

# RIGHT TO WORK IN THE UK POLICY

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## Introduction

The law on preventing illegal working is set out in the Immigration, Asylum and Nationality Act. Western Blueprint Limited (WBL) will ensure that all necessary steps are taken to confirm the identity and right to work in the UK of all employees. In order to ensure that WBL is not found to be employing a person who does not have the right to work in the UK, we shall obtain, check and copy original employee identity documentation. A copy of the documentation will securely be retained on file.

## Scope and purpose of policy

The 'Right to Work' is the legal right to live and work in a country. WBL shall make basic document checks on every potential new employee that we intend to employ.

The purpose of the policy is to:

- Ensure that the Company's employment practices are robust and to ensure that all employees hold current and valid permission to work in the UK.
- Prevent people without the Right to Work from gaining employment.
- Enable us to take a proactive stance to ensure that we are complying with this legislation and to provide the Company with a defence against prosecution.

This policy applies to all employees within the Company at the date of this policy being implemented. All other employees already within employment will be verified over a reasonable period.

## Roles and responsibilities

The line manager of any prospective employee is responsible for checking that they have the right to work in the UK for the role in which they will be employed.

Under no circumstances should any individual commence employment with the Company until evidence of their right to work in the UK has been obtained, checked and copied. Assumptions should never be made about any individual's right to work.

## Obtaining eligibility to work documents

The government will only accept specific documents as proof of an employee's eligibility to work, as detailed in Appendix 1.

List A documents show that the holder is not subject to immigration control, or has no restrictions on their stay, so they have an ongoing right to work in the UK.

If a manager completes checks on List A documents, this is considered suitable evidence that checks are sufficient for the duration of that individual's employment.

List B documents show that the holder has been granted leave to enter or remain in the UK for a limited period of time and/or has restrictions on their right to work. Managers are required to carry out follow-up checks on the individual. The frequency of these follow-up checks depends on whether the documents provided are from **Group 1** or **Group 2**:

- **Group 1** documents provide a time-limited statutory excuse which expires when the individual's permission to work expires. This requires managers to carry out a follow-up check when permission for them to work expires.
- **Group 2** documents provide a time-limited statutory excuse which expires 6 months from the date specified, as set out in the **Positive Verification Notice**.

## Checking eligibility to work documents

There are four steps to successfully conducting a right to work check; obtain, check, copy and retain.

Line Managers and Senior Managers are expected to conduct these checks. It is important that only these people are data holders to comply with WBL GDPR requirements.

### *Obtain*

- Obtain original documents from either List A or List B (please see Appendix 1).

### *Check*

- Photographs and dates of birth are consistent across documents and with the appearance of the individual.
- Conduct checks in the presence of the individual.
- Expiry dates of any limited leave to enter or remain have not passed.
- UK Visa and Immigration Agency or Home Office endorsements to verify the individual is permitted to take up the kind of work to be offered.
- Documents are genuine and do not show signs of tampering or alteration.
- If different names have been provided throughout the application process or on documentation, obtain further evidence to explain this including an original marriage certificate, divorce decree absolute or deed poll. Supporting documents should also be photocopied and a copy retained.
- Where available, all documents should be checked under UV light to ensure all security features are present.

### *Copy*

- Passports; 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 the entitlement to enter or remain in the UK and undertake the work in question (the front cover no longer has to be copied).
- All other documents; the document in full, including both sides of a Biometric Residence Permit.

## Retain

- WBL will retain the copy or copies securely for not more than six years after the employment has come to an end.
- Managers must make a clear copy of each document and retain the copy securely, electronically. The retained copy must be signed and dated as confirmation that the original document has been seen and the relevant checks carried out.
- A copy of every document that has been checked should be kept on the employee's personal file to ensure that the Company can defend any claim that they have employed a worker illegally.
- A copy of every document that has been checked should also be securely saved electronically on the shared drive within a restricted access folder that ONLY Senior Management can access. This is to comply with GDPR regulations.

## Identify

The line manager must:

- Determine if there are any restrictions, for example a temporary or other visa, or international student working restrictions.
- Ensure that the applicant/employee has the necessary permissions to do the work that the Company needs them to do.

## Tier 2 Visas

WBL does not hold, or intend to hold, a sponsorship licence to allow it to employ Tier 2 Visa holders. A Tier 2 Visa relates to a specific person and a specific job. Therefore, they will only provide a right to work for the particular employer and the particular employment to which the permit relates.

## Temporary Visas

WBL does not intend to employ any person on a temporary Visa. In the event this is expected, only approval by one of the Directors is acceptable.

In such a case, WBL shall:

- Check that the visa does not prohibit the person from carrying out the work in question.
- Conduct checks in advance of the expiry of a temporary visa.
- Ensure the person does not work past the expiry date of their visa.

## Transfer of undertakings

WBL shall ensure that in any scenario where the Transfer of Undertakings (Protection of Employment) (TUPE) regulations are applicable, that right to work checks will be carried out for all onboarding employees within 90 days of the date of transfer.

## International students

WBL does not intend to employ any person as International Students. In the event this is expected, only approval by one of the Directors is acceptable.

The student should not pursue a career with the Company by filling a permanent full-time vacancy.

Provided that their conditions of entry do not prevent it, international students over the age of 16 may take employment in the UK for the following reasons:

- To undertake spare time and vacation work.
- To undertake a work placement with an employer which is part of their course of study (sandwich students).
- To undertake an internship placement.

Individuals studying here who have entered as a “student visitor” are not permitted to work. Student visitor visas may be given to individuals who are coming to the UK to study for a maximum period of 6 months.

An international student should provide the Company with evidence of their right to study in the UK and must, in addition, provide a letter from the educational establishment which they attend to demonstrate that they are studying a genuine and current course.

Students studying foundation degree courses and courses at degree level or above can work 20 hours per week during term time and full-time during vacation periods.

Students studying below degree level (excluding those on foundation degree courses) can work 10 hours per week during term time and full-time during vacation periods.

The Company requires its line managers to monitor the working hours of international students to ensure they do not breach the terms of their working visa.

Every week the manager must check that no international student has worked in excess of 10/20 hours per week (unless during holiday time).



**Richard Russell**  
Director



**Thomas Lowe**  
Director

Date: 12 August 2024

**Date to be reviewed: by August 2025**

## Appendix 1

### List A Documents

#### Acceptable documents to establish a continuous statutory excuse

- A passport showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or national identity card showing the holder is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office, to the family member of a national of a European Economic Area country or Switzerland.
- 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.
- 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.
- 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.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **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.
- 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.
- 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 Documents

#### Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave

- 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.
- 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.
- A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area

national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.

- 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.

## **Group 2 – Documents where a time limited statutory excuse lasts for 6 months**

- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old **together with** a Positive Verification Notice from the Home Office Employer Checking Service.
- 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.
- 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.