



RIGHT TO WORK IN THE UK POLICY

Policy Number 22
Revised June 2021

To comply with legislation, all employees must be eligible to work in the UK and as an employer we have a duty to carry out checks on all existing and potential employees.

Managers have the responsibility for completing the check when recruiting a new member of staff. An Immigration Officer can make a visit to the Society at any time to make document checks to ensure that our employees legally have the right to work.

You can be sent to jail for 5 years and pay an unlimited fine if you're found guilty of employing someone who you knew or had 'reasonable cause to believe' didn't have the right to work in the UK.

This includes, for example, if you had any reason to believe that:

- they didn't have permission to enter or remain in the UK
- their permission had expired
- they weren't allowed to do certain types of work or there is a cap on the total hours they can work
- their papers were incorrect or false

You can also be penalised if you employ someone who doesn't have the right to work and you didn't do the correct checks, or you didn't do them properly.

Process

You should check the eligibility to work in the UK of all prospective employees at interview stage, and then ask the successful candidate to bring both the original documents and copies of them with them on their first day. For the EU, EEA and Swiss Nationals you can also use government on line checking service accessible via the following website: <https://www.gov.uk/view-right-to-work>

If they are unable to provide the required documentation for whatever reason or you are unable to complete the on line check the offer of employment should not be made. If the offer of employment proceeds without the required documentation / check in place this may lead to disciplinary action against the recruiting manager.

The Home Office provide a 'Right to Work Checklist', which is located within the new start paperwork on SharePoint. A copy is also shown at the end of this policy, for information. You must go through this 3-step checklist with all new starts. This should not take longer than a couple of minutes to complete unless they are not a citizen of the UK. Should this be the case please contact People and Performance for support. You must complete the form by ticking the corresponding box for:

- (1) the document/s received
- (2) the checks you have completed, and
- (3) what copies were made, additionally to note if a follow up is required.

Step 1: Obtain Acceptable documents – page 1 (red section)

- The documents that may be accepted to establish a right to work are detailed in two lists – List A and List B. You must obtain the document(s), specified in **one** of these lists. You only need to tick **one box** to satisfy the right to work **in either list**.
 - **List A** contains the range of documents which you may accept for a person who has a permanent right to work in the UK and no further checks are required.
 - **List B** contains a range of documents which may be accepted for a person who has a temporary right to work in the UK, a follow-up check on these documents will be required. Responsibility for monitoring this lies with both the Manager and People and Performance team.

The most common documents received are from List A and are:

- Number 1 - which is a UK passport, and
- Number 8 - which is a Birth Certificate issued in the UK along with a separate official document detailing the National Insurance Number of the individual.

A Driving license does not provide evidence of Right to Work and should not be accepted.

If you receive any other documents, or have any questions on the documents you receive please contact the People and Performance Administrator on 0131 335 4529 for further guidance.

Step 2: Check the Documents (top of page 2 – green section)

- When you are checking the validity of the documents, you must ensure that you do this in the presence of the holder. The responsibility for checking the document is yours.
- You should check that the photos/dates of birth match the individual and expiry dates on the documents have not passed.
- If you are given a false document, you will only be liable for a civil penalty if it is reasonably apparent that it is false.
- If someone gives you a false document or a genuine document that does not belong to them then this must be reported to your People and Performance consultant.
- For students who have limited permission to work during term-times, you **must** also obtain, copy and retain details of their academic term and holiday times covering the duration of their period of study in the UK for which they will be employed.

Step 3: Copy (middle of page 2 – purple section)

- We must retain a record of every document you have checked. This can be a hardcopy or a scanned and unalterable copy. Typically this will be a photocopy however you can use a digital picture of the document

providing this is in high resolution, ensuring the information and images are clearly visible.

- For ease of use, you can ask the applicant if they would capture a picture of their documentation should they have a camera phone, providing it meets the criteria above, and email this to the recruitment team at recruitment@Scotmid.co.uk. You will need to contact the recruitment team to identify the individual who will then email a copy back to the store that you can then print off. **Due to Data Protection please do not take pictures of anyone else's documents using your own mobile phone.**
- Copies will be kept securely for the duration of the person's employment and for a further three years after they stop working for us.
- You must also make a record of the date on which you conducted your check. Simply inserting a date onto the copy is not enough. You must also record the fact that this is the date on which you conducted the check of documents. This can be done by making a **dated declaration** on the document copy as follows:

'I certify that this is a true copy of the original, the date on which this right to work check was made: [insert date]'.

- For ease, a template is available which includes a place for the document and the declaration wording. All you need to do is place the document in the relevant section, and ask the applicant to take a picture or alternatively take a photocopy, and complete the declaration. The template can be found in the Document Centre of SharePoint, and on the final page of this policy.

The completed checklist and dated copies of the documents should then be sent to the People and Performance department along with the application form and Induction paperwork.

If you are ever in any doubt about these procedures please contact your People and Performance Consultant who will be happy to talk you through what documents are required.

Useful Links

If you would like more information and to see examples of the types of documents you may be presented you can see the official guide here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441957/employers_guide_to_acceptable_right_to_work_documents_v5.pdf

I, _____
certify that this is a
true copy of the
original. The date
on which this right
to work check was
made:
____ / ____ / _____

(Place the document here)