

Additional Information....

For a step-by-step guide on checking identification visit <https://www.gov.uk/legal-right-work-uk>

For a full list of possible evidence documents visit <https://www.gov.uk/check-job-applicant-right-to-work>

If you are ever concerned or suspicious about the authenticity of a document, additional checks can be carried out by the Home Office. In this case take a high-quality scanned image of the document (all pages).

If you need more help, you can contact the Home Office:

Employer Enquiry helpline

Telephone: 0300 790 6268

Monday to Thursday, 9am to 4:45pm

Friday, 9am to 4:30pm

Wiltshire Centre for Independent Living

If you have any queries about information provided or you would like further information, please contact us at:

Email: admindp@wiltshirecil.org.uk

Telephone: 0300 1233 442

Post: 11 Couch Lane, Devizes, Wiltshire, SN10 1EB



Checking the Right to Work in the UK

An Employers' Guide to an Employers' Responsibility



© Wiltshire Centre for Independent Living

GENERAL DISCLAIMER: This 'Information Sheet' is intended to be a guide only and is not produced by Wiltshire CIL as a legal document.

Why we need to check the Right to Work in the UK....

All paid employees and volunteers must have their identification documents checked to ensure they have the eligibility to work in the UK. This rule applies to absolutely everybody, irrespective of their place of birth.

What happens if you do not carry out the correct checks....

Employers can face a civil penalty fine of up to £20,000 if they employ someone who doesn't have the right to work and they didn't do the correct checks, or didn't do them properly.

Right to work checks are an employers responsibility. They are quick and easy to complete.

What documents do Employers need to check?....

An in-date passport or

A full birth certificate (with parents names on) and proof of National Insurance (P45/P60).

If a passport is not British the person must have a visa that states they are entitled to work (carry a work permit).

Existing employees. There are no immediate actions required with regards to existing employees. Providing you conducted satisfactory Right to Work at the point of recruitment you will have fulfilled your obligations; any subsequent changes to Right to Work legislation will not apply retrospectively to existing employees.

EU nationals living in the UK should have applied to stay in the UK and evidence that they have one of the following:

- Settled status - on offer to anyone who can prove that they had been in the UK continuously for five years or more before 31 December 2020
- Pre-settled status - on offer to anyone who had been in the UK for less than five years by the end of 2020.

EEA citizens must prove their right to work using the Home Office Service:

<https://www.gov.uk/prove-right-to-work>

You must make a clear copy of their passport or Biometric Residence Permit (BRP).

If you are copying their passport make sure you include:

- the expiry date
- the applicant's details (for example nationality, date of birth and photograph)
- any endorsements (for example a work visa)

If you are copying their British Residency Permit, make sure you copy both sides.

Checking the Documents... You need to check that:

- the documents are genuine, original and unchanged and belong to the person who has given them to you;
- the dates for the applicant's right to work in the UK haven't expired (if applicable);
- photos are the same across all documents and look like the applicant;
- dates of birth are the same across all documents;
- the applicant has permission to do the type of work you're offering (including any limit on the number of hours they can work);
- if 2 documents give different names, the applicant has supporting documents showing why they're different, e.g. a marriage certificate or divorce decree.

Please note that a DBS check does not prove right to work in the UK. The right to work is separate from a DBS check.

What to do with the information...

Copy.... Once you have checked the ORIGINAL document/s you must copy the relevant pages (with passports this is any pages containing information and also the front cover).

Sign.... You must sign and date the copy to say you have seen and verified the original document and that any photos are a true representation of the person.

Keep.... You must keep the copies in a safe and secure place in the employee's staff file, alongside your other important information such as the contract of employment.

Records must be kept throughout the applicant's employment and for 2 years after they stop working for you.