

DRIVER RESOURCE

RECRUITMENT THE DRIVING SPECIALISTS

Eligibility to Work in the UK Policy

This policy sets out our commitment to complying with the UK Immigration, Asylum & Nationality Act 2006, and to ensuring that all individuals we employ have the legal right to work in the UK. Where we engage agency workers, self-employed contractors, or subcontracted personnel, we will take appropriate assurance steps to satisfy ourselves that compliant right to work checks have been carried out by the relevant employer.

This policy applies to all potential and current employees, contractors, and temporary staff, regardless of their nationality.

We have a legal obligation to ensure that our employees have the right to work in the UK. It is an offence to employ a person who is not entitled to work in the UK, and we have a duty to check that all employees are entitled to work here.

If we carry out the prescribed right to work checks correctly, we will establish a statutory excuse against liability for a civil penalty if it is later found that we have employed an illegal worker. A statutory excuse does not prevent criminal liability where an employer knowingly employs an illegal worker, or has reasonable cause to believe that the individual does not have the right to work. If it is proved that an employer has knowingly employed an illegal worker, or has reasonable cause to believe that the individual does not have the right to work, there is the possibility of prosecution, an unlimited fine and a prison sentence of up to five years.

General Principles

All external job applicants will be required to provide evidence of their right to work. Where a manual right to work check is appropriate, the applicant must produce the necessary original documents. In some cases right to work must be checked using the Home Office online service, and for eligible British and Irish citizens we may use an Identity Service Provider to complete a digital right to work check. The onus remains on the potential employee to demonstrate that they are permitted to do the job we are offering and are eligible to work in the UK.

To ensure we do not breach immigration legislation, we will check and record certain specified documents belonging to potential and existing individuals we employ directly before commencement of employment. This includes employees, workers and apprentices whether they carry out work for a short temporary period or have been offered a permanent role in the company. Where we engage agency workers, the agency, as the employer, must carry out the right to work check, and we will obtain written confirmation and carry out proportionate assurance checks as appropriate.

If a successful job applicant is unable to provide evidence of their right to work in the UK, we will withdraw the job offer.

The required documents are set out below in Appendix 1. These lists will be provided to all potential employees and are available for inspection by all employees through by the recruiting manager. These checks **must** be made before a person commences employment with us and for those who have only provided List B documents, before they are due to expire. Right to work requirements and acceptable evidence may change, so we will follow the most up to date Home Office right to work guidance in force at the time of the check, and we will update this policy and appendices as required.

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

Where a manual check is appropriate, original versions of documents will be required. These will be checked carefully to ensure validity, copied, signed and dated and stored securely in the personnel file. Where an online check or Identity Service Provider check is carried out, we will retain the prescribed evidence of the check securely for the duration of employment and for the required retention period after employment ends.

There is a risk of legal action if a document is accepted, and it is reasonably apparent that it is a forgery.

The following should be checked:

- That documents are genuine and have not been tampered with
- That photographs bear a likeness to the individual
- That the date of birth/full names are consistent with application form /other documents that may have been provided
- That limited leave to remain/ restricted visa dates have not expired
- That the visa allows an individual to work (i.e.: is not a visitor's visa)
- That UK government endorsements (i.e.: stamps, visas) show the individual is able to do (or not prohibited from undertaking) the type of work being offered
- That the visa is not a student visa where hours are restricted (if more hours are being offered)

This policy should be read in conjunction with our equal opportunities policy.

Any employee who is subsequently found not to have the right to work in the UK is liable for summary dismissal.

Assurance of Right to Work for Agency, Self-Employed, and Subcontracted Personnel

We require agencies and subcontractors who supply labour to us to confirm in writing that they have carried out compliant right to work checks for the individuals they supply, and that they will carry out any required follow-up checks. Where appropriate, we will carry out proportionate assurance checks, for example requesting confirmation of the check type completed and that evidence has been retained, and we may request access to relevant right

to work information where lawful and necessary. Where we directly engage an individual as a worker or employee, we will carry out the right to work check ourselves in line with this policy.

Ongoing Right-to-Work Checks

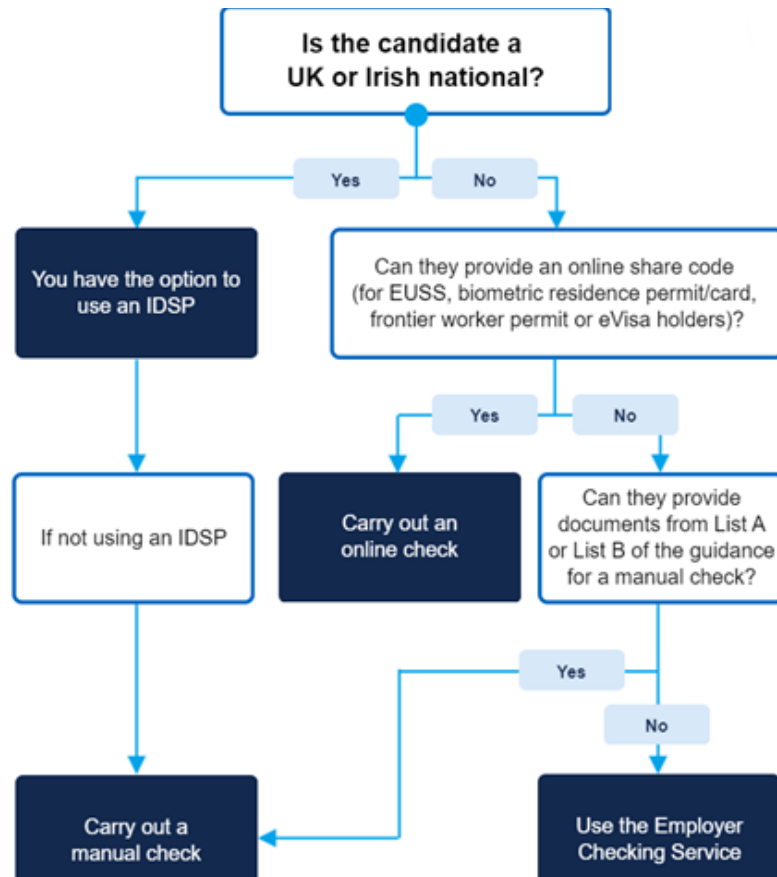
We maintain a system for follow-up right to work checks for all individuals we employ where their right to work is time-limited, in line with Home Office requirements. Follow-up checks are diarised and completed before the expiry date of the existing permission, or where applicable before a Positive Verification Notice expires. Where we use agency workers, we will require the supplying agency to operate an equivalent diarised follow-up process and we will seek confirmation of this as part of our assurance steps.

Data protection

We must keep right to work documents for the duration of an employee's employment, and for a further two years after employment has ended.

APPENDIX 1

There are different ways in which candidates can show they have the right to work in the UK, depending on their nationality or immigration status. The following flowchart shows which type of check to carry out and we also have a detailed guidance appended with the manual checklist below.



RIGHT TO WORK CHECKLIST

Name:	
Date of check:	

Type of check:	<i>(please tick)</i>
Initial check before employment	☐
Follow-up check on an employee	☐

STEP 1 FOR MANUAL CHECK

You must **obtain original documents** from either **List A** (where they have a permanent right to work in the UK) or **List B** (where they have a temporary right to work in the UK) of acceptable documents for a manual right to work check. You should check the documents are valid with the applicant present.

LIST A

(please tick)

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 (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 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 employer.	☐
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.	☐

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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

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.	☐
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 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

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 on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.	☐
2.	A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.	☐
3.	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.	☐
4.	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.	☐
5.	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.	☐

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**** If your employee's right to work is time-limited (List B), you will need to do a follow-up check to maintain your statutory excuse. For List B Group 1 this will be before the expiry date of the individual's permission to be in the UK and do the work in question. For List B Group 2 this will be before the expiry of the Positive Verification Notice, which provides a statutory excuse for six months from the date it is issued.****

STEP 2 – CHECK

You must check that the documents are genuine and that the person presenting them is the prospective employee or existing employee, the rightful holder and allowed to do the type of work you are offering. You must check that:

(please tick)

		YES	NO	N/A
1.	Photographs and date of birth are consistent across documents and with the person's appearance in order to detect impersonation	☐	☐	☐
2.	Expiry dates for permission to be in the UK have not passed	☐	☐	☐
3.	Have you checked work restrictions to determine if the person is able to work for you and do the type of work you are offering? (For students who have limited permission to work during term-time, you must also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed.)	☐	☐	☐
4.	Are you satisfied the documents are genuine, have not been tampered with and belongs to the holder?	☐	☐	☐
5.	Have you checked 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 a copy retained.)	☐	☐	☐

STEP 3 – COPY

You must make a clear copy of each document in a format which cannot later be altered, and retain the copy securely; electronically or in hardcopy. You must also retain a secure record of the date on which you made the check. Simply writing a date on the copy document does not, in itself, confirm that this is the actual date when the check was undertaken. If you write a date on the copy document, you must also record that this is the date on which you conducted the check. You must copy and retain copies of:

1.	Passports: any page with the document expiry date, the holder's nationality, date of birth, signature, immigration permission, expiry date, biometric details and photograph, and any page containing information indicating the holder has an	
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	entitlement to enter or remain in the UK (visa or entry stamp) and undertake the work in question (the front cover no longer has to be copied).	☐
2.	All other documents: the document in full, both sides of an Immigration Status Document and an Application Registration Card	☐

KNOW THE TYPE OF EXCUSE YOU HAVE

If you have correctly carried out the above 3 steps you will have an excuse against liability for a civil penalty if the prospective or existing employee is found working for you illegally. However, you need to be aware of the type of excuse you have as this determines how long it lasts for, and if, and when you are required to do a follow-up check.

The documents that you have checked and copied are from:

1.	List A ☐	You will establish a continuous statutory excuse for the duration of the person's employment with you if you have conducted the right to work checks correctly before employment begins. You are not required to carry out any further checks on this individual.
2.	List B: Group 1 ☐	You will establish a time-limited statutory excuse which expires when the person's permission to be in the UK expires. You should carry out a follow-up check when the document evidencing their permission to work expires .
3.	List B: Group 2 ☐	You have a time-limited statutory excuse which expires six months from the date specified in your Positive Verification Notice. This means that you should carry out a follow-up check when this notice expires.

PLEASE NOTE: You must obtain original documents from either List A or List B of acceptable documents for a manual right to work check.

ONLINE RIGHT TO WORK CHECK

You can conduct a right to work check online. A Home Office online right to work check will provide you with a statutory excuse against a civil penalty in the event of illegal working involving the subject of the check. You can do an online check by using the online service, entitled 'View a job applicant's right to work details' on GOV.UK website. You'll need to obtain the workers share code from them in order to do this. You can no longer accept biometric residence cards or biometric residence permits as evidence for a manual right to work check. Where an individual has a digital immigration status, including status linked to a biometric residence card or permit, an eVisa or status under the EU Settlement Scheme, we must use the Home Office online right to work service, as a manual document check will not provide a statutory excuse.

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Follow the 3 basic steps when conducting an online right to work check:

1.	Use the Home Office online right to work checking service (the View a job applicant's right to work details on GOV.UK) in respect of an individual and only employ the person, or continue to employ an existing employee, if the online check confirms they are entitled to do the work in question.	☐
2.	Satisfy yourself that any photograph on the online right to work check is of the individual presenting themselves for work.	☐
3.	Retain a clear copy of the response provided by the online right to work check (storing that response securely, electronically or in hardcopy) for the duration of employment and for two years afterwards.	☐

USING AN IDENTITY SERVICE PROVIDER ("IDSP")

You can use IDVT via the services of an IDSP to complete the digital identity verification element of right to work checks for British and Irish citizens who hold a valid passport (including Irish passport cards).

If you use the services of an IDSP for digital identity verification, holders of valid British or Irish passports (or Irish passport cards) can demonstrate their right to work using this method. This will provide you with a continuous statutory excuse. It is your responsibility to obtain the IDVT check from the IDSP. You will only have a statutory excuse if you reasonably believe that the IDSP has carried out their checks in accordance with this guidance.

Follow the 3 basic steps when conducting a right to work check using an IDSP:

1.	Use IDSPs to carry out digital identity verification to a range of standards or levels of confidence. The Home Office recommends that you only accept checks via an IDSP that satisfy a minimum of a Medium Level of Confidence. A list of certified providers is available for you to choose from on GOV.UK. It is not mandatory for you to use a certified provider; you may use a provider not featured on GOV.UK list, if you are satisfied that they are able to provide the required checks.	☐
2.	Satisfy yourself that the photograph and biographic details (for example, date of birth) on the output from the IDVT check are consistent with the individual presenting themselves for work (i.e. the information provided by the check relates to the individual and they are not an imposter).	☐
3.	Retain a clear copy of the IDVT identity check output for the duration of employment and for two years after the employment has come to an end.	☐