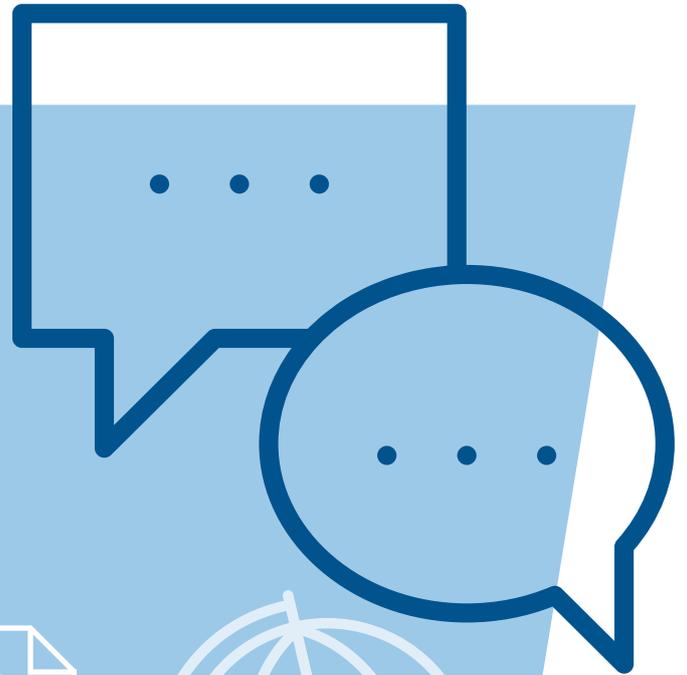
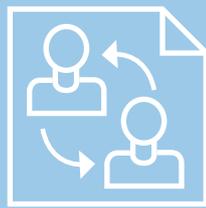
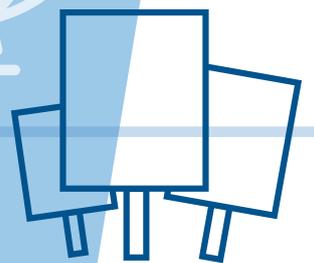
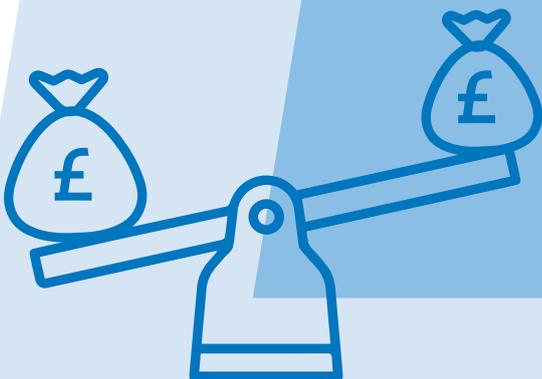


*EMPLOYING HE STAFF
OVERSEAS: A TOOLKIT*



This guidance was first published in 2012 as *Employing HE staff overseas: a toolkit for HR practitioners in higher education* by the Universities and Colleges Employers Association (UCEA). Revised editions have been published in November 2016, August 2020 and February 2023.

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Employing HE staff overseas: a toolkit

Introduction

UK higher education institutions (HEIs) are increasingly operating trans-nationally, from the delivery of offshore validated or franchised programmes through to the opening of branch campuses overseas. Both will often require institutions to employ or send staff outside of the UK.

UCEA has responded to members' requests for more guidance and information about employing staff overseas by revising and expanding this toolkit which was originally published in 2012. The toolkit is aimed at managers who are tasked with setting up some sort of overseas operation and staffing it, either by sending existing staff there for a short period, or by hiring local (or other international) staff. Readers might also find the content helpful when considering sending staff on business or fieldtrips abroad.

The toolkit is organised under the themes of:

1. [Going international.](#)
2. [Assessing the host country context.](#)
3. [Staffing the operation.](#)
4. [Reward and benefits.](#)
5. [Expatriation and management.](#)
6. [Evaluation and review.](#)

The toolkit includes a series of checklists, arranged in the order of the international employment 'lifecycle'. These are intended to help HR practitioners and others involved in [transnational education \(TNE\)](#) to work through the issues associated with employing staff overseas. The checklists have been developed from a range of specialist HR (and other) resources but are not exhaustive. Each checklist contains links to detailed guidance documents produced by other organisations which readers might find useful. Some of these will require either membership or a website registration/login in order to access them.

Also included are anonymous **case studies** from a number of institutions, which provide examples of TNE activity in practice at the time the toolkit was developed, and outline lessons learned. Where further resources are listed which include **case studies**, this is highlighted in bold text.

Many of the resources included in this toolkit are managed by third party websites. UCEA does not take responsibility for the accuracy, completeness, or quality of the information provided, or for any broken links or moved resources. The inclusion of documents in this toolkit should not be construed as an endorsement by UCEA of the quality of the resource. If you have any comments on any of the links provided in the toolkit or any feedback, please email a member of our Employment Policy and Advice team: Nicola Carter (n.carter@ucea.ac.uk), Simon Sumner (s.sumner@ucea.ac.uk), Alison McGrand (a.mcgrand@ucea.ac.uk), or Elaine Schegar (e.schegar@ucea.ac.uk).

We are grateful for the support of [Universities UK International](#) in collating this toolkit and allowing permission to reproduce, and add to, their checklists. Links to their publications have been provided throughout. In addition, there is an option to sign up to their [TNE mailing list](#). To view the publications website registration is required; all members of UK university

staff are eligible to do this for free, but use of the publications is restricted to use within UK HEIs.

We are also grateful to all the HEIs that provided case studies for this project. It was decided not to name the HEIs involved to encourage a candid and balanced picture of their transnational activity.

As well as the publications referenced here, there are a range of organisations (e.g. consultancies or legal firms) that offer bespoke advice and guidance on international employment matters or can provide benchmark data. However, these are provided for information only, and UCEA does not endorse these organisations or any services they provide.

TNE is an evolving area in UK higher education. We would therefore welcome feedback on this toolkit and suggestions for further support or specific guidance that UCEA can provide on this topic.

Glossary of key terms

A number of specialist terms are used in this area of HR including:

Transnational Education (TNE): this is a broad term typically used to refer to activity by a HEI where it delivers its educational services in a country other than that in which it is based. It can include, but is not limited to branch campuses, distance learning, joint and dual degree programmes or similar.

A survey by HE Global (a joint initiative of the Universities UK International and the British Council) defined TNE more narrowly as *“the provision of a higher education degree programme leading to a UK qualification for students based in a country other than the UK. This includes joint, double or dual awards”*.

Flying faculty: this term simply refers to UK staff posted abroad temporarily to teach certain courses or modules - see the table in [Section 3.1](#) to find out more. Sometimes it is used to refer to a specific group of staff whose role is to act exclusively as “travelling lecturers” and teach a specific course overseas, perhaps at multiple branch campuses.

Institutional strategy: the overall institutional strategy of a HEI which determines what international activity it engages with, which partners it works with and in what countries, and what plans exist for expansion or retrenchment.

Operational model: how the HEI intends to deliver TNE. For example, will this be a joint venture with another institution, a campus set up overseas, or a franchised course?

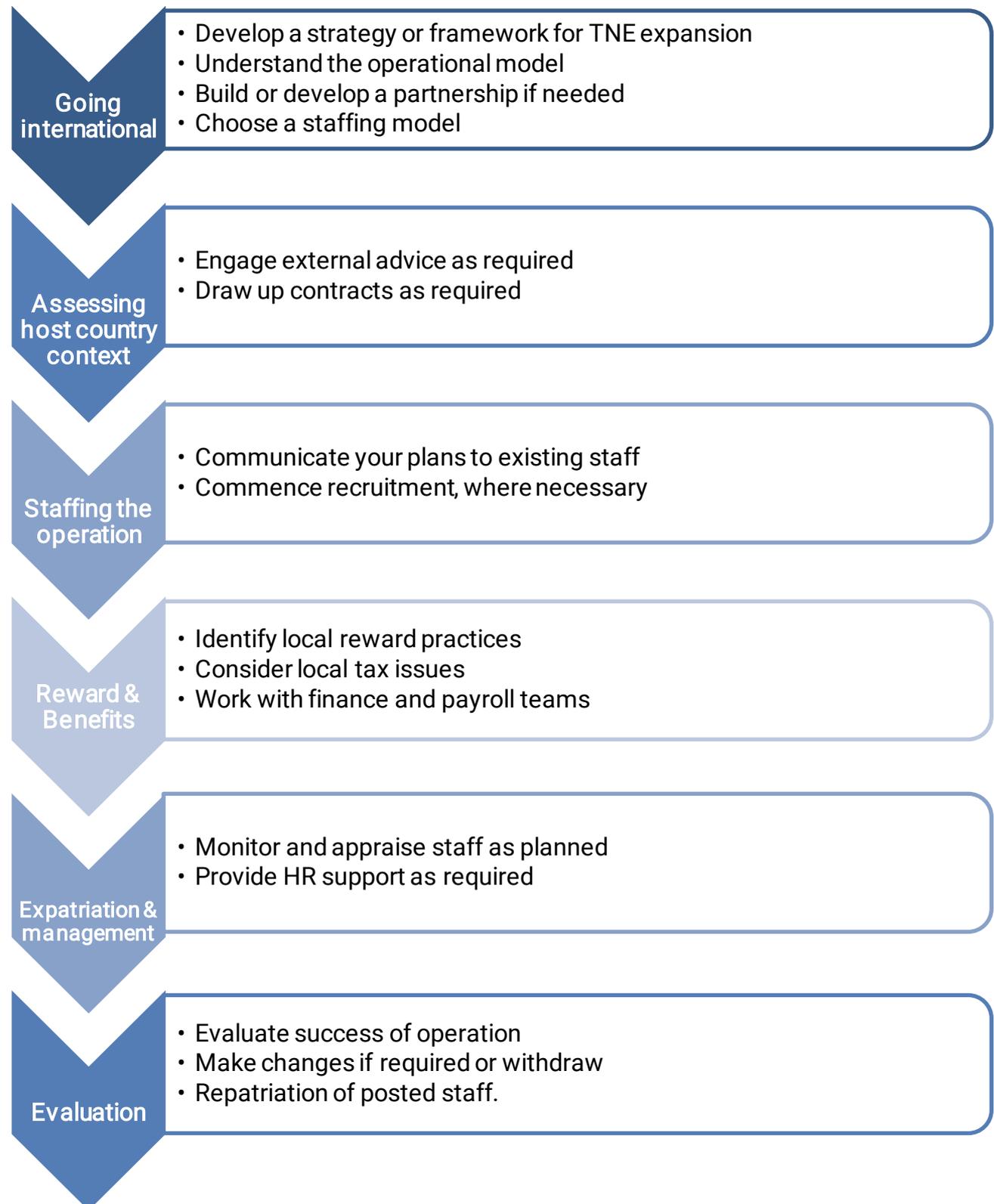
Staffing model: see table in [Section 3.1](#) – In the context of this document, this term describes the way in which staff are sent overseas.

Host country: the country in which TNE is being delivered by the UK HEI.

Tax equalisation: This is where the difference between two tax regimes is offset by the employer to make working abroad tax neutral for the employee - in other words, a UK employee would be no worse off working abroad than in the UK in tax terms.

Summary: the international staffing lifecycle

This toolkit is grouped into six sections according to the “lifecycle” of an HE international staffing project. Below we have provided a summary of the document as a “quick-reference” checklist of the typical steps required when sending or employing staff overseas.



Section 1 - Going international

The decision about whether an institution embarks on international activity will form part of the wider institutional strategy; however, there are a range of factors which require some human resources consideration. The extent and nature of this consideration will depend on the operational model that is used, and the way in which staff are engaged. Ultimately, the reason staff are being sent or employed abroad will drive decisions about which staffing model is the most appropriate to use. These models work in tandem to ensure the success of any overseas operation.

This section will outline:

- Where to get help developing an international strategy
- What operational models can be used
- What different staffing models exist
- What human resources considerations are required.

A checklist is provided at the end of this section to allow you to evaluate your progress in developing an international strategy.

1.1 Developing an international strategy: make sure the HR team is part of the process and works with other teams

It is vital that plans to send or employ staff overseas include the HR team early on to ensure implementation proceeds smoothly. Where a strategy is being developed it is likely to require input not just from the HR team but will require joint working across the institution, including finance, pensions, payroll, academic staff (including principal investigators and managers), information governance/data protection teams and strategic management teams.

In addition, most TNE delivered by UK HEIs requires a partnership with a “host institution” outside the UK and a great deal of due diligence will need to be undertaken to assess whether the partner institution is suitable. From a HR perspective this will require an appreciation of the partner institution’s HR practices. The resources below may be helpful in developing any institutional strategy.

A unified organisational strategy ensures that practice is consistent across different schools and departments. Other organisational strategies, on environmental impact and staff safety, may need to be amended after developing an international strategy. Different departments or schools may already have strategies for their existing international activity, and you may wish to harmonise these.

1.2 Identify the objective for sending staff outside of the UK

The strategy should be clear about why staff need to be sent or employed outside of the UK and what the objectives will be for these staff. Many HEIs considering TNE are likely to already be sending staff abroad for student recruitment or marketing purposes, and these staff may need to be treated differently to staff sent abroad to deliver courses. There are a number of reasons why HEIs may need to send or employ staff outside of the UK:

Student recruitment

- General marketing and promotion activity.
- Alumni relations.
- Operation or facilitation of entrance exams and interviews.

Delivering TNE

- Setting up or operating a branch campus, perhaps in partnership with a local HEI or other local delivery partner.
- Delivering or supporting the delivery of franchised courses.
- Management or oversight of TNE arrangements.

Supervision of fieldwork or research

- Although this is outside the scope of this guide, staff may be required to supervise or manage fieldwork or research activity.

All of these will require a different response and will shape the staffing model selected.

1.3 Understand the operational model

In the case of delivering TNE, the wider institutional strategy will then determine the operational model to be used by the HEI in a particular country. The main operational models are described below.

Common operational models explained

A branch campus or study centre

This is where the HEI establishes its own overseas presence, usually branded in its own name. This requires significant investment. Sometimes, a branch campus can be operated as a joint venture with a partner institution with a separate identity to that of either HEI.

HR involvement: Can require extensive HR involvement to set up and run.

Distance learning or online provision

Sometimes this is offered with support overseas, for example exams may require staff “on the ground”.

HR involvement: HR involvement in such a venture may be limited. It is unlikely large amounts of overseas staff will be needed. Staff may be required for marketing or similar.

Joint and dual degree programmes or franchised courses

Also described as a “local delivery partnership”, you may need to send staff overseas on a “flying faculty” basis to deliver specific modules of particular courses or degree programmes.

HR involvement: Flying faculty staff may be required to deliver courses. The HR practices of any partner institution could need scrutiny.

Providing short courses or vocational qualifications

For example, accountancy or business qualifications.

HR involvement: May require flying faculty to deliver courses, or partnership with the overseas HEI.

Mixed models (also known as blended learning) which combine variations of the above.

HR involvement: Depends on the nature of the model – who will you be employing and how? How long for? Will you be using existing staff?

There is no “one size fits all” operational model, and there are variations of the main models described. All are differentiated by the level of physical presence or manpower required, the nature of any branding, the need for and status of any international partner HEI, whether qualifications will be accredited by the host institution or by the UK HEI, and, ultimately, which staff will deliver the course.

Further guidance

[HE Global \(2016\): The Scale and Scope of UK Higher Education Transnational Education](#)

This document provides a detailed overview of how UK HEIs deliver TNE education. Includes a number of **case studies**. Pages 70-84 outline case studies and the factors critical for success.

[Quality Assurance Agency \(QAA\) Empirical Research Database](#)

Website providing links to a number of journal articles on TNE run by the QAA.

1.4 Staffing Models: Getting staff overseas

Once the HEI has established how it will operate its TNE operation, the HR team will need to identify the best staffing model to apply to the operation. Staffing models are set out in [Section 3](#) of this toolkit. You will need to consider the models detailed and which is the most appropriate for the operational model selected.

Your staffing model may change over time and you will need to allow for this when drawing up a strategy. For example, in franchise arrangements, you may wish to deliver courses with your own staff initially, and then slowly withdraw until the course is delivered entirely by staff from the local delivery partner.

1.5 Exit strategies

Although withdrawal from a TNE operation is covered in [Section 5](#) you should consider at an early stage how any exit strategy will be handled from a HR perspective. There may be staffing or redundancy costs, and you may wish to highlight such costs on any risk register. There is very little guidance available on how to withdraw or exit an operation which can make it difficult to plan successfully for such an eventuality. If staff are being sent abroad on a long-term placement but are expected to return, then their reintegration into the home HEI should be considered early on, as should the cost implications of repatriation. Section 6 provides further information.

1.6 Management

It is important when drawing up an international strategy to decide early on who will take responsibility for staffing related decisions. Especially in joint ventures, it can be unclear which institution is responsible, or indeed how certain decisions should be communicated or responsibilities shared. The QAA also identifies “positive features” of TNE management arrangements in its review of TNE practices (see below for more information).

Further guidance

[QAA Review of Transnational Education](#)

The QAA website includes a number of **case studies** on successful TNE operations and in particular highlights good management practices.

Going international checklist

Developing an institutional strategy

- ✓ Has the institution's strategy for TNE / international operations been developed with the HR team?
- ✓ What operational model will be used for the HEI's TNE activity?
- ✓ What strategy exists for staffing any offshore activity over the next five years?

Staffing models

- ✓ Has consideration been given to how the staffing strategy will change over time as any overseas activity expands or relationships with partner HEIs change?
- ✓ Have the implications of this strategy been discussed with the faculties concerned and is there support for it?
- ✓ Have staffing factors been fully considered in any exit strategy?

Updating your policies

- ✓ Do the institution's present policies on UK staff mobility need to be reviewed?
- ✓ Are there policy guidelines on pay and benefits for UK staff serving offshore for short or long term engagements?

Management

- ✓ Who will take responsibility for staffing related decisions? How will decisions be coordinated?
- ✓ Is there a policy relating to conducting academic research while offshore?

Going international Case study: Institution A

Background

Institution A is a pre-92 university with around 4,000 students. The university does not have significant transnational operations, but it does regularly send both staff and students abroad for activities including short course delivery, student recruitment, marketing and research. Ad-hoc arrangements exist with certain academic staff that are based or largely work abroad. Institution A is looking to expand its TNE offering.

Employees are sent to a diverse range of countries, including to countries to which non-essential travel may not be advised by the Home Office. The need to send individuals to high risk areas arises out of the university's offer of courses in highly specialist subjects which require field research in these areas.

Expanding TNE

Institution A is seeking to expand and formalise its TNE activity in a number of countries. It is still at a very early stage of exploring the market and identifying possible opportunities. Its favoured option is a local delivery partnership. In exploring the market in certain countries, Institution A has sought to employ or engage a local expert temporarily in the target country to assess the situation on the ground.

Institution A attempted to do this in China and sought a significant amount of external expertise to understand the best model to use to engage an individual in the country. One key issue they found was inconsistent legal and professional advice, and concern about potential tax or welfare liabilities for staff employed overseas. Advice varied in quality and often lacked key information. Institution A recommends that clear expectations are set out when procuring professional advice.

Institution A ultimately decided to engage the services of an individual under a consultancy agreement, as a short-term solution, to help assess how to take this forward more permanently.

Learning points

Institution A emphasised the need to:

- Ensure a good relationship with local delivery partner, especially if you use a professional staffing agency.
- Ensure sources of advice are proven / trusted and have a track record in the country you are considering for further work.
- Ensure that expectations are made clear at the outset where advice has been procured.
- Ensure you are aware of what you need to know before you seek further advice.

Section 2 - Assessing the host country context

Once the decision has been taken to operate overseas, in whatever form, it becomes necessary to assess various aspects of the host country's context from a social, political, cultural and legal perspective.

This section will cover:

- How to identify a country's legal and tax framework.
- Where to find resources on labour relations.
- Assessing the cultural context of the host country.
- Identifying possible HR issues arising from political or security issues.

Checklists and further resources are provided.

2.1 Identifying the legal and tax framework

An HEI considering international expansion will need to assess a country's legal and tax framework. For example, does the country operate a common law system similar to the UK, or is there a statute law system? You may need greater support in a country that relies on a civil law system or appropriate awareness of Islamic law if this applies. The table below highlights the legal systems in some of the most popular TNE expansion targets for UK HEIs. It serves to show the diversity of legal frameworks in existence.

Legal system	Example of popular TNE countries using the system	Features
Common Law (UK- style legal system based on precedents set by judges)	UK, USA, Singapore, Pakistan, Oman	Characterised by case law made by judges.
Civil Law (Legal system based on very specific rules)	China, Germany, much of continental Europe	Codified set of rules established. Precedent not an issue
Hybrid systems	UAE, Nigeria, Malaysia, Sri Lanka	Common law may apply in some areas, but not others.

Sources: Taken from data from: [List of National Legal Systems](#)

For more detail on the comparative employment law requirements of different countries, law firm Eversheds Sutherland provides a comprehensive [summary table](#), and a global employment and pensions law app that provides information on over 50 jurisdictions, across Europe, Africa, Asia-Pacific, the Middle East, North America and South America. Deloitte also provide an [International Employment Law Guide](#) that provides a summary of the employment law rules regarding hiring and dismissing employees in more than 60 countries. It is also worth investigating the regulatory requirements on academic operation if you intend to establish a physical presence in the host country. The resources below provide further information.

Taxes may be higher than in the UK, or the social security system more generous. You may also be required to provide certain insurances. In addition, the host country may have a double taxation treaty in place, which may reduce your liabilities. Double taxation treaties are conventions between two countries that aim to eliminate the double taxation of income arising in one territory and paid to residents of another. It is essential that the finance and HR teams work closely together to identify and manage any complex tax liabilities arising

from international working. For more detail on the recruitment, legal and tax considerations see [Section 5](#).

The resources below provide further information.

Further guidance

[QAA Review of Transnational Education](#)

The QAA website discusses country specific legal requirements and includes case studies

[BUFDG: Doing Business Overseas](#)

The British Universities Finance Directors Group provides a useful guide to resources on doing business abroad. BUFDG membership is required to view this guide.

[HMRC: Living or working abroad or offshore](#)

HMRC provide basic advice on the tax obligations of UK posted workers.

[HMRC: Employees working abroad](#)

This provides further information on the major tax considerations to be considered for employees working abroad.

[ICAEW: Tax by country](#)

The Institute of Chartered Accountants in England and Wales (ICAEW) website outlines the tax situation in different countries.

[Eversheds Sutherlands: Employment and pensions law by country](#)

Includes a detailed country by country breakdown on employment law. See also the [summary wallchart](#) on the same page.

[Deloitte International Employment Law Guidance - Deloitte.](#)

Includes a summary of the employment law rules regarding hiring and dismissing employees in more than 60 countries.

[Section 5](#) of this toolkit provides further details.

This checklist provides a summary of the key questions which are covered above

- ✓ Are you aware of the legal framework and context for employing staff in the host country?
- ✓ Do the regulatory requirements of academic operations differ from the UK? e.g. quality assurance requirements.
- ✓ What is the tax framework in the host country?
- ✓ What is the social security situation in the host country?
- ✓ Have you considered pension arrangements for the staff you will employ or send overseas?
- ✓ Has the appropriate financial, academic, and legal due diligence been undertaken?

2.2 Labour relations abroad

When planning for any overseas staffing arrangements, it is important to consider the labour relations aspect. Collective bargaining agreements might be in place in the sector. Labour rights will be different to the UK. If you have engaged the services of a country specific legal adviser, they should be able to inform you of any particular HR considerations. For more information on the labour relations context of different states, please see the resources below.

Further guidance

[Worker-participation.eu online comparison tool](#)

An online tool to compare industrial relations law in different EU member states.

[UCU: Overseas working guide](#)

The Universities and College Union have produced a detailed guide for their own members on working overseas. It covers academic freedom, quality and professional issues, and international labour relations issues associated with international working.

Labour relations checklist

- ✓ What is the employee/labour relations context in the host country?
- ✓ Are there any collective agreements in place at the host HEI or across their HE sector?
- ✓ Do reciprocal agreements exist for the trade union that UK staff belong to in the country in which they are posted?

2.3 The cultural context

A key consideration for any HEI seeking to send or employ staff abroad is the need to understand the cultural context of the host nation. Cultural adaptability is crucial for the success of any assignment, whether short or long term. One way of identifying and interpreting the culture is to exploit the “Hofstede cultural dimensions theory”. This theory describes the effects of a society’s culture on individual values, and how this impacts behaviour. A [special online tool](#) has been developed (see “Further Guidance” below) which provides individuals with the ability to compare cultural values between different countries. This tool can be a useful way of assessing the cultural context of the host country and how this will impact management or strategic considerations. Note that there is a cost attached to utilising the comparison tool.

Religious and cultural sensitivities will need to be taken into account when working overseas. For example, the work week in an Islamic country may be Sunday – Thursday rather than Monday to Friday. Job titles may become particularly sensitive issues of status in some countries, and a different etiquette may exist for greeting people or networking.

Expectation around business dress or gender roles may be challenging from a HR perspective, and a full cultural awareness training or induction process for staff sent overseas should be considered. Getting these issues wrong could create serious reputational or even legal issues for your HEI.

Finally, differing cultural expectations may create ideological or legal objections amongst some members of staff if not considered or managed carefully. The UK has well-established and detailed anti-discrimination legislation for protected characteristics, largely supported

by the cultural environment. This might not apply in other countries and staff with protected characteristics may find they are treated differently in some countries. For example, how are women treated in the host country and what rights do they have? Are there robust laws in place protecting disabled or ethnic minority staff from discrimination? This should be handled extremely sensitively and extensive research into this aspect of overseas working should be undertaken to protect staff and the HEI. Advance HE has prepared a [factsheet](#) on the Equality Act abroad.

Further guidance

[Hofstede online tool to compare cultures](#)

This tool provides a good starting point to compare cultures across countries.

[Advance HE Factsheet on the Equality Act abroad](#)

Provides information on equality legislation for institutions operating abroad.

Cultural considerations checklist

- ✓ What are the principle cultural differences in working between the host country and the UK?
- ✓ What equality legislation exists in the host country?
- ✓ Is the working week the same as the UK?
- ✓ Will you offer cultural awareness training or an induction process for staff working abroad?
- ✓ How will you adapt your HR practices to fit in with the cultural context?

2.4 Political and environmental context

The political and environmental context may make a difference to your plans. The political stability of a country, the level of corruption and media transparency could all impact HR functions in various ways. For example, if ethical or human rights concerns exist this could dissuade staff from wishing to travel on ideological grounds. Environmental laws may conflict with any institution wide sustainability or environmental strategy. If academic freedom is limited or likely to become limited, then this could cause problems.

Unrest can happen in countries deemed to be stable. The 2016 attempted military coup in Turkey resulted in a rapid crackdown on academic freedom, creating problems for UK HEIs with researchers in the country. It is therefore all the more important to understand the political and environmental context in the host country.

Further guidance

[FCO guides to overseas business risk](#)

The Foreign & Commonwealth Office (FCO) provides a country-by-country overview of business risk assessing the cultural, political, and economic context in each country for UK businesses.

[Universities UK International: International Facts and Figures](#)

This provides an annual snapshot of the international dimensions of UK higher education.

Scholars at Risk Network

This US-based advocacy group monitors academic freedom worldwide and reports incidents which it deems detrimental to this.

Transparency International: Corruption by country

NGO which ranks countries by the perceived level of corruption and provides information on this.

Political and environmental context checklist

- ✓ Are there any ethical or human rights issues associated with the host country?
- ✓ Are any potential opportunities or challenges to your institution's sustainability policy in operating in the host country?
- ✓ Would there be any restrictions on academic freedom in the host country?
- ✓ How stable is the political environment in the host country?
- ✓ Have there been any recent events which could change the operating environment?

2.5 Security, health, safety and wellbeing

Investigating the cultural and political context of any country will invariably cast light on potential security, health, safety and wellbeing issues. There is a wealth of guidance in this area, including UCEA's own [Guidance on Health and Safety in Fieldwork \(including offsite visits and travel in the UK and overseas\)](#) issued jointly by UCEA and the Universities Safety and Health Association (USHA).

Some HEIs offer specialist training to their staff on health, safety and wellbeing when working abroad. The Home Office also provides detailed country profiles outlining personal risks and advising against travel to certain areas. This can be used to plan any risk management strategies.

Cultural expectations of health and safety and legislative requirements may be less stringent than in the UK. This should also be taken into account in any planning.

Vaccinations and any global health issues such as the Zika virus and the risk of HIV or AIDS should be considered. For example, will you be paying for vaccinations which are not mandatory but may be advised? (e.g. Rabies vaccinations). Is malaria prophylaxis required? If staff are to be abroad for an extended period, how will health insurance be handled? Clinical academic staff working abroad may be supplied with post-exposure prophylaxis (PEP) if working in a high risk area for HIV - the costs of this should be accounted for. If staff are travelling within the EU, will you be ensuring that they have an EHIC or GHIC and will you be retaining copies? Losing an EHIC or GHIC could mean a delay or high cost to treatment, so it is worth planning for this eventuality.

Further guidance

FCO advice for businesses operating in high-risk environments

The FCO provides an overview for businesses operating in high-risk environments.

FCO travel advice by country

Advises against travel to certain areas. Provides general advice on personal safety.

UCEA and USHA Guidance on Health and Safety in Fieldwork

Guidance includes offsite visits and travel in the UK and overseas.

Travel Health Pro

A website set up by the Department for Health and commissioned by UK Health Security Agency and hosted by University College London Hospitals NHS Foundation Trust (UCLH), to advise travellers on vaccinations and health issues when travelling.

PAS 3001:2016 Travelling for work – Responsibilities of an organisation for health, safety and security – Code of practice

The British Standards Institute (BSI) has published a set of standards and a draft code of practice for managing risks and fulfilling duties of care towards those working abroad. The Universities Safety and Health Association (USHA) has been a significant contributor in the development of this standard. It gives recommendations on organisational responsibility and suggests approaches to developing, implementing and evaluating practice in this area. The BSI charges for copies of the code of practice and standards. Where institutions subscribe to British Standards Online the standard may be accessible through that subscription.

Security, health, safety and wellbeing checklist

- ✓ Are there any national or local security concerns which might influence your employment decisions?
- ✓ What is the health and safety culture/legislative environment in the host country?
- ✓ Have you ensured that adequate insurance is in place?
- ✓ Will you be providing staff with training on health safety and wellbeing matters?
- ✓ Have you drawn on relevant health and safety expertise within your own staff?
- ✓ How will healthcare or health insurance be handled by the HEI?
- ✓ What vaccinations or medications will you pay for ahead of travel?
- ✓ Has a risk assessment been carried out to ensure that the institution has complied with its 'duty of care' to employees working abroad, under the Health and Safety at Work Act 1974? Additional obligations may also be imposed under local legislation.
- ✓ Are you familiar with the health and safety regime of the host country?
- ✓ Do you have a local source of advice on health and safety matters in the host country?
- ✓ Have you arranged appropriate travel and health insurance for the staff member?
- ✓ Have you discussed healthcare issues and vaccinations with the staff member?
- ✓ Have you considered reasonable adjustments for disabled staff travelling overseas? Are there any other healthcare considerations for non-disabled staff?
- ✓ Have you put in place adequate supervision for the staff member as well as a designated contact who can advise on stress or mental health-related problems?

2.6 Country profiles

Short profiles of the most common TNE destinations for UK HEIs are provided in the [Appendix](#). Links have been provided to a selection of country-specific resources. Countries have been selected based on the most common TNE destinations as identified by *HE Global (2016): The Scale and Scope of UK Higher Education Transnational Education*.

Case study: Institution B

Background

Institution B is a pre-92 university with around 14,000 students. The university operates a joint venture with a Chinese institution. The venture is not a distinct legal entity – its staff are either staff of Institution B or of the Chinese partner. No flying faculty are used, instead the university directly employs staff that are based at the joint venture. There are 10 to 15 staff engaged in this way, on the same contract as UK based staff, with relevant modifications to suit the local legal landscape.

Being aware of tax and legal frameworks

The university has been advised that because of double taxation treaty rules the teaching fellow (contract) staff employed on its payroll to work in China can be exempt from paying local employment taxes for certain periods depending on the nationality of the employed individuals. For example, in one case staff can be employed for up to three years without paying employment taxes in China. If employment continues beyond three years the costs of taxes are met by the university.

Staff from a variety of countries are engaged on fixed-term contracts issued by Institution B to work at the joint venture with relevant allowances provided to pay for flights home etc. Originally staff at the joint venture were paid (and recruited) entirely by the host (Chinese) institution, however this meant that Institution B had very limited control over the staff and no performance management oversight.

Foreign Payroll

The current arrangement where staff are on “foreign payroll” as employees of institution B based entirely abroad came about following the receipt of professional advice from an employment law firm based in China. Institution B asked the law firm to investigate this option and explore the tax and welfare payment implications. Institution B is fully compliant with Chinese labour and tax law, although it noted that many of the rules applied to foreign companies in China regarding tax, welfare payments and labour law were poorly enforced by the authorities, and often poorly understood by foreign employers.

In addition to the advice received from a Chinese law firm specialising in employment law, advice on tax and other issues is sourced from a recognised international professional services firm.

Institution B has found that this “foreign payroll” model has been extremely successful, requiring very limited oversight or involvement from a HR perspective beyond the routine. The university had considered using a professional staffing agency but decided against this as the current model of directly employing staff has not created any significant issues.

Allowances are paid for utilities, accommodation and travel. A cost of living allowance is also paid. Many are not UK citizens or Chinese citizens, therefore travel to and from their home country is paid for by Institution B, which assists with relevant immigration and visa issues. This can be time-intensive and require external advice. Salaries are paid at a UK rate, broadening the talent pool that would be available if local (Chinese) salaries were paid. Even accounting for relevant allowances, Institute B has found this to be a competitive model, as compared to paying enhanced salaries or incentives to UK-based staff.

This model also resolves the difficulty faced by Institution B when attempting to encourage UK based staff to act as flying faculty.

Exchange rate fluctuations do create an issue around payment as a result of salaries being paid in pounds sterling. This means salaries can be variable for the staff but ultimately salaries remain competitive overall.

Recruitment practices also need to be tailored to reflect the international profile of staff, for example by having interviews via Skype.

Success

The TNE project has been a success. The institution has taken no firm decision as to whether to expand the project, but this may be considered in the future.

Learning points

- HEIs should be fully aware of taxation and labour law in the host country, and especially so regarding double taxation treaties. These treaties stop tax being paid twice in two countries on the same income, and can therefore save HEIs and employees significant sums, as in the case of Institution B.
- Foreign payroll can be a successful model. Institutions need not rely exclusively on a flying faculty approach. Recruitment practices will need to be considered when creating an international workforce. In this case, Skype was used to recruit staff internationally.
- Exchange rate concerns require early consideration. A number of approaches can be considered to protect both the staff member and the employer in the case of exchange rate fluctuation and these should be addressed in advance.

Section 3 - Staffing the operation

This section will cover:

- The different staffing models available.
- The practicalities of staffing any overseas operation.
- Where to get help.
- Recruitment practices.

3.1 Staffing models

Section 1 outlined the various operational models institutions could use when delivering TNE or sending or employing staff abroad for any other purpose. There are also a number of staffing strategies that UK HEIs can use, especially with respect to academic HEIs.

Broadly speaking, these fall into one of three categories:

- Home campus staff sent overseas (such as flying faculty or staff who are transferred on a fixed term or permanent basis).
- Locally recruited and employed staff.
- Internationally recruited staff.

Individual staffing models will vary, but we have outlined the most common models which can use a mixture of all three of the above overall strategies.

To some extent, the choice of staffing model will depend on the operational model used by the HEI. It will also be driven by the expectations of any partner HEI and the demographics locally. For example, if you are operating a branch campus or joint venture in a particularly rural or remote area there may be a lack of skilled or experienced staff available. The expectations of UK-based staff will also drive staffing decisions to an extent. Almost all the case study HEIs we spoke to expressed a difficulty in encouraging UK-based staff to travel overseas. This echoes the findings of other studies on the subject. If it is especially difficult to encourage UK staff to go overseas, the use of an alternative model becomes inevitable. Your understanding of the legal and contractual situation in the host nation, aided by professional legal advice, will also drive decisions, as will the stage at which you are at in your TNE plans. The resources below provide further information.

Staffing models checklist

- ✓ What are the staffing options for this overseas operation (e.g. flying faculty, locally employed staff or internationally employed staff)?
- ✓ What will the costs be for each model of employment?
- ✓ What are the labour market or demographic issues in the host country you need to be aware of?
- ✓ Do you have access to reliable and up-to-date sources of information on employment legislation and employment issues in the country and state/province concerned? Is the legislation on settling contract disputes on employment matters understood?
- ✓ Under which country's laws will the contracts for non-UK staff and long-term UK staff be written (where a choice is possible)? Will a UK employee's statutory rights (for example relating to unfair dismissal) be protected by the laws of the host country?
- ✓ Have guidelines been developed on issues such as sick leave, compassionate leave and maternity/paternity leave?

3.1 Summary of staffing models – This is a high level summary and is not intended to be exhaustive.

Type	Model	Description	Uses	Advantages	Disadvantages
Home campus staff sent overseas	Non-academic temporary assignment	Non-academic UK-employed staff are sent abroad and remunerated as normal, with appropriate provision for accommodation, travel etc. This describes a typical “business trip”.	Non-academic staff, for example engaging in student recruitment, overseeing the implementation of franchise agreements or similar.	Requires limited interaction with foreign regulatory or tax regimes. Fits in with existing processes.	Practice may be inconsistent across departments. Visas may be required Expense of sending staff for frequent, short trips.
	Flying faculty	This term is used to describe academic staff sent to teach or manage courses abroad. Staff are usually employees of the UK HEI (as above). They are sent to a specific location either for the duration of a course or for specific module.	Can be used in overseas campuses, franchised courses, or other local delivery partnerships. Flying faculties are common.	Requires limited interaction with foreign regulatory or tax regimes. Can fit in with existing processes.	Staff can be reluctant to go abroad for longer periods of time. Staff can have less time to undertake research or teaching in the UK.
	Foreign Payroll	A member of staff is employed in the host country, according to that country’s laws, taxes and employment regulations, but the UK HEI is the employer, under an employment contract modified to suit that country’s requirements.	HEIs may do this where an “institutional contact” is required abroad, for example when researching or exploring a new market. Some HEIs use staff employed via this model to staff teaching posts in joint ventures. The staff member can be locally or internationally recruited	The staff member is subject to your performance review processes and you have direct control over them. It avoids the difficulty and expense of inducing or encouraging UK staff to go abroad. If staff are locally recruited they may have specialist local knowledge.	This model may not be practical or legal in some countries due to local labour or tax law. Not practical for short-term roles. This model will require good familiarity with the host country’s legal, social security and tax frameworks, and will likely require specialist legal advice. Recruitment may be difficult – where do you advertise? Who conducts the interviews?
Locally / Internationally recruited	Employed via subsidiary or as a secondee (including those employed via the host HEI)	Where local rules make it complex or difficult for the employer to be based outside the host country, a local subsidiary is created which acts as the employer. This subsidiary may be wholly owned by the employer or may be a partnership with a local HEI. Alternatively staff seconded from the partner HEI.	Can be used in any scenario where a foreign worker is required but especially suited to partnership arrangements or overseas campuses. Less well suited to student recruitment or temporary arrangements.	Allows a degree of operational independence for the host country operation. Means that the difficulties of operating “foreign payroll” can be passed on to the subsidiary or partner HEI.	Can require significant spend on premises, people, and professional advice to establish a subsidiary. Secondment agreements need to be clear.
	Engaging an independent consultant, freelancer or agency worker	This may be via a commercial contract for services or via a professional staffing agency.	Often used as a first contact when exploring possible opportunities- the “expert on the ground”.	The worker will not be your employee- in many cases they will be the employee of an agency or will be self-employed. This provides flexibility, a commercial relationship, and leaves compliance with local laws up to them or their agency.	This can be expensive. It can be difficult to identify a good local agency. Performance management is more difficult.

3.2 Recruitment and contractual issues

If you are sending your existing staff overseas you will need to consider how to do this, what allowance payments you will offer, whether you will offer an enhanced salary or adjustment to workload. If the latter, you should consider the impact this will have on academic teaching or research time at the home institution. HEIs spoken to in the development of this toolkit employed a mixed approach to these issues.

For international recruits, a key consideration will be the nature of the recruitment process used. Many HEIs rely on Skype or similar virtual interview tools.

You will also need to consider work permit or visa issues in the host country for international staff. Consult the relevant government department in the host country for information, or a specialist, for further information. The [North Western Universities Purchasing Consortium](#) has developed a “Global Mobility Support Services Framework” which allows members to procure global mobility support services.

Local recruitment will need the support of a local partner HEI or a specialist.

Further guidance

[CIPD: Employees working abroad](#)

Provides template contractual clauses and policies for UK workers posted abroad. You must be a CIPD (HR-Inform) member to access this guidance.

Recruitment and contractual issues checklist

- ✓ Who will develop the contracts for those nationals and international academic staff employed to work offshore? Who will employ them? Will they all be employees or is it better for some to move to consultancy status?
- ✓ Are you aware of the immigration and work permit situation for all nationalities of staff in the overseas operation?
- ✓ What reporting obligations are there in the country concerned regarding the recruitment and employment of UK, national and international staff? Have you got a competent partner who can advise on the requirements of all the national bureaucracies?
- ✓ If you need to recruit staff locally, what recruitment and selection methods will you use?
- ✓ How will you communicate and engage with staff in the overseas operation to ensure good employee relations are established and maintained?
- ✓ What provision will you make for the training and development of UK staff who are working overseas temporarily?

Case study: Institution C

Background

Institution C is a large post-92 urban university with 25,000 students. The university has a well-established and extensive TNE programme. The university operates in partnership with institutions in several countries including China and Singapore.

Many of these partnerships require teaching staff to go abroad for short periods as flying faculty to deliver specific lectures or modules of courses abroad. Staff members are rarely abroad for longer than one month at a time. Ad hoc arrangements also exist with a handful of staff. The institution has developed internal guidance for staff working abroad.

Incentivising staff to work overseas

One of the key issues faced by institution C is encouraging staff members to go abroad, for example to deliver particular modules or courses. Staff can often be unwilling to stay away from their homes and families for even short periods of time and working abroad can be seen as unattractive.

This has led to the institution adopting a variety of approaches to encourage lecturers to go abroad. For some destinations, the institution will pay a premium of £3-5,000 depending on the length of time spent by a staff member overseas and the level or amount of activity that has to be completed.

Over the last few years institution C has found that staff expectations have changed in this area. Rather than a financial incentive being expected for staff that go outside of the UK, many now see it as part of their role. Accordingly, staff members expect workload adjustments instead of bonus payments. These adjustments can be problematic as staff can be reluctant to reduce their research workload to teach abroad, which can create wider staffing issues.

The institution applies no consistent approach with regard to incentivising staff to work abroad. Some receive an enhanced payment, others request workload adjustments. Practice can vary between different schools. Institution C continues to have an issue attracting staff overseas and is considering how to rationalise its approach to rewarding staff to improve this situation.

Learning points

- Consider a unified approach to encouraging staff to work overseas
- Consider how non-financial approaches might impact on the work of the institution (such as workload adjustments and their effect on teaching), and on the work of individuals (who may be reluctant to give up research work for fear the impact this may have on their career prospects or REF status).

Section 4 - Reward and benefits

Institutions vary in the way they reward staff for working abroad, either for long or short periods, and in the terms they offer to locally or internationally-recruited staff. In drawing up an institutional policy on international reward, the resources below may be helpful. The checklists which follow provide a summary of the key considerations. Consultation with finance teams is essential when drawing up a reward strategy. If you are using a flying faculty model, you may wish to consult UCEA's [research note for guidance](#) on flying faculty payments, which is based on a mini survey of HEIs undertaken in 2016.

4.1 Employing or sending UK staff overseas

For UK staff, HMRC considers that individuals are resident in the UK if they are in the UK for more than 183 days in a tax year, which runs from 6 April in one year to 5 April in the following year.

You should consider carefully how you will remunerate staff sent overseas. Some HEIs will pay an allowance or similar for this work. Others adjust an individual's expected workload instead (see [Case Study C](#) on page 23). For those who are paid an extra amount, this could include a separate cost of living allowance to reimburse staff for additional costs they may incur living or working overseas. This would apply particularly if the cost of living in the host country was higher than at the home institution. In order to do this, you may need to assess or calculate the cost of living at the host institution. Resources to help you do this are provided below.

It is also important to consider what will happen to pension payments whilst the staff member is abroad and to consider any possible tax implications of making pension payments. A specialist adviser can help with this.

It is likely that some staff will take on additional duties when working overseas and may expect to be remunerated accordingly. Ensure that this is communicated clearly at the outset and any enhanced payments are agreed. It is also important to be clear about what will happen when or if such duties cease, for example when the staff member returns to the UK or if additional staff are recruited.

Your expenses policy may need to change for staff on extended trips – for example will you be asking for individual receipts or setting a maximum allowable amount? For accommodation, consider negotiating preferential rates for longer stays, or serviced apartments. You may need to provide or make adjustments depending on the host country context and any local hazards such as poor water quality. In terms of allowances for travel, you may wish to set an allowable budget. This avoids challenges or lengthy negotiations from staff on class of travel.

Further guidance

[HMRC: Living or working abroad or offshore](#)

HMRC provide basic advice on the tax obligations of UK posted workers.

[UCEA Research Note: Flying Faculty Payments](#)

UCEA ran a mini survey in July and August 2016 to try to capture a snapshot of the different approaches to compensating staff for 'flying faculty' activity.

Employing UK staff overseas checklist

- ✓ Is there a policy on salary uplifts, incentives or allowances for UK staff working overseas for short-term and long-term stays?
- ✓ Has a policy on tax liabilities been agreed for those UK staff working overseas for more than 183 days, which takes the liability for local tax into account?
- ✓ Have guidelines been developed on the following salary-related issues:
 - Status with regard to UK pension schemes
 - Liability to UK national insurance (or equivalent deductions in the country concerned)
 - The basis for awarding annual increments?
- ✓ Will you consider paying for the following?
 - Travel to/from the host country for the staff member and family.
 - Travel home on leave for staff member and family (if so will you limit the number of children at all).
 - School fees for children.
 - Provision of accommodation or accommodation allowance
 - Settling-in allowance.
 - Relocation and baggage allowances.
 - Pre-departure health screening or counselling.
 - Medical and accident insurance.
 - Provision of a car or transport allowance and post **Brexit** EU licensing requirements, where applicable.
 - Local holiday allowances.
 - Access to professional staff development opportunities while offshore.
 - Employment assistance for a partner in the country.
 - Support with renting the staff member's accommodation in the UK to third parties.
- ✓ How will you ensure that tax liabilities are correctly met?
- ✓ Have you sought guidance on how you will make pension contributions?
- ✓ Have you accounted for the inflation rate of the host country?
- ✓ Is there a policy on exchange rate fluctuation?

4.2 Employing local or other international staff

A key consideration when recruiting internationally will be to decide how such staff should be rewarded. There are numerous approaches to doing this, including:

- Paying staff on terms agreed by the offshore entity, which are related to local salaries and benefits.
- Paying staff the same salary as those on the home campus but with a bonus or uplift.
- Paying staff according to terms and conditions decided by the home campus, modified to take local conditions into account.

If recruiting overseas, a '13th month' payment is common in some countries. This is where either an employee receives one double salary payment per year (occasionally performance-related but often contractual) as an annual bonus or the annual salary is divided into 13 and a double salary payment is made once a year.

For internationally recruited staff, decisions will need to be made as to which currency to pay staff in. If paid a UK equivalent salary in pounds sterling, international exchange rate fluctuations will affect the take-home pay of staff. You will also need to consider

how to meet tax obligations. There are two main approaches to addressing this issue:

- **Tax equalisation** (where the employee's pay is kept in line with the level they would receive at home. So if the taxes are lower in the host country, pay is reduced accordingly and if the taxes are higher the pay is increased to reflect this).
- **Tax protection** (where the employer makes up the difference if expatriates have to pay more tax abroad, but if the employee pays less s/he keeps the difference. A less common approach than equalisation).

You should also consider whether and how you intend to contribute to a pension fund for local or international staff in the host country. Each country will have its own laws and tax implications for doing so. Specialist advice can be sought on this topic, and the resources provided below will also provide country-specific details. You will also need to consider which pension scheme you wish to enrol such staff onto.

Further guidance

BUFDG: Doing Business Overseas

The British Universities Finance Directors Group provides a useful guide to resources on doing business abroad, especially around tax. BUFDG membership is required to view this guide.

The **Association of Commonwealth Universities** publishes useful information from time to time on international academic salaries.

Firms such as ECA provide **international employment data**

Employing local or other international staff checklist

- ✓ Will local pay and conditions in the host country be the key determinant for setting salaries and terms of appointment?
- ✓ Will any bonuses or "13th month" payments be made?
- ✓ Is there a "13th month" salary payment or similar bonus expected in the host country?
- ✓ For internationally recruited staff, how will you determine their pay and conditions?
- ✓ Are you able to access the data you need on the host country's labour market position, cost of living and market rates for jobs in order to set local pay and conditions?
- ✓ Do you have access to the data about local pension scheme arrangements, social security payments and levels of annual leave?
- ✓ Do you know how you intend to make pension contributions and what tax liability (if any) there is for doing so?
- ✓ Does your staffing policy allow for the fact that locally recruited staff will not have access to expatriate benefits (e.g. housing or living allowances, flights home, relocation expenses etc.)?

Section 5 - Expatriation

The next key stage in the process is the actual expatriation of either staff or an element of the institution's academic operation. A range of factors will need to be considered and managed. For ease of reference, the checklists are grouped under three themes; 'departmental/faculty issues', 'contractual issues' and 'other legal considerations':

5.1 Departmental issues

If you are sending UK-based staff abroad, it is important to consider how this will affect their workload at the home institution. Instead of offering pay enhancement for overseas work, some HEIs instead offer workload adjustments. This requires careful planning and full consideration of how this will affect the department. In addition, you will also need to consider how staff will be managed and monitored when abroad, especially for extended periods of time, and the level of contact with the home institution.

Further guidance

The UCU [overseas working guide](#) offers guidance for academic staff about some of the practical and career-related issues associated with working abroad.

Departmental issues checklist

- ✓ What will the precise period of offshore employment be?
- ✓ Will you be providing cultural awareness, health and safety or other specialised training prior to sending staff overseas?
- ✓ How would this be altered or brought to an end at the request either of the staff member or the university?
- ✓ What will the staff member's duties be?
- ✓ What are the normal hours of work in the host country?
- ✓ Who will the staff member report to and be line managed by?
- ✓ How will the annual appraisal process be carried out?
- ✓ Do you have a plan for the level and depth of regular contact?
- ✓ What effect will the absence have on the individual's career?
- ✓ How will any research work or interests be handled?
- ✓ How will normal UK teaching duties be covered during the period?
- ✓ What time will be available to employees to prepare and pack pre-departure?
- ✓ What time will be allocated to employees to attend any country induction or language training programmes?
- ✓ What impact will the period overseas have on the staff member's status and role on return to the UK? Does the staff member fully understand this?

5.2 Contractual issues

Where an employee works outside of the UK for more than a month, a UK university is under a statutory obligation to include in an employee's contract of employment the following minimum terms (see below). The written statement containing the particulars of the employment change should be provided to the employee at the earliest opportunity and in any event no later than:

- One month after the change was made to the terms; or
- The date on which the employee departs overseas.

Minimum contractual terms:

- The period for which the employee is to work outside the UK.
- The currency in which the employee's remuneration is to be paid while the employee is working outside the UK.
- Any additional remuneration and benefits to be provided to or in respect of the employee as a result of the overseas assignment.
- Any terms and conditions relating to the employee's return to the UK.

There are a number of additional contractual considerations specific to employees going to work overseas for their employer, detailed below.

Further guidance

Template contractual clauses are available via the CIPD (HR-Inform) on their [Employees working abroad](#) page. Draft policies for UK workers posted abroad are also available. You must be a CIPD member to access these.

HMRC provide further guidance on [Employees working abroad](#). This outlines the major tax considerations to be considered. See also [Sections 2](#) and [4](#) of this toolkit.

Contractual issues checklist

- ✓ What period of time will the employee be required to work abroad (and is it temporary or permanent)?
- ✓ How will the employee be paid and in what currency? The employee may need to open a bank account in the host country.
- ✓ How and when will the posting end? Is there a minimum period which will need to be worked? What if a conflict arises in the host country or there is political instability?
- ✓ What is the job role and description?
- ✓ Supervision: it is important that the employee is adequately supervised and has a 'base' contact and that it is clear who will deal with any disciplinary or grievance issues.
- ✓ What will happen at the end of the period overseas? Will the employee return to their 'old' job? What will be the terms and conditions under which the employee will work on return?
- ✓ What about promotions and pay uplifts? How will these be implemented?
- ✓ What will happen if the employee becomes sick or pregnant, for example, during the period abroad? Will the employee be entitled to return home if sickness becomes long term, for example?
- ✓ Will employment be continuous while the employee is abroad?
- ✓ What travel costs and expenses will be paid? (See section 4 for the 'reward and benefits' checklist).

5.4 Employing local or other international staff

Many HEIs are combining their own 'flying faculty' or directly employed home staff with locally, or internationally, employed staff in the host country. Further information is available below. The checklist provides an overview of the key issues that should be considered.

Further guidance

The [QAA Review of Transnational Education case studies](#) go into detail about how various HEIs have approached regulatory and quality enhancement issues.

Up to date **case studies** are also available from [HE Global \(2016\): The Scale and Scope of UK Higher Education Transnational Education](#). This document provides a detailed overview of how UK HEIs deliver TNE education.

See also [Section 2](#) of this toolkit.

Employing local or other international staff checklist

- ✓ Who is responsible for setting the terms and conditions for locally or internationally recruited staff? Are they determined by the home institution, the local board (which might have 'home' representation) or set locally with approval from the home campus? Are there any minimum English language competency standards that need to be met? Which language will they be expected to work in? Which language will contracts etc. be in?
- ✓ What is the optimum mix between staff from the home campus locally recruited or internationally recruited staff?
- ✓ Are there any reasons why you would need a greater proportion of locally recruited staff? (e.g. in a medical school there is a need for teaching staff to hold nationally recognised qualifications and licenses).
- ✓ Will there be a period of time after which internationally recruited staff become 'localised' in the host country and lose their 'expatriate' status?
- ✓ Have you considered how you will recruit the local or international staff (e.g. local recruitment methods - working with local search agencies, job centres and placing adverts in the relevant media)
- ✓ Have you considered how you will select the local or international staff (e.g. interviews are commonly used across the world, but the approach to them differs, it is important to consider how local cultural issues will affect your selection methods - this also applies to assessment centres or psychometric testing)?
- ✓ If you are recruiting an international member of staff to work in the host country, you will need to familiarise yourself with the visa and work permit requirements for that country, and ensure you are compliant with those. These will need to be checked with the relevant authorities.

5.5 Other legal considerations

HEIs might consider obtaining further specialist or legal advice on issues such as:

- Intellectual property rights.
- Patents and copyright.
- Human rights and equality / diversity policies.
- Local civil code restrictions (e.g. on the use of alcohol).
- The applicability of existing grievance and disciplinary procedures (and appeals).
- Data protection policy, freedom of information and confidentiality.
- Health, safety and wellbeing obligations (see [page 16](#)).

Further guidance

The [North Western Universities Purchasing Consortium](#) has developed a Global Mobility Support Services Framework – this provides lists of suppliers for mobility services including legal, tax, payroll, relocation and domiciliation services. To access the framework, institutions must be members of the Consortium.

Guidance on undertaking health and safety risk assessments for overseas working is contained in [Guidance on Health and Safety in Fieldwork \(including offsite visits and travel in the UK and overseas\)](#).

Case study: Institution D

Background

Institution D is post-92 University with around 13,000 students. It has developed TNE partnerships with a number of overseas countries.

Institution D relies on a variety of staffing models to deliver its TNE activity successfully; most of which is delivered via a flying faculty model. Practice varies between the different schools of the university, particularly in relation to how staff working on short-term assignments overseas are compensated. For example, some staff complete the work on the basis that overseas travel is a normal part of their role and within their workload. Other staff are paid additionally for completing this work, on the basis that this is considered additional to their normal workload.

Review

The institution is currently reviewing its different models in the hope of developing and implementing a consistent university wide model for overseas activities. A discussion paper has been developed and a proposal is currently with the university's leadership team for a decision. Once a decision has been made this will be subject to consultation with the trade unions and implemented. No final decisions have been made to date, however, the overall aim is to try and resource future TNE activity within workload, spreading this between more core staff, change the expectations in relation to overseas activity (i.e. it is an essential part of an academic remit) and invest the money currently spent on paying salaried staff additionally into recruiting more core staff members for the benefit of the whole university (staff and students).

A travel and expenses policy was developed and published in February 2016, which outlines the expenses staff are entitled to when travelling overseas which has introduced a consistent approach to these practices. This will be reviewed regularly.

Learning points

- This particular case study highlights the need to ensure that you consult with trade unions where necessary, and you factor this in to your plans.
- The case study also highlights the benefit of ensuring a consistent approach early on rather than amending policies at a later date, which can be a lengthy process.

Section 6 - Evaluation and review (including repatriation and withdrawal)

Any overseas project will require periodic evaluation or review. Many overseas assignments will have a set end date. In either scenario, you will need to consider how to manage the repatriation of a member of staff back to the UK.

6.1 Review

Institutions will need to consider their own definition of success when evaluating the performance of an overseas partnership. Many HEIs will be happy to make a loss in the first few years of an overseas partnership because of the prestige and international collaborations opportunities it brings. In addition, you may choose to change your staffing model over the years as partnerships become more established, with the host institution overseas taking on a greater responsibility in this regard.

If you do decide to withdraw, there are limited resources available to guide this process, but a checklist is presented below, compiled from a model process contained in **International human resource management** by Peter J Dowling, Denise E Welch & Randall S Schuler (Southwestern College Publishing, 1999), pages 204 – 223.

Review checklist

- ✓ If the operation is ending, are there any local regulations relating to employee consultation you need to abide by?
- ✓ In this scenario, do you need advice on local redundancy or TUPE regulations?
- ✓ Are there minimum timescales for notice periods?
- ✓ Not all international assignments end in a return to the home country, some might be re-assigned to other countries; is there a process for managing this scenario?
- ✓ Is there an exit strategy from the partnership commitment and an evacuation plan for staff members and their families in the event of civil unrest or a natural disaster?

6.2 Repatriation

There are few resources available specifically in the HE sphere on repatriation of posted workers. However, the success of an overseas assignment demands a good repatriation strategy. Members of staff posted overseas will likely have gained additional skills and knowledge valuable to you as an employer and you will want to ensure these are not lost. In addition, staff members may be concerned about fitting back in to working patterns, or may not be aware of staff or other significant organisational changes.

You will need to allow a particular period of time prior to repatriation to begin discussion of options with a staff member returning from a long overseas posting. Six months before return to the UK is a typical time period for discussion and planning for return. The personal and financial impact on the individual staff member will also be significant. The timing of a move will need negotiation – if there are dependent children then timing to reflect school terms may be sensible. The staff member may also need time to prepare.

Further Guidance

Successful Repatriation: The key to talent retention

An article about the value of effective reintegration.

Repatriation checklist

- ✓ If you are repatriating a member of staff at the end of an overseas assignment, have you considered a process or policy for this?
- ✓ Have you factored in time and support for staff to prepare to return to the UK (e.g. completing work, settling bills, closing bank accounts, preparing family)?
- ✓ What arrangements are in place for relocation of the staff member and their family?
- ✓ Are any transitory arrangements necessary (e.g. temporary accommodation on return to the UK, making arrangements for housing and schooling or carrying out other administrative tasks)?
- ✓ Have you planned for a rapid or emergency repatriation in the case that there is civil unrest or a natural disaster in the host country?
- ✓ Have you allowed for a short period of readjustment and re-introduction into the UK and institutional life?

Appendix: Country Profiles

China

Legal system: Civil law influenced by Soviet and continental European civil law systems

Travel and risk advice:

- [Foreign and Commonwealth Office guide to overseas business risk: China](#)
- [Foreign and Commonwealth Office travel advice for China](#)

Tax:

- [KPMG Local Tax Profile](#)
- [ICAEW resources on China](#)

Legal and business risk:

- [Eversheds employment law and pensions - country by country tool](#)

Cultural fit:

- [Hofstede tool cultural profile](#)
- [HR Zone profile](#)

Case studies:

- [QAA review of transnational education in mainland China](#)
- HE Global case study: Bangor College China in HE Global (2016): The Scale and Scope of UK Higher Education Transnational Education (p14)

Germany

Legal system: Civil law

Travel and risk advice:

- [Foreign and Commonwealth Office guide to overseas business risk: Germany](#)
- [Foreign and Commonwealth Office travel advice for Germany](#)

Tax:

- [KPMG Local Profile](#)
- [ICAEW resources on Germany](#)

Legal and business risk:

- [International Employment Law Guide \(deloitte.com\)](#)
- [PwC guide to doing business in Germany](#)
- [Eversheds employment law and pensions - country by country tool](#)

Cultural fit:

- [Hofstede tool cultural profile](#)
- [Jobs.ac.uk country profile \(business etiquette\)](#)

Hong Kong

Legal system: Mixed legal system of common law based on the English model and Chinese customary law (in matters of family and land tenure)

Travel and risk advice:

- [Foreign and Commonwealth Office guide to overseas business risk: Hong Kong](#)
- [Foreign and Commonwealth Office travel advice for Hong Kong](#)

Tax:

- [KPMG Local Tax Profile](#)
- [ICAEW resources on Hong Kong](#)

Legal and business risk:

- [PwC guide to doing business in Hong Kong](#)
- [Eversheds employment law and pensions - country by country tool](#)

Cultural fit:

- [Hofstede tool cultural profile](#)
- [Commisceo Global culture guide to Hong Kong](#)
- [eDiplomat Guide to Hong Kong](#)

Case studies:

- [QAA Country Report: Hong Kong](#)

India

Legal system: Common law

Travel and risk advice:

- [Foreign and Commonwealth Office guide to overseas business risk: India](#)
- [Foreign and Commonwealth Office travel advice for India](#)

Tax:

- [KPMG Local Tax Profile](#)
- [ICAEW resources on India](#)

Legal and business risk:

- [PwC guide to doing business in India](#)
- [Eversheds employment law and pensions - country by country tool](#)

Cultural fit:

- [Hofstede tool cultural profile](#)
- [Commisceo Global culture guide to India](#)
- [eDiplomat Guide to India](#)

Case studies:

- [QAA audit of overseas provision in India](#)

Malaysia

Legal system: Mixed legal system of English common law, Islamic law, and customary law

Travel and risk advice:

- [Foreign and Commonwealth Office guide to overseas business risk: Malaysia](#)
- [Foreign and Commonwealth Office travel advice for Malaysia](#)

Tax:

- [KPMG Local Tax Profile](#)
- [ICAEW resources on Malaysia](#)

Legal and business risk:

- [PwC guide to doing business in Malaysia](#)
- [Eversheds employment law and pensions - country by country tool](#)

Cultural fit:

- [Hofstede tool cultural profile](#)
- [Commisceo Global culture guide to Malaysia](#)
- [eDiplomat Guide to Malaysia](#)

Case studies:

- [QAA review of overseas provision in Malaysia](#)
- [QAA case studies of institutional collaboration: Malaysia](#)

Singapore

Legal system: English-style common law

Travel and risk advice:

- [Foreign and Commonwealth Office guide to overseas business risk: Singapore](#)
- [Foreign and Commonwealth Office travel advice for Singapore](#)

Tax:

- [KPMG Local Tax Profile](#)
- [ICAEW resources on Singapore](#)

Legal and business risk:

- [PwC guide to doing business in Singapore](#)
- [Eversheds employment law and pensions - country by country tool](#)

Cultural fit:

- [Hofstede tool cultural profile](#)
- [Commisceo Global culture guide to Singapore](#)
- [eDiplomat Guide to Singapore](#)

Case studies:

- [QAA review of overseas provision in Singapore](#)
- [HE Global Case study: Goldsmiths, London and LASALLE, Singapore, \(2016\)](#)
- [The Scale and Scope of UK Higher Education Transnational Education \(p42\)](#)

United Arab Emirates (UAE)

Legal system: Mixed legal system of Islamic law and civil law

Travel and risk advice:

- [Foreign and Commonwealth Office guide to overseas business risk: U.A.E](#)
- [Foreign and Commonwealth Office travel advice for U.A.E](#)

Tax:

- [PwC Tax Profile](#)
- [ICAEW resources on U.A.E](#)

Legal and business risk:

- [PwC guide to doing business in the U.A.E](#)
- [Eversheds employment law and pensions - country by country tool](#)

Cultural fit:

- [Hofstede tool cultural profile](#)
- [Jobs.ac.uk country profile](#)

Case studies:

- [QAA review of transnational education in the United Arab Emirates](#)

References and resources

The resources listed below were used in the drafting of this guide. Where available, a year of publication is provided. Some resources may require a login/membership.

[Association of Commonwealth Universities \(ACU\), Annual Online Benchmarking Survey](#)

[BUFDG \(2015\) Doing Business Overseas](#)

[Advance HE \(2011\) Factsheet on the Equality Act abroad](#)

[Eversheds: Employment and pensions law by country](#)

[Foreign & Commonwealth Office \(FCO\): Advice for business operating in high-risk environments](#)

[FCO: Travel advice by country](#)

[FCO: Guides to overseas business risk](#)

[HE Global \(2016\): The Scale and Scope of UK Higher Education Transnational Education](#)

[Government guidance on Brexit](#)

[HMRC: Employees working abroad.](#)

[HMRC: Living or working abroad or offshore](#)

[Hofstede Foundation: Hofstede online tool to compare cultures](#)

[ICAEW: Tax by country](#)

[INTERCOLLAB: Strategic implications of international collaborations in HE](#)

[ECA: International employment data](#)

[North Western Universities Purchasing Consortium: Global Mobility Framework](#)

[Numbeo: Cost of Living Calculator](#)

[QAA Review of Transnational Education](#)

[Quality Assurance Agency \(QAA\) Empirical Research Database](#)

[Scholars at Risk Network](#)

[Travel Health Pro](#)

[Transparency International: Corruption by country](#)

[Universities UK International \(2013\): A guide to UK higher education and partnerships for overseas universities](#)

[Universities UK International: International Facts and Figures : International Facts and Figures](#)

[Universities and Colleges Employers Association \(UCEA\) and the Universities Safety and Health Association \(USHA\), \(2011\), Guidance on health and safety in Fieldwork \(including offsite visits and travel in UK and overseas\)](#)

[University and College Union \(UCU\), \(2011\) Overseas Working Guide](#)

[Worker-participation.eu online comparison tool](#)

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