Right to Work Policy

Applies to	All employees, prospective employees, workers and prospective workers
Policy owner	HR Manager
Version	1.0
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We have a legal obligation to check that everyone who works for us has the right to work in the UK before they begin work. Failure to carry out these checks correctly can result in substantial civil penalties. We take this responsibility seriously.

We carry out right to work checks on all prospective employees and workers regardless of nationality. This is not about singling anyone out - it is a legal requirement that applies equally to everyone.

The law on right to work is complex and changes frequently. This policy is a practical guide - it does not cover every possible immigration scenario and is not a substitute for legal advice where specific situations require it. If you have questions about your own right to work status, please contact the HR Manager.

This policy does not form part of your contract of employment. We reserve the right to amend it.

1. The three-step check process

All right to work checks we carry out follow the same three-step process required by Home Office guidance:

Obtain – Check – Copy

1. **Obtain:** We request either original documents (as required by Home Office guidance) or the information needed to carry out an online check.
2. **Check:** We verify that the documents or online record are genuine, relate to you personally, and confirm your right to work in the role being offered.
3. **Copy:** We copy and securely retain any documents checked manually, or save the profile page from any online check, and record the date of any required follow-up check.

All checks must be completed before employment begins. A check carried out after the start of employment does not provide the statutory defence against civil penalties.

2. Types of right to work check

Manual check

We will conduct a manual check for British and Irish nationals and for non-British/Irish nationals who hold physical immigration documents not available digitally. We will need to see original documents - copies are not acceptable for manual checks. We will arrange a face-to-face or live video meeting to verify your identity against the documents.

The Home Office publishes a List A (permanent right to work) and List B (temporary right to work) of acceptable documents. A link to the current list is at www.gov.uk/government/publications/right-to-work-checklist../Right to Work/www.gov.uk/government/publications/right-to-work-checklist.

Digital check (non-British/Irish nationals with digital status)

An increasing number of right to work checks must be carried out digitally. This applies to anyone whose right to work is held digitally, including:

- Biometric Residence Permit or Card holders - physical cards cannot be accepted, the online check is mandatory
- holders of EU Settled or Pre-Settled Status
- holders of a British National Overseas Visa
- Frontier Worker Permit holders
- eVisa holders
- anyone with status issued under the points-based immigration system

For a digital check, you will need to log on to the Home Office website and generate a share code. Share codes for right to work checks begin with the letter 'W' - codes starting with 'S' or 'R' are not valid for this purpose. You must provide your share code and date of birth to us. We will use this to access your immigration information via the Home Office employer portal and will arrange a face-to-face or live video meeting to verify your identity.

3. If your right to work cannot be confirmed

Where we cannot confirm your immigration status through documents or an online check, we will contact the Home Office Employer Checking Service. This applies in situations including where you have an outstanding appeal or application with the Home Office, or where you arrived in the UK before 1989 without documents showing your immigration status.

If the Employer Checking Service issues a Positive Verification Notice, we will retain it. These notices are typically valid for six months, after which we will re-check.

4. Temporary right to work

Where our check shows that your right to work in the UK is temporary, we will carry out a follow-up check before your entitlement expires. You must cooperate with all reasonable requests in connection with this.

Please make sure you tell us as soon as you are aware of any change to your right to work status - including if an application for leave to remain has been submitted or refused, or if a visa is approaching expiry.

5. If your right to work ends

If you become aware for any reason that you no longer have the right to work in the UK, you must tell us immediately. We have a legal obligation not to employ someone without the right to work. Continued employment in these circumstances would be unlawful and would result in the termination of your employment.

6. The points-based immigration system

EEA nationals who arrived in the UK after 31 December 2020, and all other workers from outside the UK and Republic of Ireland, must meet specific criteria to work here under the UK's points-based immigration system.

Under this system, eligible employers can issue a Certificate of Sponsorship to a prospective worker who meets the required criteria - including skill level, salary threshold and English language requirements. The certificate allows the worker to apply for a visa. To issue certificates of sponsorship, an employer must hold a sponsor licence from the Home Office.

We hold a sponsor licence.

If we issue you with a Certificate of Sponsorship, you must use it to apply for your visa within three months. You must provide us with evidence that you have made the application, along with your share code and date of birth so that we can verify your right to work.

7. Storing right to work documents

All documents provided as part of our right to work process are stored securely for the duration of your employment and for two years afterwards, in line with Home Office guidance. Please refer to our Data Protection Policy and Employee Privacy Notice for further information on how we handle your personal data.

8. Questions and administration

Any questions about right to work checks or your own status should be directed to the HR Manager in the first instance. For complex immigration matters, we may recommend that you seek independent legal advice.

The HR Manager is responsible for administering this policy. Please contact suebailey@ansteyhorne.co.uk with any feedback.

Related policies: Data Protection Policy - Employee Privacy Notice – Equality, Diversity and Inclusion Policy

Home Office right to work checklist: www.gov.uk/government/publications/right-to-work-checklist

This policy does not form part of any contract of employment.