*\*\*BLUE TEXT SHOULD BE REMOVED BEFORE ISSUE\*\**

***Right to work checklist***

*Don’t risk a £60,000 civil penalty for employing an illegal worker. Check all new employees’ right to work in the UK before they start work for you using our checklist, record the date of your check and either take copies of the relevant documents if you carried out a manual check, or keep a clear copy of the response/identity check output if you used the Home Office online right to work checking service or you used an Identity Service Provider (IDSP) to conduct an Identity Document Validation Technology (IDVT) check.*

|  |  |
| --- | --- |
| Name of employee: |  |
| Name of person conducting the check: |  |
| Date of check: |  |
| Type of check: | * Initial check before employment * Follow-up check on an employee |
| Format of check: | * Manual right to work check * Online right to work check * Identity Document Validation Technology (IDVT) digital right to work check (only if available) |
| **Note:** EU, EEA and Swiss citizens who have status under the EU Settlement Scheme have not been issued with physical documents and therefore you must conduct an online right to work check on them. You must also conduct an online right to work check on those of any nationality who hold a Biometric Residence Permit (BRP), Biometric Residence Card (BRC) or Frontier Worker Permit (FWP). For other individuals, where an online right to work check is not possible because they do not have an immigration status that can be shared digitally, you must still conduct a manual right to work check. However, if the Company has commercial arrangements in place with an Identity Service Provider (IDSP), you can instruct that IDSP to conduct a digital right to work check using IDVT – this is only available in respect of British and Irish citizens who hold a valid passport (or valid Irish passport card). In particular, please note that although IDVT can be used as an additional optional measure to enhance a manual or online right to work check, it will not form part of the Company’s statutory excuse against liability for a civil penalty if the manual or online right to work check is performed by an IDSP; IDVT can only be relied on as part of the statutory excuse for a digital right to work check.  Note that EU, EEA and Swiss citizens can no longer prove their right to work by providing their passport or national identity card; they must prove their right to work through evidence of their immigration status in the same way as all other foreign nationals. | |
| **MANUAL RIGHT TO WORK CHECKS ONLY:**  **STEP 1: OBTAIN 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 appendix A to the offer of appointment letter for a full list of List A and List B documents. **You must only accept original documents if you are conducting a manual right to work check.** | |
| 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 check 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. In both cases, you must be in possession of the original documents - you may not rely on the inspection of a document via a live video link).  You may not delegate responsibility for checking documents to a third party. You will not obtain a statutory excuse if the check is performed by an individual who is not employed by the Company (even if that check is performed by an IDSP). | |
| Are photographs consistent both across documents and with the appearance of the person? | YES/NO/NOT APPLICABLE\* |
| Are the dates of birth listed consistent both across documents and with the appearance of the person? | YES/NO/NOT APPLICABLE\* |
| Are expiry dates for time-limited permission to be in the UK in the future, i.e. they have not passed? | YES/NO/NOT APPLICABLE\* |
| 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 international 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. This evidence should be provided by the student’s sponsoring education provider, either directly or indirectly if the student is providing a letter or email they have received from their sponsoring education provider setting out the required details. It's then for you to determine if the information provided is sufficient. For example, where information showing course dates on the education provider’s website differs from that in any letter received, you may wish to seek further clarification. A student granted permission to be in the UK on a student visa who is permitted to work will have a clear endorsement in their passport which states they are permitted to work and the number of hours of work allowed during term time, e.g. ten hours or 20 hours per week, considered to be Monday to Sunday. If this information is not set out in this document, the student does not have the right to work. Students who have the right to work are permitted to work full-time during vacations. | YES/NO/NOT APPLICABLE\* |
| Are you satisfied that the documents are genuine, have not been tampered with and belong to the holder? | YES/NO/NOT APPLICABLE\* |
| Have you asked for further documents to explain why you have been given documents with different names (e.g. original marriage certificate, divorce decree absolute, deed poll)? Supporting documents should also be copied and the copy retained. | YES/NO/NOT APPLICABLE\* |
| **STEP 3: COPY THE DOCUMENTS**  You must make a clear copy of each of the documents in a format which cannot later be altered and retain the copies securely (electronically or in hard copy).  You must also make and retain a contemporaneous record of the date on which the check was made. This can be by either making a dated declaration on each of the copy documents or by holding a separate secure record. However, simply writing a date at the top of the copy document doesn’t, of 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 the fact that this is the date on which you conducted the check, so use clear wording such as: *“The date on which this right to work check was made is (insert date)”.*  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, immigration permission, 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 (visa or entry stamp) and undertake the work in question.  All other documents should be copied in full.  Note that National Insurance numbers don’t, by themselves, provide evidence that someone has the right to work in the UK.  All copies of documents should be kept securely for the duration of the employee’s employment and for two years afterwards. The copy must then be securely destroyed. | |
| Is the document or one of the documents a passport? | YES/NO\* |
| **STEP 4: KNOW THE TYPE OF STATUTORY EXCUSE YOU HAVE**  If you have correctly carried out the above three steps and you have not knowingly employed an illegal worker or you do not have reasonable cause to believe that they are an illegal worker, you will have a statutory excuse against liability for a civil penalty if the Home Office find the above-named individual working for you illegally.  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.  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.  List B contains the range of documents which may be accepted for checking purposes for an individual who has only 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.  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 and follow-up right to work check, i.e. it expires when the worker’s permission to be in the UK expires.  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, appeal or administrative review with the Home Office in respect of their leave (except for some eVisa holders who have applied in time for a further eVisa for permission to stay in the UK, where you may instead be able to use the online right to work checking service), 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 expires six months from the date specified in the Positive Verification Notice. You will then need to carry out a follow-up check when this notice expires. | |
| 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: |  |
| **ONLINE RIGHT TO WORK CHECKS ONLY:**  **STEP 1: USE THE HOME OFFICE ONLINE CHECKING SERVICE**  You must access the Home Office online right to work checking service using the employer page on gov.uk entitled “*Check a job applicant’s right to work”: https://www.gov.uk/view-right-to-work*. No other online portal relating to immigration status may be used instead for right to work checking purposes. It is also not sufficient to view the information provided to the prospective employee when they view their profile using the migrant part of the Home Office online right to work checking service, and doing so will not provide you with a statutory excuse.  To use the checking service, you will need the prospective employee’s date of birth and a code they will share with you if they give you permission to check their details (called their right to work share code).  You must only employ the prospective employee (or continue to employ an existing employee) if the online check confirms they are allowed to work in the UK and entitled to do the work in question. | |
| Employee’s right to work share code: |  |
| Employee’s date of birth: |  |
| Does the online check confirm that the prospective employee is allowed to work in the UK and entitled to do the work in question?  For international 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. This evidence should be provided by the student’s sponsoring education provider, either directly or indirectly if the student is providing a letter or email they have received from their sponsoring education provider setting out the required details. It's then for you to determine if the information provided is sufficient. For example, where information showing course dates on the education provider’s website differs from that in any letter received, you may wish to seek further clarification. A student granted permission to be in the UK on a student visa who is permitted to work will have a clear statement on their online profile page that they are permitted to work and the number of hours of work allowed during term time, e.g. ten hours or 20 hours per week, considered to be Monday to Sunday. If this information is not set out on their profile page, the student does not have the right to work. Students who have the right to work are permitted to work full-time during vacations. | YES/NO/NOT APPLICABLE\* |
| **STEP 2: BE SATISFIED THAT ANY PHOTOGRAPH ON THE ONLINE CHECK IS OF THE EMPLOYEE**  You must satisfy yourself that any photograph on the profile page of the online right to work check is of the individual presenting themselves for work, by seeing them either in person or via a live video link. | |
| Are you satisfied that any photograph on the profile page of the online check is of the prospective employee? | YES/NO/NOT APPLICABLE\* |
| **STEP 3: RETAIN A COPY OF THE RESPONSE**  You must retain a clear copy of the response provided by the online right to work check, storing that response either electronically or in hard copy (you can either save or print the check).  The copy of the response should be kept securely for the duration of the employee’s employment and for two years afterwards. The copy must then be securely destroyed. | |
| Have you retained a clear copy of the response provided by the online check? | YES/NO/NOT APPLICABLE\* |
| Is this copy being stored electronically, in hard copy, or both? | ELECTRONICALLY/HARD COPY/BOTH\* |
| **STEP 4: KNOW THE TYPE OF STATUTORY EXCUSE YOU HAVE**  If you have correctly carried out the above three steps and you have not knowingly employed an illegal worker or you do not have reasonable cause to believe that they are an illegal worker, you will have a statutory excuse against liability for a civil penalty if the Home Office find the above-named individual working for you illegally.  The response provided by the online right to work check will confirm the period for which the employee is permitted to carry out the work in question and hence whether you only have a time-limited statutory excuse.  If you are unable to conduct an online right to work check because the prospective employee has an outstanding application, appeal or administrative review with the Home Office in respect of their leave (except for some eVisa holders who have applied in time for a further eVisa for permission to stay in the UK, where you may still be able conduct an online right to work check), 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 expires six months from the date specified in the Positive Verification Notice. You will then need to carry out a follow-up check when this notice expires. | |
| Does the statutory excuse run for the full duration of the employee’s employment because they have a permanent right to work in the UK? | YES/NO/NOT APPLICABLE\* |
| Is the statutory excuse time limited because the employee only has a temporary right to work in the UK? | YES/NO/NOT APPLICABLE\* |
| Date leave/right to work expires: |  |
| Have you obtained a Positive Verification Notice? | YES/NO/NOT APPLICABLE \* |
| Positive Verification Notice expiry date: |  |
| Date follow-up check required: |  |
| **IDVT DIGITAL RIGHT TO WORK CHECKS ONLY:**  **STEP 1: USE ONLY THE AUTHORISED IDSP**  You must only use the Company’s authorised IDSP, assuming such commercial arrangements have been put in place.  IDVT right to work checks are only available in respect of British and Irish citizens who hold a valid passport or valid Irish passport card.  You must only employ the prospective employee if you obtain from the IDSP an IDVT identity check which shows that there exists in relation to the prospective employee a valid British or Irish passport or valid Irish passport card and you receive from the IDSP a clear copy of the IDVT identity check, and the passport/card checked, in a format which cannot subsequently be altered. You must also reasonably believe that the IDSP has complied with its statutory obligations in relation to IDVT checks, i.e. it has taken all reasonable steps to check the validity of the passport/card and to verify that the prospective employee is the rightful holder of it. The IDSP must also record in a format that cannot subsequently be altered the date on which the check was carried out. Where the document is a passport, the IDSP must retain a clear copy of any pages containing the prospective employee’s personal details including nationality, photograph and date of expiry. Where the document is a passport card, the IDSP must retain a clear copy of the whole of the document. | |
| Has the IDSP verified the prospective employee’s identity and checked a valid British or Irish passport or valid Irish passport card and linked it to that identity using IDVT? | YES/NO/NOT APPLICABLE\* |
| Have you obtained an output of the IDVT identity check from the IDSP containing a copy of the IDVT identity check, and the valid British or Irish passport or valid Irish passport card checked, in a clear, legible format that cannot be altered? | YES/NO/NOT APPLICABLE\* |
| Have you carried out your own due diligence to satisfy yourself to a reasonable belief that the IDSP has completed the IDVT identity check correctly in the prescribed manner? | YES/NO/NOT APPLICABLE\* |
| **STEP 2: BE SATISFIED THAT ANY PHOTOGRAPH ON THE IDVT IDENTITY CHECK OUTPUT IS OF THE EMPLOYEE**  You must satisfy yourself that the photograph and biographic details (for example, date of birth) on the output from the IDVT identity check is of the individual presenting themselves for work, by seeing them either in person or via a live video link.  Where names differ between documents, you must establish why this is the case and must not employ the prospective employee unless you are satisfied that the documents relate to them. | |
| Are you satisfied that the photograph and biographic details (for example, date of birth) on the output from the IDVT identity check is of the prospective employee? | YES/NO/NOT APPLICABLE\* |
| Where names differ between documents, have you established why this is the case and are you satisfied that the documents relate to the prospective employee? | YES/NO/NOT APPLICABLE\* |
| **STEP 3: RETAIN A COPY OF THE IDVT IDENTITY CHECK**  You must retain a clear copy of the IDVT identity check, and the valid British or Irish passport or valid Irish passport card checked, and this should be kept securely for the duration of the employee’s employment and for two years afterwards. The copy must then be securely destroyed. | |
| Have you retained a clear copy of the IDVT identity check, and the valid British or Irish passport or valid Irish passport card checked? | YES/NO/NOT APPLICABLE\* |
| Is this copy being stored electronically, in hard copy, or both? | ELECTRONICALLY/HARD COPY/BOTH\* |
| **STEP 4: KNOW THE TYPE OF STATUTORY EXCUSE YOU HAVE**  If you have correctly carried out the above three steps and you have not knowingly employed an illegal worker or you do not have reasonable cause to believe that they are an illegal worker, you will have a statutory excuse against liability for a civil penalty if the Home Office find the above-named individual working for you illegally.  Valid British or Irish passports or valid Irish passport cards establish that the holder has a permanent right to live and work in the UK, so 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.  Please note that although IDVT can be used as an additional optional measure to enhance a manual or online right to work check, it will not form part of the statutory excuse if the manual or online right to work check is performed by an IDSP; IDVT can only be relied on as part of the statutory excuse for a digital right to work check. | |
| Does the statutory excuse run for the full duration of the employee’s employment because they have a permanent right to live and work in the UK? | YES/NO/NOT APPLICABLE\* |
| **IF THE NEW EMPLOYEE IS BEING SPONSORED:**  If you are sponsoring the employee under the UK’s points-based immigration system, as part of your record-keeping obligations you must also maintain evidence of their date of entry to the UK, to ensure that they entered during the validity of their visa and therefore have permission to work.  If the employee passed an immigration officer on their entry to the UK, their passport should be stamped with the date of entry. Before they start work, you must: (a) check that the date of the entry stamp is within the validity of their visa endorsed in their passport; and (b) make a copy of the entry stamp and retain it on file.  Alternatively, if the employee used the automated ePassport gates on arrival in the UK or they entered the UK through Ireland, their passport will not have been stamped with a date of entry. In this case, before they start work, you must: (a) ask them to provide you with paper-based or electronic evidence of their date of entry to the UK, including (but not limited to) travel tickets or a boarding pass; (b) check the date of entry is within the validity of the visa endorsed in their passport; and (c) retain on file a record of the date of entry. However, you do not need to retain copies of the evidence of date of entry that you checked. To retain a date record, use clear wording that you can insert on the right to work check copy documents such as: *“Date of entry to the UK verified by (insert document type, e.g. boarding pass) to be (insert date)”.*  If the date of entry is not within the validity of the visa, the employee should be advised to leave the Common Travel Area (the UK, Guernsey, Jersey, the Isle of Man and Ireland), and then re-enter the UK within the validity of their visa and before they start work. You can then go through the above process again. | |
| Date of employee’s entry to the UK: |  |
| If the employee has a date of entry stamp in their passport:   * Is this within the validity of the visa endorsed in their passport? * Have you taken a copy of this entry stamp to retain on file? | YES/NO/NOT APPLICABLE\*  YES/NO/NOT APPLICABLE\* |
| If the employee used the ePassport gates on arrival in the UK or they entered the UK through Ireland:   * Have they provided evidence of their date of entry to the UK? * Is the date of entry within the validity of the visa endorsed in their passport? | YES/NO/NOT APPLICABLE\*  YES/NO/NOT APPLICABLE\* |

*(\*Delete as appropriate.)*

Signed: ....................................

Date: .......................................