

Company Name:	Twenty-Four Seven Recruitment Services Ltd				
Policy Name:	Right to Work in the UK Policy (Preventing Illegal Working)				
Review Date:	V1 28/02/22	V2 05/04/22			
Authorised by:	Amanda Lillis - HR Director				

Policy Statement

The Company has a legal duty to ensure its employment practices prevent illegal working and only employs jobseekers who are eligible to work in the UK and have permission to undertake the work on offer. This is controlled by the Immigration, Asylum and Nationality Act 2006 ("the Act") and subsequent secondary legislation. It is an offence to employ/engage a person who is not entitled to work in the UK.

A Right to Work check gives the Company an excuse against payment of a civil penalty or a defence against conviction if it is later found to have employed an illegal migrant worker. Under the Act, employers are liable to payment of a civil financial penalty if they employ a person aged 16 or over who is subject to immigration control and who has no permission to work in the United Kingdom, or who is in breach of their conditions of stay in the United Kingdom. If it is proved that an employer has knowingly employed an illegal migrant worker there is the possibility of prosecution, an unlimited fine and a maximum five-year prison sentence.

Scope

This policy and procedure applies to all jobseekers, current staff/workers and new employees joining the Company under TUPE Regulations, in any capacity, or supplied to a client, or supplied by a Recruitment Intermediary sub-contracted Labour Provider.

The Company does not hold a Sponsorship License and employees responsible for recruitment are not permitted to recruit a job seeker who does not reside in the UK.

Responsibilities

- The onus remains on the potential employee/worker to demonstrate that they are permitted to do the job the Company is offering and are eligible to work in the UK.
- It is the responsibility of all employees who register and recruit job seekers to ensure that a right to work check is carried out **prior** to employing a person and that the identification and right to work documents provided by the job seeker are valid, correct in their appearance, and a true likeness of the holder.

Policy and Procedure

- All jobseekers must provide their original eligibility to work documents when applying for employment/work finding services with the Company, and the jobseeker must have their eligibility to work documents checked before they can start work.
- Staff are not permitted to register a jobseeker if the jobseeker cannot provide right to work documents.
- It will not be possible to conduct an online RTW check in all circumstances, as not all individuals will have an immigration status that can be checked online. In circumstances in which an online check is not

possible, then a manual (in-person) check must be conducted.

- The Company cannot mandate how an individual proves their right to work i.e., we cannot state we will only use the online service, rather, we must recognise that the verification route will vary depending on individual circumstance.
- A jobseeker should have a relevant permit clearly detailing the type of work they can undertake, or, Pre-Settled or Settled status granted under the EU Settlement Scheme. This can be verified by using the jobseekers share code to carry out a right to work check online.

There are three types of RTW checks:

1. A manual (in person) document-based check.
2. An online check.
3. Temporary COVID-19 adjusted check (end date **30th September 2022**).

Manual Check

There are three steps to conducting a manual (in-person) document-based RTW check. You must complete all three steps **before** registering a jobseeker or recruiting a salaried member of staff, to ensure the RTW is valid.

Step 1	Obtain original documents from either List A or List B of acceptable documents (see list below or on the relevant management system Optimise/FLEC).
Step 2	<p>You must check that the documents are genuine and that the person presenting them is the rightful holder of the documents and is allowed to do the type of work you are offering. You must check that:</p> <ul style="list-style-type: none"> • Photographs and dates of birth are consistent across documents and with the person's appearance to detect impersonation. • Expiry dates for permission to live and work in the UK have not passed. • Any immigration stamps, endorsements or work restrictions that permit the person to conduct the type of work being undertaken with the company. • The documents are genuine, have not been tampered with and belong to the holder. • The reasons for any different names across documents (e.g., original marriage certificate, divorce decree absolute, deed poll). Supporting documents should also be photocopied and retained. • For students who have limited permission to work during term-times, they must also provide details of their academic terms and vacation times covering the duration of their period of study in the UK for which they will be employed.
Step 3	<p>You must make a clear copy of each document, in a format which cannot later be altered (such as PDF) and retain the copy securely either electronically or in hardcopy. You must copy and retain the following:</p> <ul style="list-style-type: none"> • <u>Passports</u>: any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK (visa or entry stamp) and undertake the work in question. • <u>All other documents</u>: the document in full, these include the following documents original marriage certificate, divorce decree absolute and deed poll. <p>You must also make a note of the date on which you conducted the check and must include the following statement on each document for which a copy has been taken (This can be by either using a</p>

<p>stamp or handwritten: “I certify that this is a true likeness. Documents verified by: [name] The date on which this right to work check was made: [insert date]”</p> <p>When conducting a Temporary COVID-19 adjusted check, you must also make a note of the date on which you conducted the check and must include the following statement on each document for which a copy has been taken: “adjusted check undertaken on [insert date] due to COVID-19”.</p>

Online Check

Currently, the online checking service supports checks in respect of those who hold:

- A biometric residence permit (BRP)
- A biometric residence card (BRC)
- Status issued under the EU Settlement Scheme
- Frontier workers permit (FWP)

There are three steps to conducting an online RTW check. You must complete all **three** steps, before registering a worker or recruiting a salaried member of staff, to ensure the RTW is valid.

Step 1:	<p>Use the Home Office online right to work checking service View a job applicant's right to work details - GOV.UK (www.gov.uk) and enter the job seekers share code and date of birth.</p> <p>The individual must provide the share code to you directly, or they may choose to send this to you via the service. If they choose to send it to you via the service, you will receive an email from right.to.work.service@notifications.service.gov.uk</p> <p>To check the person's right to work details, you will need to:</p> <ul style="list-style-type: none"> • access the service View a job applicant's right to work details - GOV.UK (www.gov.uk); • enter the 'share code' provided to you by the individual; and, • enter their date of birth.
Step 2	<p>In the presence of the individual (in person or via video link) you must check that any photograph on the online right to work check is of the individual presenting themselves for work (i.e., the information provided by the check relates to the individual and they are not an imposter).</p> <p>You must only employ the person if the online check confirms they have the right to work and are not subject to a condition preventing them from doing the work in question.</p> <p>Check to see if there is an expiry date, in which case, this is their visa expiry date and therefore to continue working beyond this date an updated Online RTW must be completed, either by using the Home Office Employer Checking Service Employer Checking Service - GOV.UK (www.gov.uk).</p> <p>Please note: your statutory excuse will continue from the expiry date of your worker/employee's permission for a further period of up to 28 days to enable you to obtain a positive verification from the Employer Checking Service.</p>

If the online right to work check does not confirm that the individual has the right to work in the UK and do the work in question, you will not have established a statutory excuse from this check if you proceed to employ them. If you know or have reasonable cause to believe that they do not have the right to work, and employ them anyway, you risk being found guilty of a criminal offence.

If you employ someone on the basis of the online check, but it is reasonably apparent from the photograph that the individual working is not the individual to whom the information provided in the check relates, you may face a civil penalty in the event of illegal working.

The below image is from the online service and shows the individual has a continuous right to work.

GOV.UK View a job applicant's right to work

This is a new service - your feedback will help us to improve it.

Right to work

Erika Mustermann

They can work in the UK.

Details

They can work in any job. There is no limit on how long they can stay in the UK.

If you employ this person

To avoid a penalty, you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

You don't need to do the check again.

Read the [employer's code of practice](#) to find out more about right to work checks.

Details of check		
Company name	Date of check	Reference number
Acme Ltd	8 January 2018	WE 846277C 07

[Print page](#) [Download PDF](#)

[Finish and close service](#)

The below image is from the online service and shows the individual has a time-limited right to work and confirms the date that their permission to enter or stay expires.

GOV.UK View a job applicant's right to work

This is a new service - your feedback will help us to improve it.

Right to work

Erika Mustermann

They have permission to work in the UK from 19 October 2021. They can work in the UK until 19 November 2023.

Details

They can work in any job.

If you employ this person

To avoid a penalty, you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after
- do this check again when their permission to be in the UK expires on 19 November 2023

Read the [employer's code of practice](#) to find out more about right to work checks.

Details of check		
Company name	Date of check	Reference number
Acme Ltd	8 January 2018	WE 846277C 04

[Print page](#) [Download PDF](#)

[Finish and close service](#)

The below image is from the online service and shows the individual has a restricted, time-limited right to work. It confirms the hours they can work and the date that their permission to enter or stay expires.



Step 3

Retain a clear copy of the response provided by the online check. This should be the 'profile' page (as above image) confirming the Job seekers right to work. This is the page that includes the individual's photo and date on which the check was conducted. Save the document and retain on the worker's file on Optimise/FLEC.

Useful Information

- The share code will be valid for 90 days, after which a new code will be required to conduct an online check.
- You must access the service using the employer part of the service [View a job applicant's right to work details - GOV.UK \(www.gov.uk\)](https://www.gov.uk/view-a-job-applicant-s-right-to-work-details) in order to obtain a statutory excuse. It is not sufficient to view the information provided to the employee, or prospective employee/worker, when they view their profile using the migrant part of the Home Office online right to work checking service. The Home Office has an audit record of online checks conducted by employers using the service. A statutory excuse will not be established by viewing the migrant part of the service.
- This guide is a useful tool to help you with RTW checks
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/104542/employers-guide-to-right-to-work-checks.pdf 6 April 2022

Students

Not all international students are entitled to work while they are in the UK. Where a student does have a limited right to work, the working hours that they may undertake will depend on when they applied for permission to come to or stay in the UK, the type of course they are studying and the type of educational provider with whom they are studying.

Certain categories of employment/engagement are however, not permitted including being self-employed or engage in business activities; working as an entertainer or as a professional sportsperson, including a sports coach; or fulfilling a full-time permanent vacancy other than a Student Union Sabbatical Officer.

A international student who is permitted to work will have a clear endorsement in their passport or on their

Biometric Residence Permit which states they are permitted to work and the number of hours of work permitted during the term time.

If you are employing a student, you must adhere to the restricted term-time hours as noted on their visa. You must seek evidence to confirm the student's term and vacation dates as outlined below:

- A printout from the student's education institution's website or other material published by the institution setting out its timetable for the student's course of study; or
- A copy of a letter or email addressed to the student from their education institution confirming term time dates for the student's course; or
- A letter addressed to you as the employer from the education institution confirming term time dates for the student's course.

Changes to Biometric Cards - 6th April 2022

The way in which Biometric Residence Card (BRC), Biometric Residence Permit (BRP) and Frontier Worker Permit (FWP) holders evidence their right to work has changed. From 6 April 2022, BRC, BRP and FWP holder are required to evidence their right to work using the Home Office online service only.

Employers cannot accept physical cards for the purposes of a right to work check even if it shows a later expiry date. BRCs, BRPs and FWPs have been removed from the lists of acceptable documents used to conduct a manual right to work check. Retrospective checks will not be required on biometric card holders who, before 6 April 2022, used their physical card to demonstrate their right to work. Employers will maintain a statutory excuse against a civil penalty if the initial checks were undertaken in line with the guidance that applied at the time the check was made. If an employer chooses to undertake a retrospective check and identifies an existing employee who no longer has a right to work, they are required to take the appropriate action.

Training

To ensure all staff understand the requirements set out in current and applicable national immigration laws and guidance, and, have the knowledge and skills needed to carry out the Right to Work policy and procedure competently, all employees must complete all mandatory training modules as directed by the Company in the timescale required. The training will enable all staff to:

- Understand the legal requirements relating to immigration and the allowable documents which establish jobseekers' eligibility to work in the UK.
- Spot reasonably apparent signs that a document is counterfeited, forged or does not belong to the jobseeker (imposter).
- Understand when and how to escalate potential issues.

Raising Concerns

The Company wants to ensure all those in scope of the policy have a mechanism to report issues related to this policy and procedure and access remedy without detriment. In the first instance, any issues should be reported to your line manager/24-7 representative. If you feel your concern is not satisfied at this stage, you should email the HR department on hr@24-7recruitment.net

Non compliance

In complying with our obligations under immigration rules, special care must be taken to ensure we do not unlawfully discriminate against individuals on racial or ethnic grounds or in respect of any other protected characteristic under equality legislation. This policy should be read in conjunction with our Equality and Diversity

Policy. Any employee/worker who fails to comply with the correct procedures as set out by the company may be subject to disciplinary proceedings. Any employee/worker who is subsequently found not to have the right to work in the UK is liable for summary dismissal.

Review

Review by the HR Director every 3 years with regular checks of legislation changes to ensure policy is up-to date and accurate.

**Appendix 1: Lists of acceptable documents for manual (in-person) right to work checks
(From 6 April 2022)**

LIST A

Acceptable documents to establish a continuous statutory excuse

1. A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
5. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
6. A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer¹.
7. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

LIST B

Group 1 – documents where a time-limited statutory excuse lasts until the expiry date of permission to enter or permission to stay

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question. ¹
2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
3. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 2 – documents where a time-limited statutory excuse lasts for six months

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
5. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Summary of changes to the lists of acceptable documents for manual right to work checks.

Changes in the way Biometric Residence Card, Biometric Residence Permit (BRC/BRPs) and Frontier Worker Permit (FWPs) holders prove their right to work:

Changes to the lists of acceptable documents (Annex A):

- the removal of current documents issued by the Home Office to a family member of an EEA or Swiss citizen, which indicated that the holder had permission to stay in the United Kingdom.
- amendments to List A and B, group 1 to remove Biometric Immigration Documents (Biometric Residence Permit) issued by the Home Office
- amendments to List B, group 1 to remove frontier worker permits issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
- addition to List B, group 2 of a Certificate of Application (CoA) digital or non-digital confirming a valid application to the EUSS on or after 1 July 2021 together with a Positive Verification Notice (PVN) from the Employer Checking Service (ECS).
- amendments to List B, group 2, document no 3 to include an application for leave to enter or remain under Appendix EU to the Isle of Man Immigration Rules and removal of reference to applications submitted on or before 30 June 2021.