

Guidance for Managers

How to conduct a right to work check?

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This guidance is a summary for line managers of the Home Office guidance, [‘Right to work checks: an employer’s guide’](#)

The purpose of this document is to provide step by step guidance that will be appropriate in the majority of cases when managers conduct right to work checks. Please contact hrhelp@sgul.ac.uk at any point if further guidance is required for your specific case.

You must conduct a right to work check **before you** employ a person and before they undertake any work to ensure they are legally allowed to work,

There are **two types of right to work checks**

1. a manual document-based check
2. an online check.

Conducting a manual document-based right to work check

There are three steps to conducting a manual document-based right to work check. You need to complete all three steps before employment commences.

Step 1: Obtain

You must obtain **original** documents from either List A or List B of acceptable documents in the [Right to work checklist](#).

Step 2: Check

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

You must check that:

1. photographs and dates 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. any work restrictions to determine if they are allowed to do the type of work on offer (for **students** who have limited permission to work during term-times, 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. the documents are genuine, have not been tampered with and belong to the holder; and
5. the reasons for any difference in names across documents can be explained by providing evidence (e.g. original marriage certificate, divorce decree absolute, deed poll). These supporting documents must also be photocopied and a copy retained.

The Home Office provides [guidance on examining identity documents](#). However, for right to work purposes you are only expected to undertake 'reasonable checks' on a document. If you are concerned about the validity of any documents or stamps presented to you, please contact hrhelp@sgul.ac.uk

Step 3: Copy

You must make a **clear copy** of each document, electronically or in hardcopy in a format that cannot be altered (for example a PDF). You must record on the copy that this is the date on which you conducted the check. E.g. date 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



Certification of copied document

On **each** copied page, you must provide your signature and print your name and the date and time to confirm that you have seen the original page or pages of the document. You **must** also include the statement 'I confirm that this is a true copy of the original, taken on [DATE AND TIME].

Adjusted process due to Covid 19 until 5 April 2022

If you are conducting a manual check via a Teams Video call, in addition to the above, also mark the documentation as "adjusted check undertaken on [insert date] due to COVID-19"

You must copy and retain copies of:

1. **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 an 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, including both sides of a Biometric Residence Permit, Application Registration Card and a Residence Card (biometric format).



All copies of documents taken should be kept securely and sent to hrhelp@sgul.ac.uk or payroll (if that is your existing process) along with the completed [Right to Work Checklist](#) (to ensure you have correctly carried out all the required steps) Please send with all other pre-employment documents for onboarding and processing.

Coronavirus (COVID-19): right to work checks – Temporary adjusted process until 5 April 2022

Because of coronavirus (COVID-19) there are temporary changes to the way you can check documents including asking for documents digitally, making checks on a video call.

- checks can currently be carried out over video calls
- job applicants and existing workers can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals
- employers should use the [Home Office Employer Checking Service](#) if a prospective or existing employee cannot provide any of the accepted documents

Up to and including 5 April 2022, if you are carrying out a temporary adjusted check, you must:

- ask the worker to submit a scanned copy or a photo of their original documents via email or using a mobile app
- arrange a video call with the worker – ask them to hold up the original documents to the camera and check them against the digital copy of the

documents, record the date you made the check and mark it as “adjusted check undertaken on [insert date] due to COVID-19”

- if the worker has a current Biometric Residence Permit or Biometric Residence Card or has been granted status under the EU Settlement Scheme or the points-based immigration system you can use the [online right to work checking service](#) while doing a video call – the applicant must [give you permission to view their details](#).

Conducting an online right to work 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.

It will not be possible to conduct an online right to work check in all circumstances, as not all individuals will have an immigration status that can be checked online.

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

- a biometric residence permit;
- a biometric residence card;
- status issued under the [EU Settlement Scheme](#);
- a digital Certificate of Application to the EU Settlement Scheme issued on or before 30 June 2021;
- status issued under the points-based immigration system;
- British National Overseas (BNO) visa; or
- Frontier workers permit

You should give employees every opportunity to demonstrate their right to work. You cannot insist that they use the online service or discriminate against those who choose to prove their right to work by presenting you with appropriate documents for the manual check described above.

How does the service work?

The service works on the basis of the individual first viewing their own Home Office right to work record. They may then share this information with you if they wish, by providing you with a ‘share code’, which, when entered along with the individual’s date of birth, enables you to access the information.

The employer part of the service is called ‘[View a job applicant’s right to work details](#)’ and is available on GOV.UK. You must access the service using the **employer** part of the service in order to obtain a statutory excuse.

There are three steps to conducting an online right to work check. The steps below explains in more detail what you need to do in each of the three steps to correctly conduct an online right to work check.

Step 1: Use the Home Office online service

Prospective employee provides you with a 'share code'. When this code is entered along with the person's date of birth, it enables you to access their right to work profile page.

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.

To check the person's right to work details, you will need to:

- access the service '[View a job applicant's right to work details](#)' via GOV.UK
- enter the 'share code' provided to you by the individual, and
- enter their date of birth

Step 2: Check

In the presence of the individual (in person or via live video link), you must check that the 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).

If the online right to work check does not confirm that the individual has the right to work in the UK contact hrhelp@sgul.ac.uk you will not be able to employ them.

Step 3: Retain evidence of the online check

You must retain evidence of the online right to work check. For online checks, this should be the 'profile' page confirming the individual's right to work. This is the page that includes the individual's photo and date on which the check was conducted. You will have the option of printing the profile or saving it as a PDF.



The Profile page PDF and all copies of documents taken should be kept securely and sent to hrhelp@sgul.ac.uk or payroll (if that is your existing process). Please send with all other pre-employment documents for onboarding and processing.

If you have any questions about this guidance or require advice, please contact hrhelp@sgul.ac.uk