

Company Name:	Twenty-Four Seven Recruitment Services Ltd				
Policy Name:	Right to Work in the UK Policy (Preventing Illegal Working)				
Review Date:	28.02.22	V2 13.03.24			

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.

This 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 two 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 conducted 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.

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 two types of RTW checks:

1. A manual (in person) document-based check.
2. An online check.

Manual Check

There are three steps to conducting a manual (in-person) document-based RTW check. You must complete all three steps, before employment commences, to ensure the RTW is valid.

Step 1	Obtain original documents from either List A or List B of acceptable documents
Step 2	<p>You must check that the documents are genuine and that the person presenting them is the employee, the rightful holder and 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 in order 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> <ol style="list-style-type: none"> 1. <u>Passports</u>: any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, biometric details, 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. 2. <u>All other documents</u>: the document in full, including both sides of a Biometric Residence Permit, Application Registration Card and a Residence Card (biometric format).

	<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:</p> <p>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>
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Online Check

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

- A biometric residence permit;
- A biometric residence card;
- Status issued under the EU Settlement Scheme;
- British national Overseas (BNO) visa; or,
- Frontier workers permit.

There are three steps to conducting an online RTW check. You must complete all **three** steps, before employment commences, to ensure the RTW is valid.

Step 1	<p>Use the Home Office online right to work checking service https://www.gov.uk/view-right-to-work and enter the job seekers share code and date of birth.</p> <p>The individual may 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>
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 engage 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 RTW must be completed.</p> <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 must not engage them in any capacity.</p>
Step 3	<p>Retain a clear copy of the response provided by the online check. This should be the 'profile' page confirming the Job seekers right to work. Print to PDF and retain on the worker's file on the relevant management system.</p>

- The share code will be valid for 30 days, after which a new code will be required in order 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') 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.

Students

Not all 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 sports person, including a sports coach; or fulfilling a full-time permanent vacancy other than a Student Union Sabbatical Officer.

A migrant 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 engaging 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.

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 pseudo, 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/local 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 1 July 2021)**

List A

Acceptable documents to establish a continuous statutory excuse

1. A passport (current or expired) showing the holder, or a person named in the passport as the child of 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 a national of the Republic of Ireland.
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.
4. 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.
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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
Leave**

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 current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time limited period and to do the type of work in question.
4. 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.
5. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, which has been verified as valid by the Home Office Employer Checking Service, 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.
6. A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
7. 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 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.