfactorily replace migrant workers for horticultural harvest?

**Kevin Foster:** The fact that we have the seasonal workers route suggests that we accept that some roles will not be filled from the domestic industry. We did see the work that was done by groups like Pick for Britain. One of the issues around food security is being completely reliant on international travel from overseas to produce food. That can quickly become an issue for food security if we have global pandemics. Rightly, the Scottish Government, along with the rest of the UK, implemented restrictions. Other countries even barred people from leaving for seasonal work, particularly Ukraine at one point in 2020.

Q352 **Dave Doogan:** You have mounted a stout defence this morning, Minister. I would respectfully suggest that you are getting the tone a little bit wrong. None of us around this table is buttoned up the back. We have listened to a lot of evidence, not just from our constituents, but from people who have come to the Committee to give evidence. They are not making it up. Angus Soft Fruits in my constituency is not making it up





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when it says it is facing significant financial and operational challenges for want of labour. It is not a business that has historically taken the easy route. If there were something it could do to get around this, it would do it. It has done everything it can, yet it is still hampered by this arbitrary cap. And the 30,000 is arbitrary, Minister. You had to be dragged kicking and screaming to get to the 30,000 limit. It has gone from 2,500, which is absurd, to 10,000, which is bordering on absurd, to 30,000, which is still demonstrably not enough.

In response to Dr Hudson, you said, "We have given them the system to get their workers in, but they will not take it", in quite a superior way, as though business is somehow incompetent and feckless and, if they were only as clever as the Home Office, we would get everything for everybody. It is not like that, Minister. I cannot speak directly to the butchers, but I can speak directly to seasonal agricultural workers. You made it a 30,000 limit; you only appointed 15,000 licensed labour agents. You waited till the last minute. It was December 2020. What were producers supposed to do in terms of buying plants? They did not know whether they were going to have the labour to plant them or harvest them. You leave it all to the last minute, so it is as hard as possible. That is what you have done, is it not?

**Kevin Foster:** No. First, we still had 5,500 visas left at the end of September to be used. It does not sound like an arbitrary cap if we have not hit it and we will not hit it.

Q353 **Dave Doogan:** You rely on that all the time. I am sorry. You rely on that all the time.

**Kevin Foster:** Hang on. I listened quite intently to your question. I was then going to come on to the next couple of points that you made in your question. If you do not want to hear the answer, why ask the question?

Q354 **Dave Doogan:** The defence of your policy this morning has consistently been that, if the quota is not exhausted, you are in the right and everyone else is in the wrong. I am putting it to you, so you can inform your reply, that your policies are difficult and last-minute, and that is why they are not exhausted. It is not because the demand is not there. It is because they are late.

**Kevin Foster:** The point I was going to come on to was that you said 2,500 and 10,000, but, of course, the bit you missed in your point was that that was alongside free movement from the European Union. One of the reasons it went up to 30,000 last year was because we were expecting that there would be a difference when you could not do that.

Of course, those who were recruited with EUSS status do not count towards any of the numbers I have just set out. We are very clear that those who have pre-settled status who have been outside the UK for two years can come and pick up work again and pick up their residence again. Those with settled status can be outside the UK for five years and then come back and immediately pick up residence, maintain their status and



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work in this sector as well. Again, there is that pool, which we would never monitor or declare and which does not have to go through the SAWS process, sat there as well.

In terms of what the process would be, first, we believe that we offered an appropriate number. Secondly, the Home Office is not a labour agency. It cannot guarantee labour supply. It can only provide an opportunity to recruits. There are many roles that have been recruitable via immigration for decades where there are still vacancies in the UK. By the way, there are vacancies in a number of other western European and North American developed economies, where their immigration systems allow people to come and fill those roles, but there is a global shortage of those particular skills or needs.

In terms of what we have looked at, I take on board the point about the annual quota. That is why we will be moving to a three-year system. The announcement is imminent. That will be for 2022, 2023 and 2024. We accept the point about having to find out what the position will be every December. There will be a scheme of 30,000 next year, at the least. We always have the ability, as we have shown in some of the routes we have created, to add on. I say again, if there is a massive shortage of HGV drivers, creating an immigration route is not necessarily going to resolve that shortage or suddenly create more fuel-driver licensed drivers.

Q355 **Dave Doogan:** Is that 30,000 per year over the next three years? You are sticking at 30,000.

**Kevin Foster:** Yes. It is 30,000 for this year and next year, and then it drops to 28,000 in the third year. Again, I accept that we will need to review. I suspect there may be specific questions on seasonal agricultural workers. I am happy to go into some more detail, if people wish me to.

Q356 **Dave Doogan:** The National Farmers Union of Scotland wrote to you in September and asked you to take substantive action on what they detail as the labour crisis. Is there a labour crisis? If there is not, are they confused? Do they just lack your clarity in the farming sector?

**Kevin Foster:** There is a range of options. Let us remember: SAWS is not the only option they have for recruitment at the moment. There are the people that we have recently evacuated out of Afghanistan. I am talking about the whole sector and the whole industry. That is not necessarily seasonal fruit-picking but in terms of hospitality and other sectors, where we need to get those people who have relocated into employment.

There are safe and legal routes for refugee resettlement. I touched on the Talent Beyond Boundaries work that we are doing, which we have started with the NHS. We are really looking forward to extending some of that work to other sectors to give potential access to pools of literally tens of thousands of skilled workers who have been displaced with their



families. Scotland has always had a particular wish to help those sorts of groups. Again, that may provide opportunities in these sectors.

We believe there needs to be a balance between making sure that SAWS is not providing an alternative to decent terms and conditions and making efforts to recruit within the UK labour market, hence we have a capped number. Providing a completely uncapped arrangement, under which in theory you could recruit hundreds of thousands, would not be a particularly sensible option, given what that could well produce in terms of pushing wage rates down. As we have shown, we have launched additional routes in the last few months. We will continue to keep it under review. For now, the core point is that there will be 30,000, 30,000 and 28,000 over the next three years.

Q357 **Dave Doogan:** That is welcome up to a point, but I go back to what I said when I opened. Of course you are going to come here and defend your Department. Nobody is surprised about that. Of course you are going to do that. Can you at least reassure the Committee about this? Most of us are your Government colleagues, not that we should let that show here. We are not making this up. We have taken evidence and scrutinised witnesses. We have heard very clear and consistent evidence about challenges. Whether they are challenges with your processes and whether you could have done other things better, you must accept, Minister, that there are challenges around these issues that require the attention and committed investment of the Home Office. Would you accept that?

**Kevin Foster:** As we say, we play our part in the UK labour market. We work alongside our colleagues in DWP. Looking at challenges around recruitment and things, I would gently come back to the point that it is surprising not to see a trade union on the list of people who have spoken to you. Understanding this from a worker's perspective gives you an understanding of why people may not be applying for roles, in the same way as an employer would give a perspective about how they see recruitment.

Yes, we play a role. That is why we have picked up on things like the sponsorship process. We are going to look to reform to make it simpler and more automated. We are going to review how we do compliance so we focus our time more appropriately. In the university sector, we have moved much more to a trust basis, because we have sponsors that have been with us for a very long time, there are no compliance issues and we can work on a more of a trusted basis with them.

Q358 **Dave Doogan:** Why has agriculture been singled out?

**Kevin Foster:** Why has agriculture been singled out for a specific route under the SAWS scheme? It is because we recognise that there is a particular need to fill a labour gap in that area. There is not a similar scheme in other sectors. We recognise that. As I have touched on, agriculture, food processing and some of the areas around health and



social care are probably some of the biggest areas in terms of the expansion of the skilled worker visa to the RQF3 school leaver level. For example, accountancy did not gain too many additional roles that they could recruit to, because most of those roles were already at graduate level.

We have certainly given many more opportunities. We have looked at developing the systems to make them much more customer-friendly. As I say, our goal is that they will become fully online applications rather than having to go to VACs and service centres. The MAC will next year do another review of the shortage occupation list. As I touched on earlier in this meeting, if it is a job that is paying £25,000 or £26,000 already, that is not necessarily going to be something going on the SOL, because of the removal of the cap that we did last year. When there was a cap, that made quite a big difference in terms of how many you could actually recruit, even if they qualified.

**Q359 Dave Doogan:** In terms of the seasonal workers pilot going forward for three years with 30,000 per year, is that purely for horticultural food production? Are you allowing ornamentals to be included in that?

**Kevin Foster:** I would not get out of this room without giving the Member for St Ives an answer on this one.

**Chair:** Yes, I was going to say that I will let the Member for St Ives—

**Kevin Foster:** He has been absolutely bending my ear on this one. If we were going to come on to it in a moment, I would not want to steal anyone's thunder. Certainly, the answer is yes.

**Q360 Rosie Duffield:** For many producers in my constituency and across Kent, the Government's lack of urgency in dealing with labour shortages is quite frankly an existential threat. There are dozens of examples of fruit and other produce being left to rot, and Kent is in danger of going from the garden of England to the compost heap of England. I even mentioned it in my maiden speech, so we have known about this for four and a half years.

I meet the NFU regularly and I recently again met Pro-Force, the largest recruiter in the agri sector. I know we have covered this a bit, but could you just clarify whether there is any hope of you extending the duration of the visa scheme? That would help them cover multiple harvests. That would at least give them some hope for the future and the ability to plan. All the farmers just do not really know what to do or how to plan. They know that fruit is coming—they cannot stop it—and it is going to be rotting on the ground.

**Kevin Foster:** First, it is worth saying that the 5,500 visas that have still not been used at the end of September could have been issued in July, because it is a six-month period. I will check with Philippa, but you can go between different harvests and different locations.



**Philippa Rouse:** Yes.

**Kevin Foster:** It is not that you come in and do Angus Soft Fruits, let us say, and then you need to apply for another SAWS place to go to pick potatoes, for the sake of argument. Once you are in and you are sponsored by one of the providers, you can move about between different farms. We would certainly say to companies that they should take advantage of these spots. Effectively, if you come here in late June, you can stay right the way up until December; if you come in on 1 January, you can stay right the way through to 1 July doing different things. As long as it is eligible for the SAWS scheme, you can move between different locations and farms, subject to working with a provider and being licensed.

Secondly, we take on board the point, as I said to Mr Doogan, that me not just announcing the position for 2022 but the position for 2023 is helpful in terms of people's planning.

The Member for St Ives made very strong points to me that most of those who would come and do, for example, daffodil harvesting in January and February in Cornwall would probably stay on and do some of the more spring harvest points, because it could be packaged up as an attractive piece of work for them.

In terms of the visa going on beyond six months—at the moment it is six months here, six months off and then six months back—going over six months starts to bring into play things like the immigration health surcharge and having to start issuing biometrics to relevant nationals. The Chair talked about process; that would certainly add a range of process and costs to it. If we are getting closer to a year, you would be better off sponsoring someone under the skilled worker scheme, because at least that year starts to count towards five years for settlement.

In addition, we can look at it from the employer's point of view—it would be great to have someone here for nine months—but from the employee's point of view, that is nine months without your family or your dependants, and you are living most of the year here in the UK. That starts to tilt towards you being a resident of the UK rather than being a resident of the place where you are spending three months of the year.

We are not minded to look beyond six months, but we do take on board the point about planning in terms of knowing this year and next year. In terms of the question on ornamentals, that may well allow for some packaging up, which makes it slightly more attractive for people to come to the UK for nearer the six-month period rather than coming for a period of four or five weeks and doing a particular crop or a particular harvest.

Q361 **Chair:** Yes, because it is not really attractive for a very short time. Given the cost of getting here in the first place, they need at least six months. I would ask you to look again at the six months to see whether you could be a bit more flexible. They do move from daffodils all the way through



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the fruits and into vegetables and later to potatoes. There is a progression.

**Kevin Foster:** There are some things that come with going beyond six months that go straight to the heart of what you were asking me earlier about making it simpler and quicker. We then start getting into debates around things like dependants. For visas that go beyond six months, we usually allow—

Q362 **Chair:** You have your processes, Minister, and I accept that. What we are asking you to do is look to see whether you could change some of your processes to have something a little more flexible. We are not hearing much of that.

**Kevin Foster:** Chair, we have launched fully online applications, and all those things that are happening.

**Chair:** That is good news.

**Kevin Foster:** That will make quite a bit of a difference. Again, if you are someone coming here for temporary work, the “temporary” suggests that your permanent residence is elsewhere. You can see that with poultry. It is definitively seasonal and there is a cycle of people for whom that has worked quite well in terms of them coming here for a particular period, doing a particular job and then leaving.

In terms of going beyond six months, we have been thinking about employers, but I am pleased to say that we also have to start thinking about workers as well. If you are offering people a package to be here for nine months without their family, it starts to turn into something very different. It could be a way of getting around offering people permanent contracts of employment in roles that are permanent roles but are actually nine months or three months.

**Chair:** With seasonal picking, that is not the case.

**Kevin Foster:** For six-month seasonal picking, I agree that is not permanent.

**Chair:** I want to bring in Derek now, because he can come in on the daffodils in particular.

Q363 **Derek Thomas:** Thank you, Minister. On one hand, I have known for probably two weeks now that SAWS was going to be announced. People who desperately need to line up people to work from January onwards have not known that until this moment. In one sense, SAWS is a little bit of a gift for the Department. If it was announced much more in time for people to respond by the beginning of January, it would have taken away a bit of the heat that you received from the Chair at the beginning and onwards.

In one sense we should be celebrating with champagne, but we should also be slightly peeved that it has taken so long. It is so late in the year



that we will get what is just a repeat of last year with a bit of an extension to ornamentals, which is very welcome. As you know, I have raised this with the Prime Minister, the Deputy Prime Minister and the whole lot in lots of different platforms, to try to get some movement on this. While you are right about daffodils, it is £100 million worth of crop. Eighty-six per cent. of the world's daffodils come from west Cornwall. It is a huge industry. It is a low-cost flower that cheers people up at a time of year when we are all feeling grim. In January or February, it is going to be a very welcome thing, so thank you for that. However, it is also about cauliflower, broccoli and early potatoes that are all badly needed and were left in the ground last year. The SAWS is really important.

Minister, do you see SAWS, including the SWP scheme, as a permanent fixture, or will it just be a pilot that you intend to phase out and find some other solution?

**Kevin Foster:** In terms of the points, it is not just ornamentals. There are some other changes that we are looking to make that are not particularly controversial, for example having a minimum pay rate. Touching on earlier conversations, I understand that the sector already mostly pays well over. That should not be of particular concern. If it is, the pay rate that we are setting is probably one that would make many members of this Committee say, "Really?" if anyone were paying below the level that we suggest.

Forward planning is one of the reasons why we are making a multi-year statement and making clear where we are not just for this January but for the January after. It is why we are making things clear on ornamentals, which will apply through the period.

Do I want this to be a permanent part of our immigration system? No. I would rather we had a system where we were offering good terms and conditions and could recruit domestically. If we are looking at food security, our supply is innately insecure if it is reliant on constantly recruiting people from overseas. First, you are reliant on the fact that there will always be a pool of labour that cannot get a better job offer closer to home, which means we have seen recruitment shift towards parts of Ukraine and other areas over recent years, partly because job packages have become less attractive in the traditional markets for recruitment.

If, for example, Ukraine's economy grew strongly in the way that Poland's has in the last 30 years, would we still be able to recruit the number of fruit pickers from there that we do currently? The answer would probably be no. We are even starting to see SAWS itself spread its recruitment.

Q364 **Chair:** We have had a system since the war, have we not?

**Kevin Foster:** We have. Again, if you think about the countries we were recruiting from, we were not recruiting from, for example, the former Soviet Union 30 or 40 years ago, partly because the former Soviet Union would not have allowed its citizens to leave because it knew they would



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not go back. Again, if we are constantly looking for parts of the world where we could make this attractive, that is innately going to affect security.

That said, we accept where the market is currently and that there is a need for a system. We accepted the very strong points that your and other Members made about the fact that there was an opportunity to package up ornamentals with edible to produce a logical package of work at particular times of the year without opening up a whole new supply of cheaper labour.

**Derek Thomas:** That is appreciated, and the two-year settlement is very welcome.

**Kevin Foster:** It is three.

Q365 **Derek Thomas:** It is three; I am sorry. Across the sector, you will find people who will welcome this announcement. They will welcome the fact that they have time to look at the alternatives, such as automation. I know asparagus and daffodils are particularly challenging and difficult to do.

The problem you have is that you have set yourself a trap. You are saying, "We need to look elsewhere". What meetings are you having with the Department for Education, DWP and elsewhere to understand where this market is going to come from? I picked daffodils when I left school. The tax system changed, which made it much more difficult to do for lots and lots of local people in Cornwall. If we really want people to go and do these jobs, unfortunately our schools are not prioritising this kind of work when they are encouraging young people to live full and fulfilling lives. I think you can get a full and fulfilling life in the agriculture, food and ornamental sector.

What meetings are you having with the different Departments to make sure everybody catches up and it is not just the sector saying, "We need these people"?

**Kevin Foster:** Those are fair points made. One of the people I most regularly meet is the Minister for Employment. I was meeting her this morning around about the number of Afghan evacuees we still have in hotels, who have the right to work. It is a bit ironic that I am sat here hearing about labour shortages, and we have people who we need to get into jobs and who we want to get into jobs quickly as part of the warm welcome that we want to offer.

We regularly look to work closely with our colleagues. The BNO route was an example of where we opened up a route for potentially 5.4 million people. Again, I accept that they are not all going to come in to food and farming, but we wanted to make clear to them that the opportunities are not just to live in central London and work in the financial sector. We are keen for that opportunity to be spread.





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It is a balance. The Home Office is not the labour market Department, and neither should it be. We should not be the Department that takes the lead in the labour market.

**Chair:** It does need to take the labour situation into consideration.

**Kevin Foster:** We are part of the labour market strategy; we should not be the alternative to the labour market strategy. Particularly when we are engaging with sectors, one of the most common things I do is make sure that we engage alongside the DWP and sometimes with DfE as well. We also did that about the social care system in Scotland. It needs to be part of an integrated solution. It cannot be four companies in a room with three saying, "Yes, we are going to sign up to the integrated package", and one saying, "No, thanks. Kevin, can I have some visas, please?" Do you know what I mean? I take on board your point.

Q366 **Derek Thomas:** I want to come back on that. To be fair, in terms of DWP, that is not a problem. Unless you get people in years 5 and 6 taking an interest in farming, agriculture and all that happens on the land, you have lost them when they get to secondary school. That is definitely an issue.

Can I just quickly challenge you? I know you mentioned a couple of times that we only managed to use 25,000 of the 30,000. First, the scheme arrived very late. Secondly, the addition of ornamentals will help to absorb that number, so I am very grateful for that. At the moment, there are just four operators or four providers in the country who are able to access SAWS. I have operators, providers in my country who will recruit only 120 workers. They are finding that they are not available to them. Quite a few of them are still stuck applying for pre-settled status. That backlog might be something that you want to comment on, if it is still there.

I know it is not you; I know it is Defra. Given the restrictions, the restraint and the legislation making sure these people do what the visa says, can we not open up SAWS to all providers that want to register to deliver SAWS? That will definitely make sure the 30,000 is used correctly and properly right across the country. You could not get a more levelling-up agenda than ensuring access across the country, including west Cornwall and the Isles of Scilly. I do not know whether you can respond to that, Minister.

**Kevin Foster:** Let us start with the number of providers. There would be an issue with having a free-for-all. There have been issues of labour abuse, gangmasters and in other areas. One of the concerns we have had even with some of the current schemes is around making sure that there are appropriate measures in place. That is why we would not want to go down this free-for-all route for anyone who wants to apply, rather than at least having those who apply having to show how they will prevent the type of practices that no one around this table is going to advocate for or



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think would be an appropriate or sustainable basis for the labour supply in farming.

Could there be room for more? Possibly, yes. Defra would be in a better position to look at whether that makes sense. As I touched on, there is an element of having a bulk of supply, of numbers, to be able to do things like recruit out in Ukraine and to organise that. Given that we have seen recruitment going on in Nepal, Barbados and Peru, this is not just recruitment in eastern Europe or nearby countries. There is an element of a package needing to be offered, including flying in and everything else. There is a balance to be struck. A free-for-all would have issues. What is the exact number? From an immigration point of view, we are not wedded to four.

**Derek Thomas:** Can I respond briefly, if you do not mind?

**Kevin Foster:** Yes, and then I will come on to pre-settled status.

**Derek Thomas:** First, I hear what you say. All councils have migration welfare officers. Certainly in Cornwall they do a brilliant job. They really look closely at this. I hear exactly what you said about the pig processors and the fact that we were told that you would get all of these and they have not turned up. I definitely hear from my local providers that they have people who have not yet got pre-settled status who would benefit from SAWS, but they cannot personally bring them in. There may well still be people in the EU who would work here, if they had a route through SAWS and the operator was locally based.

Please come back to that last point. I will not ask you to comment on that, Minister.

**Kevin Foster:** First, again from an immigration point of view, we are not wedded to the number of providers, provided that the protection for workers is there. That is the immigration objective in that area, and we are happy to be advised by others, particularly Defra, as to what would be the appropriate number going forward.

Coming on to pre-settled status, I emphasise that anyone who is covered by the withdrawal agreement or who is entitled to status under the withdrawal agreement does not need to go through the SAWS process. They get the right to work via that process. I would not want anyone who is entitled to pre-settled status to think that they should go through SAWS instead. Getting status under the EUSS is a superior status to any temporary status that you might be granted.

In terms of where we are with working through the applications, the work in progress has fallen quite significantly. We have specifically focused on those who have made first-time applications. We put out some of the numbers last week. A lot of the ones that are outstanding are around things like joining family member applications, which are more complicated. They are people looking to join their family member here in



the UK. Many visa nationals are included, so it is a slightly more complicated process. If someone has an application in for pre-settled status or settled status, my understanding is that they can work and be employed. That does not count towards any SAWS number or anything.

**Chair:** We need to speed up a bit, if we can.

**Kevin Foster:** I am very happy to clarify the position on that in writing, Chair. That might be helpful.

Q367 **Dave Doogan:** I have two very quick points, Minister. I am sure the three years will be welcome; it is far better than where we are at the moment. Whatever the terms are, can I ask you to commit to making that a rolling three years? In a year's time, you could add on another year, whatever the limits are. That would allow the industry to plan. One of the big problems that industry had was that they were feeling around in the dark, not really knowing what was what. That clarity over 36 months is good. It is good today, but it needs to be good 12 months after that.

**Kevin Foster:** I hear the point. It is powerfully made. We will certainly reflect upon whether that is appropriate. It is not something that I can give a commitment on off the top of my head today.

**Dave Doogan:** Can you write back to the Committee and let us know?

**Kevin Foster:** Certainly, yes. Again, I can see the argument about us being clearer over a longer period. From my own perspective as well, it allows things like UKVI and other teams to plan and work with providers and sectors as to when we are likely to see visa applications come in as well. Again, that could be useful all around.

Q368 **Dave Doogan:** Finally, there will be a lot of people in the sector watching the evidence here today. I hope they will acknowledge what I am going to ask you to acknowledge, Minister. The horticultural and agricultural sector more generally is not an employer of last resort. It is not there to Hoover up and to ameliorate levels of unemployment more broadly in the economy and in other areas. It is highly skilled work. Whether it is recognised as highly skilled or not is a moot point. If you have to pick a certain weight of strawberries a day, that requires a level of physical fitness and skill that is fairly rare to come by. I am sure it would be nice for the sector to hear a Home Office Minister acknowledge that.

**Kevin Foster:** That links to the point that Mr Thomas made a few moments ago. We need to be selling what the opportunities are. We are always perhaps focused on immigration, because in my role that is naturally what people are going to talk about. We need to talk about the opportunities that are there. There are some high-paid jobs across the sector. There is veterinary work, not just vets but veterinary nurses and other areas. There are people who are chefs in the hospitality trade. I represent a constituency with a large hospitality trade.



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We need to get away from this idea, as alluded to by Mr Thomas, that in careers lessons the things that we present from the hospitality sector or the agricultural sector will be basic waiting or basic fruit-picking roles rather than saying, "Here is someone developing a new piece of kit. Here is an engineer developing something that may automate a process. Here is someone else in a food research laboratory, which is very well paid and very skilled work". We need to ensure that this is not lost in the discussion that we have about this and that we do not just assume that everyone working in food and agriculture is a seasonal agricultural worker or earning the minimum wage.

Q369 **Chair:** Finally from me on seasonal workers, one big daffodil producer dumped 30 tonnes of daffodils rather than plant them, because he was not certain he could get labour to pick them. There has been a 25% reduction in planting in Lincolnshire. If we could have a scheme that is rolled over, it will give the industry confidence to plant. That is essential.

You will need to look at the numbers both up and down, dare I say it, as the years go by. If this country stays in a labour situation that is as tight as it is at the moment, we will find great difficulty in using homegrown labour in the future. I would make this plea to you: in putting this system in place, do not be too rigid either way, up or down, on the figures over a period of time.

**Kevin Foster:** I accept that it is about striking a balance and ensuring that we are making opportunities available to the domestic market. We should not say that any sector should not engage with the DWP and look to improve. We have to make sure that this is about genuine access to labour. It is not about undermining terms and conditions or employing someone slightly more cheaply.

Again, we do keep it under review. We can look at particular emerging trends. As we come out of the pandemic, even with what is being considered today, we will see re-emerging trends such as travel. What will students do? We now have a couple of thousand international students back in the country. What roles will they be doing over the next six or seven months? That workforce has not been around and is now back. What roles will they take on? Again, we will keep it under review. It is about that balance between plugging a genuine need and ensuring that this is not becoming an alternative to decent terms and conditions or reasonable investment in automation.

Q370 **Rosie Duffield:** We have touched on lots of this, but, for the skilled worker visa, we have heard that food and farming sector businesses are facing costs of £5,000 to £10,000, "overwhelming" red tape—that is in their words—and delays of four to six months between their initial application and the arrival of workers. Do you recognise that description? Do you accept that this does not meet the needs of businesses?

**Kevin Foster:** I do not recognise the timescale of four to six months from their initial application. Our service level agreement is three weeks.



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We are well within it as of today. In another context, we had claims that it was taking very long periods, and one of those came from a business that had not even sponsored anyone, which was a bit strange.

**Philippa Rouse:** There is the eight-week turnaround time to become a sponsor. If a company is not yet a sponsor, that takes eight weeks. It takes up to three weeks for the visa application.

**Kevin Foster:** You can apply for priority on sponsorship for £500 to get it done in 10 days.

Q371 **Chair:** It is eight weeks plus another four weeks. You are talking about three months.

**Philippa Rouse:** Yes.

Q372 **Chair:** Let us be absolutely clear about that, Minister. We are getting lots of different—

**Kevin Foster:** Just to be clear, if you are already a sponsor, you do not need to apply to be a sponsor again.

Q373 **Chair:** Yes, but not everybody is a sponsor. We still need to get skilled workers in. The process is taking three months, is it not? Philippa has just told us—

**Kevin Foster:** The figure was four to six months, which we do not recognise.

Q374 **Rosie Duffield:** That figure would have been taken from our evidence sessions.

**Kevin Foster:** It is three weeks if you are applying for a skilled worker visa. It can be even quicker if you are an EEA national who has applied via the fully digital route, because that cuts down on some practicalities in the process.

The only other issue can be, for example, the international travel restrictions over the last year. Those are nothing to do with the immigration system. Those are to do with things such as, for example, if you have to enter managed quarantine. Not unreasonably, people may not want to travel if they are going to spend their first two weeks here and £2,000 on managed quarantine under those rules. Again, that is not part of the immigration system.

No, we do not recognise that. Some companies will not have been skilled worker sponsors before. We said it until we are almost blue in the face. The thing to do is to apply to be a sponsor. We have introduced a priority process that means you can get your sponsorship application done in 10 days.

**Chair:** You have made that point loud and clear, Minister.



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**Kevin Foster:** You do not need to do that for every sector or every job that you want to recruit. One licence covers all the jobs you can sponsor under the skilled worker visa.

Q375 **Chair:** The Northern Ireland Pork and Bacon Forum said that its members had recruited 12 workers from the Philippines through the skilled workers route, but the process took 11 months and the complexity and red tape involved was overwhelming. Costs included a need for the business to rent accommodation for months in advance to ensure it was available when the workers eventually arrived, plus about £1,200 per worker to get the processor in place. You can see why this is so frustrating.

**Kevin Foster:** We are puzzled that it has taken them 11 months, unless that is to do with international travel rules or something. We are quite surprised that it would take anyone 11 months. As I say, our turnaround times are much lower than that.

**Chair:** We will present that evidence to you in writing, and perhaps you would like to respond in writing.

**Kevin Foster:** Yes, we would be quite interested, as well as in the names of the companies.

**Chair:** We have to try to get to grips with who is right here. All the evidence that we are getting from industry is that they are having huge problems. You sit here this morning and say, "There are no problems". You give one timeframe; Philippa gives another. I am not satisfied with this whatsoever.

**Kevin Foster:** Myself and Ms Rouse gave the same timescale.

Q376 **Dr Hudson:** Going along that theme in terms of flexibility in the schemes, going back to some of your earlier evidence, you say that there were not so many people applying for some of these visas. We have taken evidence that one of the barriers to the application process has been the English language level requirements. We are looking to see whether the Government can move and have some flexibility on that. We are all well aware that you need a certain level of English in certain frontline occupations, but the Royal College of Veterinary Surgeons has temporarily lowered the English language requirements for vets coming in and working under supervision in the meat hygiene sector. That is welcome and that is working.

Coming back to what we talked about earlier about butchers and people working in that sector, the level of English competency they need is a barrier in terms of the application process. Do you agree that we could move forward to have some flexibility within that around the level of English requirement? That will help some of the problems that we are facing.

**Kevin Foster:** First, the English language requirement does not apply to the temporary route. For the routes that we talked about such as with the



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extra butchers, the English language requirement does not apply because it is a temporary route.

Q377 **Dr Hudson:** I mean people applying for the skilled worker visa. We have taken evidence where people have said that this is a barrier for them.

**Kevin Foster:** The fundamental level that we set is a G at GCSE level. That is the basic level we set under the skilled worker visa. You referenced vets. Some professions, for understandable reasons, set much, much higher levels of English language competence needed than the basic for the immigration system, such as medical, for obvious reasons.

Q378 **Dr Hudson:** They have lowered that level for certain sectors temporarily.

**Kevin Foster:** Yes, but, to be honest it would probably not even be close to the level of a G at GCSE.

**Dr Hudson:** No, they have moved from an IELTS 7 to an IELTS 5.

**Kevin Foster:** They are still at a much higher level than, for example, what we would expect. Let me explain what we look for in setting what the English language requirement should be across the skilled worker route. By the way, there are English-speaking majority countries where those nationals are exempt from the test, and there are a few other exemptions that I will not bore the Committee with, because they are not particularly relevant. For example, an American or a Canadian citizen does not need to sit an English language—

**Philippa Rouse:** Canadians do, because of French, but Americans do not.

Q379 **Dr Hudson:** In terms of the levels that are being asked for under the skilled worker application scheme, the B1 English language requirement—

**Kevin Foster:** It is a G at GCSE, yes.

Q380 **Dr Hudson:** That includes certain roles in the food and farming sector, such as butchers, slaughtermen and butchers' assistants. The B1 language requirement also applies to other roles across the economy where you might need a higher level of English language competency, such as senior police officers and senior civil servants.

**Kevin Foster:** Where you are going into some of those roles, there would be a separate competency of English that you would have to prove to get the job offers concerned. As we have touched on with vets already, although in theory you could apply for a skilled worker visa, as a vet at B1, which is equivalent to a G at GCSE, you could not get a job offer as a vet, because you would need to have a higher level of English for that.

Q381 **Dr Hudson:** If we can come back to butchers and butchers' assistants, can we have some flexibility within that?



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**Kevin Foster:** In terms of where we set the immigration system, because people are coming here to settle and will be here with their family—the vast majority of skilled workers bring dependants with them; that is just a fact about the route—the level we set is basically for day-to-day life here in the UK: conversational English, basic things that you need to do to be able to engage and live here in the UK.

In some of the roles, that would probably mean you could not discharge them, because you only have basic conversational English. We believe that is an appropriate level to set. Setting it across the migration system in the way it is done means there is then an effective teaching and testing structure available around the world that people can access. Particularly in countries—the Philippines is a common one—where people apply—

Q382 **Chair:** I am sorry to interrupt, but, for some of this language business in relation to butchers and others, the industry would like to be able to train them to a degree and offer them a course in English while they are here. They are really finding this quite difficult. You can be a very skilled butcher, but you are not necessarily skilled in language, are you? That is the trouble.

**Kevin Foster:** We could apply that to virtually every other job. It is why we set it at the level of basic conversation. It is not the English language level that you would discharge as a vet, a doctor, a senior accountant or a police officer, where your English language skills would need to be much higher to do those roles. We also have to make that clear to employers: our SELT is not a guarantee that, if you employ someone, they are going to be genuinely fluent in English. They will be able to do day-to-day life in English, but they will not necessarily be someone who could analyse a technical paper or document in English.

Q383 **Dr Hudson:** Just coming back to the Chair's comments, though, we recognise that we need people working in certain sectors, albeit that you have not put them on the shortage occupation list and we think they should be. If we have recognised that we need people to work in these sectors, why can we not have some flexibility to allow on-job training that the sponsor can get involved with to fill these roles so that the crisis that we keep talking about in the sector can be ameliorated and mitigated?

**Kevin Foster:** As we say, the temporary route we created does not have an English language requirement. For this one, which is the more permanent route to settlement, we think it is appropriate that those who arrive in the UK intending to settle can conduct basic day-to-day life like paying your council tax or finding somewhere to rent, and that they can have very basic conversations in English.

Moving away from that, we come to the issue that, once someone has moved here with their family, do we actually want to go down the path of removing people simply because their English language has not come to a standard that they were not at when they arrived? Secondly, it starts





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bringing in the issue around how we assess what the level of English language is. Again, this is where people would be coming to settle, looking to set up home and looking to be here permanently. If they come in with absolutely no language skill at all, we can all see instantly the challenges with that. I can very much understand the attraction from an employer's perspective.

**Q384 Chair:** What about the animal welfare perspective? We have pigs growing on farms biting each other and then being slaughtered on farm and not processed. We are bound to be concerned, Minister. Again, I understand the Home Office principles of all this. For goodness sake, is everything in life about a principle? Pigs are getting fat and chewing each other. I am sorry, but we have to do something about it and not just talk about due process.

**Kevin Foster:** The temporary visa route is a perfectly plausible path for the sector. They have the temporary visa route, which, as I touched on earlier, is not hugely oversubscribed. That allows someone to come here for six months, and it has not been used with the type of urgency we were expecting, given some of the comments about people being able to come if only it was not for the English language requirement. Somebody could come over on that scheme for six months, spend time here improving their English language standard and then go home. Like I say, it is conversational English; it is equivalent to a G at GCSE.

**Q385 Dr Hudson:** With the greatest respect, Minister, we have a crisis now, but, given the way we are going, this is not going to go away any time soon. Yes, we need urgent short-term measures, but, equally, we need to keep an eye on this sector so that we can have food security, animals can be looked after and the nation can be fed. This is not going away in the next two to three months. We need to have strategic thinking.

**Chair:** We need a little bit of flexibility.

**Dr Hudson:** We need flexibility in the short term and the medium term.

**Q386 Chair:** We are just asking you, Minister, for a little flexibility. Is it yes or no?

**Kevin Foster:** We do not see that the case is made out to have a separate English language requirement, given that the level is a G at GCSE. We are not asking people to analyse the works of Shakespeare here. We are asking for basic conversational English. This is a skill in the most commonly spoken language on this planet. It is the language that is the second language in virtually every country on earth.

**Q387 Chair:** It is not necessarily the second language in Bulgaria.

**Kevin Foster:** It is even in places like Bulgaria and Romania. Of course, anyone who was here in the times of free movement is exempt.

**Q388 Chair:** We are just asking for them to be able to come in and have some training when they are here. It would be quite nice if you could go back



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and look at that. Why is it that everything you have in your system is absolutely right and everything that we are asking you is absolutely wrong? Why is it not possible for you to say that the industry has a real problem, and not only does the industry need to look at itself, but so does the Home Office? Why can we not have that? Are you capable of saying that, Minister?

**Kevin Foster:** Chair, people say that they want an immigration system that does not have a set of rules that touches the ceiling, with different requirements for virtually every role that you could possibly recruit to, and then they ask for changes and we have made a change.

Q389 **Chair:** There is an emergency in the pig industry and there is an animal welfare issue that people are very concerned about in this country. I suggest to you that we need some flexibility in the immigration system to get us through it. A lot of people who are probably against immigration would see the logic in that. I cannot understand, Minister, why you come here today and block everything we are asking for. Why do you not say, "We will go away and look at it"? Why is that not possible?

**Kevin Foster:** We have looked at it. We have looked at the position. We have heard representations over recent months. Again, perhaps it is because we look at it from the worker's perspective. We look at it not just from an employer's perspective. We also have to look at it in terms of the labour market across the whole UK economy.

Q390 **Dr Hudson:** We have an emergency now, but we have a medium-term situation as well. What we are currently saying is that you are putting in short-term measures to invite people to come in for, say, four, five or six months and then, when the problem is solved, they go back home. We have a sector where we are struggling in this country to train people up and find people to go into those sectors. We need to acknowledge that. We need to make the environment more welcoming for the people coming in to help us out in this sector, so that they could settle. If they could get trained up in the workplace in terms of their English, the concept of coming over and helping us in this country to produce food and to have food security will be an appealing thing for them.

That is not changing Government policy. That is saying, "We can have a degree of pragmatism, compassion and flexibility moving forward.". Do you not acknowledge that?

**Kevin Foster:** In terms of people feeling welcomed into society, this is about being able to speak a conversational level of the main language. Again, this is the most commonly spoken language on this planet. If I was asking for a nuanced ability in a particular—

Q391 **Chair:** How many languages do you speak, Minister?

**Kevin Foster:** I speak the most commonly spoken language in the world, English, and a smattering of German and French.

Q392 **Chair:** Exactly, yes. While it may be the most commonly spoken



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language, it is the most commonly spoken language in this country and across the world for historic reasons. It does not mean to say that every place we are recruiting from sees English as the—

**Kevin Foster:** My GCSE in French would be higher than the level we set for the English language requirement in this country.

**Chair:** I am sure my French would not be high enough to pass this English language test in French.

**Dr Hudson:** In terms of commonly spoken human languages, we all care about animal welfare and human welfare.

**Chair:** Yes, we do.

**Dr Hudson:** We need to have a pragmatic approach to address that.

**Kevin Foster:** Again, I am going to go back to a point that I know you will not like, Chair. Even if we changed the language requirement, the fact is that most of these companies, despite numerous engagements, have not applied to be a sponsor of a skilled worker. They did not get past go.

Q393 **Dave Doogan:** Minister, in your responses and your answers you are quite clearly holding the line. You are holding it; you are standing firm. You are resisting the pressure. I do not understand why there is a pressure. I do not understand why, due to the actions and policies of the Home Office, there a tension between what you could easily argue is the most important industry in the country, the industry concerned with the supply of food, and Government policy. Even allowing for an element of subjectivity as to who is right and who is wrong, how have we got to a situation where there is such tension between the industry and the Home Office?

**Kevin Foster:** I can understand, because people are looking to the Home Office for alternatives to what is the UK's labour market strategy. I can understand that immigration looks like it can provide simple solutions to complex problems. There are those who argue there is a massive pool of truck drivers, if only they could access them via immigration. Ireland's experience would say not. They argue that we could get lots of butchers if only we had a visa; we have a visa and we do not get them.

There is that tension. I can understand why people see it in this way. If you do not want to improve pay and terms and conditions, if you do not want to fund apprenticeships or do this, perhaps the immigration man can give you all the solutions instead. I know that is not a position you will be advocating.

**Chair:** That is not fair to the industry, Minister. They are trying very hard, and the Home Office is blocking them in many instances. I am sorry. I do not accept that for one moment.

**Kevin Foster:** How does the Home Office block training?



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**Chair:** You have repeated your message here this morning just too many times. There is no doubt that there is friction. It is a very open secret, because there have been huge problems between Defra and the Home Office in getting the number of people we need here. You have been hugely slow at getting everything in place, and then you blame everybody else when it goes wrong. I cannot understand why you will not at least have the humility this morning to take away some of this and look at it. We are not asking you to make policy on the hoof; we are not even asking you to repudiate policies. We are asking you to take the situation seriously.

I do not know that I have ever had a Minister before this Select Committee who has been so intransigent, completely sticking to a line, irrespective of whether that line is right or wrong.

Q394 **Ian Byrne:** I wanted to touch on the training element, Minister. I do congratulate you on your performance. You have been like Virgil van Dijk defending his goal line; it has been unbelievable. I want to touch on the learning element that we have talked about. Unionlearn has reported that for every pound that was invested in the Union Learning Fund, it has generated a return of £12.30, consistent of an economic return of £7.60 to the individual and £4.70 to the employer. In 2018, the TUC reported that nearly 250,000 employees were supported in terms of learning or training with union support facilitated through the ULF.

I have been listening to what you have just talked about regarding strategic thinking and job training. In 2020, the Government wrote to the TUC and scrapped the Union Learning Fund, which was an act of self-harm. Both as a Home Office Minister and as yourself personally, will you work with me and the TUC across Departments to bring back the Union Learning Fund? It is clearly desperately needed to ensure food security for the nation.

**Kevin Foster:** I would not want to commit specifically to reinstating the Unionlearn model. Certainly, the Home Office does not take the lead for internal skills development for obvious reasons. Some of those areas are devolved, as well, in terms of training and education.

**Ian Byrne:** I did say “across Departments”.

**Kevin Foster:** We are certainly happy to engage with any group. Given that we are talking about the workforce here and we have spent a lot of time hearing quotes from employers, as I say, I was a little bit surprised when I looked at the evidence-givers that there was not from one of the major trade unions, someone like Unite or the Bakers, Food and Allied Workers Union. Given that we hear a lot from employers, I also want to make sure we trade unions and workforce representatives as well. Not surprisingly, workers and their representatives can shed light on why they are not applying to certain employers, which might explain why others are not applying to them.



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We are certainly happy to work with our colleagues in Defra, BEIS, DfE and the devolved Administrations. Certain training and skills areas are clearly devolved in the three nations. Other nations have been—

**Ian Byrne:** I will write to the Minister about that, Chair.

**Kevin Foster:** We are happy to engage. Again, we very much encourage the trade union movement to engage with the MAC when it does its calls for evidence. We should not just be hearing from employers.

Q395 **Ian Byrne:** It is refreshing to hear a Government Minister talking about trade unions.

**Kevin Foster:** Without being too personal on this, my father has been a member of Unite and its predecessor since 1973. There you go.

Q396 **Ian Byrne:** Last November, you said that local unemployed people could fill vacancies across the food and farming sector. Do you accept that skills and geographical mismatches can make it difficult for businesses to recruit workers based in Britain?

**Kevin Foster:** It can. I represent a constituency in the south-west, as do others here. We cannot hide from the fact that, when house prices and rent shot up 25% in some communities over the last year, that impacts the workforce supply. I have had constituency cases of it. If a landlord converts a three-bedroom home from being a family home for permanent rent into an Airbnb property, it has an impact on who is going to be there to be recruited. Visas do not provide magic bullets in areas where housing is difficult to come by. They do not provide magic bullets if skills are not being trained for.

Q397 **Chair:** I am sorry to interrupt, Ian. Is your view this year different to what it was last year in terms of there not being availability of British labour? This is the issue for us. It may only be short-term, but in that short term we have to fill that gap.

**Kevin Foster:** In terms of any prospects of us applying a cap, this time last year I was getting a lot of pressure around why on earth I was not capping the skilled worker route, because there were going to be hundreds of thousands of applications. There has been a large number of applications, but we would say that the level of migration that it has produced has been perfectly reasonable in this country. Ditto this time last year—

Q398 **Chair:** It is also about the vacancy level. There is a huge number of vacancies for jobs now. That is the issue. It is so different to how it was last year. Is the Home Office reacting to that?

**Kevin Foster:** We will certainly ask the MAC to look at it in terms of the review that we will ask it to do on things like the shortage occupation list next year.

Q399 **Chair:** When you ask the MAC to look at it, will you take notice of what



the MAC might say? That has not been an experience that we have had to a huge degree in the past, Minister.

**Kevin Foster:** We always reserve the right to make a judgment, but something like the redesign of the points-based system was based on two very core recommendations from the MAC, which were to drop the level to school leaver and drop the salary threshold to £25,600. We then dropped the threshold for some to £20,480 in terms of the SOL. Quite big chunky, meaty parts of the migration system are very much based on the MAC recommendations. We added those working on trawlers of a certain size to the list of those who qualify. Again, that was based on MAC recommendations. We will ask them again to look at particular roles.

Q400 **Ian Byrne:** The Government's aspiration that the new immigration policies will create a high-wage economy is welcome. Will moving to a higher-wage food and farming sector necessarily lead to a smaller sector and higher food prices for consumers?

**Kevin Foster:** First, when we look at some of the data—Defra will probably be closer to it than us—the percentage of what you pay for a lot of products that is actually paid to the worker at the end of the day is not the largest driver in terms of the cost of certain elements of food. Similarly, if it is those who are on the lowest wages in society who are seeing the benefits of rising wages in their sector, that is something to be welcomed and not seen as a problem.

**Ian Byrne:** Yes, absolutely.

**Kevin Foster:** It is sometimes odd that we see it as a problem that employers cannot recruit at the bare legal minimum. I do not necessarily see that as a problem, if it is an alternative to seeing wage rights or perhaps more flexible working terms and conditions and the employment of groups who have traditionally been excluded from the labour market. I accept that certain people with certain disabilities may not be able to fill every role, but there are certainly businesses that have made far more use of uniquely talented people than some others have for reasons that we can all speculate on.

Q401 **Derek Thomas:** Minister and Phillipa, I am not sure what your plans are for Christmas. When we met with George Eustice, Secretary of State for Defra, he said that the Home Secretary had said "many times" that she is "interested in doing a detailed piece of work on the labour market in the round". I guess that is some sort of labour study and then a strategy in terms of making sure we get the people we need when we need them and where we need them.

Is this work that is going to be done? Why was it not done before we developed a new immigration strategy?

**Kevin Foster:** First, the MAC did its piece around migration. What we would like to see across Government—there are elements where we would have to involve the devolved Administrations, given skills, training



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and education devolution—is a proper plan for the UK labour market, with immigration as one part of it. That is not us saying, “We are going to ask employers to do this, that and the other. If you do not want to do that, here is the immigration system instead.” It is about immigration being integrally part of that structure.

There is work to be done. The Government’s Plan for Jobs came out. We need to look at how we take our future migration system forward and, similarly, the impact of other routes that we may not have discussed today. We have welcomed 74,000 people under the BNO route. We see people joining family members from the EU with generic working rights. There is also safe and legal resettlement. I gave the example earlier today. We evacuated 16,000 people from Kabul in a couple of weeks in August. A lot of them will come into the UK labour market. We need to look at how we absorb the people coming through those safe and legal routes.

**Q402 Derek Thomas:** That is good. Thank you. Defra has said this needs to be done; your boss, the Home Secretary, has said this needs to be done. I guess it would involve BEIS and possibly the Department for Education and the Department for Work and Pensions. Is this review going to happen? What is the timescale? What are the terms of reference? Who is leading on it?

**Kevin Foster:** It would almost certainly need to be the DWP. They are the ones who lead on the labour market. I am not the Minister for Employment; I am the Minister for Immigration. The Home Office is not a labour agency and neither should it become one. Certainly in that sort of sense, I know the Minister for Employment would be only too keen to outline and explain how they are seeing their strategies evolve.

Ultimately, we need a labour market strategy, but there will always be those who want to seek an alternative to it, be it either looking to recruit from other businesses or looking to recruit abroad as an alternative to investing in training. There will always be some balances that need to be struck.

**Q403 Derek Thomas:** That is fine. We can help by putting pressure on the right Department. Finally, given what you have just said and your point about how immigration should not be the only solution, is immigration policy the right tool to respond quickly to labour shortages, which we have absolutely seen in the last months?

**Kevin Foster:** You have to look at what the shortage is and what has driven it. For the sake of argument, let us go back to truck drivers. There is a shortage across the whole of Europe. You can set up every immigration system you want. If there is a massive shortage of that particular skill, you cannot recruit them.

**Q404 Derek Thomas:** You are right about that, but the problem is that someone needs to take responsibility for it; someone needs to lead on it.



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If it is not immigration, it presumably sits in another Department.

**Kevin Foster:** Yes. It is testing—

**Derek Thomas:** Someone—maybe it is No. 10—has to say, “This is how we respond to shortages of labour.”

Q405 **Dave Doogan:** On that point, we have touched on the theme of how the Department puts in a set of parameters whereby labour can be attracted to the UK and the industry tells us it is not the solution they wanted or the rules that they wanted. It is the same with HGVs. It is my understanding that the vast majority of the Road Haulage Association’s 8,000 members said that the three-month window is too short. That is why. It is not that there is not the demand there; it is that the terms and conditions are too challenging to attract people.

**Kevin Foster:** If you take a quick gander at the Republic of Ireland, where freedom of movement still applies, you will see they have a massive shortage of truck drivers. That does not necessarily say to me that it is the length of the visa that is the problem.

Q406 **Chair:** Minister, is there a need to look at your own system as well just to check whether you are not perfect?

**Kevin Foster:** Again, if you wanted to get representatives of workers in rather than representatives of their employers, they might give you a very different opinion.

Q407 **Chair:** We have heard this argument. On this idea of having a labour plan for the future, I would like to get something in writing from your good selves on how you are going to join in with other Departments and how it is going to work.

**Kevin Foster:** Yes, absolutely.

**Chair:** We will now really need that. It is really vital. We understand that it is not just the Home Office, far from it, but we need to know exactly how you, Defra, the Department for Education and the DWP will fit into this. It is going to be very important for our future to make sure we do maintain production and animal welfare standards, which we are having a huge problem with at the moment because of the shortage of workers.

We thank you very much for your time this morning. Philippa, thank you for coming as well.