

# Right to work in the UK Policy

## Policy overview

This policy sets out the legal requirements for carrying out the required checks on all employees and prospective employees with regards to the right to work in the UK.

In order to verify an individual's right to work in the UK, Hill-Tec Ltd will require to see and keep a copy of original specified documents set out in List A or List B of the Home Office, as evidence of the right to work.

Alternatively, Hill-Tec Ltd will use the Home Office online right to work service to confirm the person's right to do the work in question. This check will be carried out where a person has –

- A biometric residence permit
- A biometric residence card
- Status under the EU settlement scheme
- Status under the points based immigration system
- A British National Overseas (BNO) visa, or
- A frontier worker permit

If an individual does not wish to demonstrate their right to work using the online service, even if their immigration status or documentation is compatible with the service, Hill-Tec Ltd will conduct a manual check using the checklist below.



## Right to work checklist

Name of employee:	
Name of person conducting the check:	
Date of check:	
Type of check:	<input type="checkbox"/> Initial check before employment <input type="checkbox"/> Follow-up check on an employee
Guidance note for managers:  You must process the personal data collected in connection with the right to work checklist in accordance with the Company's data protection policy and any internal privacy notices in force at the relevant time. Inappropriate access or disclosure of personal data will constitute a data breach and should be reported immediately to the Company's Data Protection Officer [Data representative] in accordance with the Company's data protection policy. Reported data breaches will be investigated and may lead to sanctions under the Company's disciplinary procedure.	

STEP 1: ASK FOR ACCEPTABLE DOCUMENTS SHOWING RIGHT TO WORK

You must be provided with one of the documents or combination of documents in either List A or List B as proof that an individual is allowed to work in the UK – see the Immigration, Asylum and Nationality Act 2006 letter for a full list of List A and List B documents. You must only accept original documents.

Specify what List A document(s) were provided (if applicable):

Specify what List B document(s) were provided (if applicable):

STEP 2: CHECK THE VALIDITY OF THE DOCUMENTS

You must satisfy yourself that the documents are genuine and that the person presenting the documents is the prospective employee, the rightful holder and allowed to do the type of work you are offering. Check the documents in the presence of the holder (they must be present in person or via a live video link).

<p>Are photographs consistent both across documents and with the appearance of the person?</p>	<p>YES/NO/NOT APPLICABLE*</p>
<p>Are the dates of birth listed consistent both across documents and with the appearance of the person?</p>	<p>YES/NO/NOT APPLICABLE*</p>
<p>Are expiry dates for time-limited permission to be in the UK in the future i.e. they have not passed?</p>	<p>YES/NO/NOT APPLICABLE*</p>
<p>Do the endorsements (stamps, visas, etc.) show that the person is able to work for you and do the type of work you are offering?</p> <p>For students who have limited permission to work during term times, you must also obtain, copy and retain details of their academic term and vacation dates covering the duration of their period of study in the UK for which they will be employed.</p>	<p>YES/NO/NOT APPLICABLE*</p>
<p>Are you satisfied that the documents are genuine, have not been tampered with and belong to the holder?</p>	<p>YES/NO/NOT APPLICABLE*</p>

<p>Have you asked for further documents to explain why you have been given documents with different names (e.g. marriage certificate, divorce decree, deed poll)?</p> <p>Supporting documents should also be copied and the copy retained.</p>	<p>YES/NO/NOT APPLICABLE*</p>
<p><b>STEP 3: TAKE A COPY OF THE DOCUMENTS</b></p> <p>You must take a clear copy of each of the documents in a format which cannot later be altered, retain the copies securely (electronically or in hard copy). You must also retain a record of the date on which you made the check. This can be by either making a dated declaration on the copy or by holding a separate record, securely, which can be shown to us upon request. This date may be written on the document copy as follows: <i>'the date on which this right to work check was made: [insert date]'</i> or a manual or digital record may be made at the time you conduct and copy the documents which includes this information.</p> <p>If one of the documents is a passport, then you must photocopy or scan: (a) any pages providing the holder's personal details, their nationality, photograph, date of birth, signature, document expiry date, leave expiry date and biometric details; and (b) any pages containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question. All other documents should be copied in full, including both sides of a Biometric Residence Permit.</p> <p>All copies of documents should be kept securely for the duration of the worker's employment and for two years afterwards.</p>	
<p>Is the document or one of the documents a passport?</p>	<p>YES/NO*</p>



<p>Are photocopies of the original documents attached to this checklist and placed on the employee's personnel file?</p>	<p>YES/NO*</p>
<p><b>STEP 4: KNOW THE TYPE OF STATUTORY EXCUSE YOU HAVE</b></p> <p>If you have correctly carried out the above three steps and you have not knowingly employed an illegal worker, you will have an excuse against payment of a civil penalty if the Home Office find the above-named individual working for you illegally.</p> <p>However, you need to be aware of the type of excuse you have as this determines how long it is valid for, and if and when you are required to do a follow-up check.</p> <p>List A contains the range of documents which may be accepted for checking purposes for an individual who has a permanent right to work in the UK. With List A documents, you will establish a continuous statutory excuse for the full duration of the individual's employment with you. You are not required to carry out any repeat right to work checks on this individual.</p> <p>List B contains the range of documents which may be accepted for checking purposes for an individual who has a temporary right to work in the UK. With List B documents, you will establish a time-limited statutory excuse and you will be required to carry out a follow-up right to work check as set out below.</p> <p>If the worker is able to produce a current document in Part 1 of List B, you should carry out a follow-up check when the document evidencing their permission to work expires. Your time-limited statutory excuse will continue for as long as the worker has permission to be in the UK and undertake the work in question, as evidenced by the document(s) they produced for the right to work check.</p> <p>If the worker holds one of the documents in Part 2 of List B, or is unable to present an acceptable document because they have an outstanding application with the Home Office or an appeal in respect of their leave, you must contact the Home Office Employer Checking Service and obtain a Positive Verification Notice which indicates that the person named in it is allowed to stay in the UK and is allowed to do the work in question. Your time-limited statutory excuse will last for six months from the date specified in the Positive Verification Notice. You will then need to carry out a follow-up check upon its expiry.</p>	



Are the documents you have checked and copied from List A or List B?	LIST A/LIST B*
If List B, are the documents you have checked and copied from Part 1 or Part 2?	PART 1/PART 2*
List B, Part 1 only:  Date leave/right to work expires:	
List B, Part 2 only:  Have you obtained a Positive Verification Notice?	YES/NO*
List B, Part 2 only:  Positive Verification Notice expiry date	
Date follow-up check required:	

**The fair way to check**

It is illegal to discriminate on grounds of race, colour, ethnic or national origin, or nationality. No presumptions about a person's RTW in the UK will be made based on a person's background,



appearance or accent. Each applicant will be required to comply with the RTW Policy and provide the necessary documentation.

**Reporting of illegal workers to the relevant authorities**

If Hill-Tec Ltd has any concerns that an employee has been working in the UK illegally then this information will be reported to the Home Office, Border and Immigration Agency and UK Border Agency.

**Director Name**

Duncan MacPherson

