

To Right to work checks

Why it matters..

As an employer, we have the responsibility to ensure that all employees and potential employees have both the right to work in the UK and permission to undertake the role we are employing them to do.

The University may be liable for a civil penalty if:

- we employ somebody who does not have the right to work in the UK
- we employ somebody to undertake work other than in accordance with their visa conditions
- we haven't carried out the checks in the prescribed manner.

We may also lose the ability to sponsor new staff/students under all of our five sponsor licenses, and potentially stop sponsoring the staff and students who are already here, which would have a huge impact on the University.

The University must also meet a number of compliance obligations in relation to our sponsored staff and students and support them in meeting theirs. Breaking their compliance obligations may result in the individual losing their right to stay in the UK.

Everyone involved in recruitment processes has a role to play to ensure that the right checks are carried out at the right time on the right documents. Right to work checks should be carried out by hiring managers or departmental staff at interview stage where possible. The Resourcing Team will carry out checks on new sponsored visa holders.

How it works

1. Obtain

- Familiarise yourself with the [right to work guidance](#) on the Staff Directory and complete the Moodle Recruitment and Selection training.
- All checks must be carried out in the current prescribed manner prior to the individual's start date. The individual must provide an acceptable document from the current [Home Office list](#).
- If the documents cannot be obtained, or the check carried out in time, the start date must be delayed.
- If the check is being carried out in person on original documents (UK and Irish citizens), arrange a suitable time and place to meet with the individual. The copies should be made on the current right to work check pro-forma, where possible.
- If you are using the [Home Office View Right to Work](#) service (if the individual is a visa holder or has EU Pre- or Settled Status), ask the individual to provide you with their share code and a scanned copy of their passport and visa (do not add these to the right to work pro-forma and do not sign/verify these). You will also need to arrange a time for a verification call using Zoom or similar (they do not need to show you their visa during the call). In some cases, the individual won't be able to provide you with a copy of their visa. Contact your righttowork@essex.ac.uk if you need support.

2. Check

- When you check the documents, you either need to be with the individual in person or carry out the check via Zoom or similar (as detailed above).
- Check that the document is on the current [Home Office list](#) of acceptable documents.

- If the individual has any restrictions listed on their visa/on the screen if using the Home Office View Right to Work service, ensure that they can undertake the post/hours you are employing them for.
- Check that any documentation you are presented with looks genuine, that names match and that any photographs look like the individual you are meeting with.
- Check that any time limited documentation/visas are valid for the start of the employment. People & Culture will contact individual's where the right to work expires during their employment. (You may accept an expired UK passport as long as you can be sure that the picture is still a good likeness of the individual).

3. Copy

- You must accurately copy any documentation that you are presented with.
- For online checks using the individual's share code, you must download a PDF from the screen you are presented with.
- The copy must be clear and not cut off any of the details. In the case of visas, you should copy both sides. For passports, you should copy the photo page plus page opposite and other relevant stamped pages or vignettes. You do not need to copy the covers. Other documentation should be copied in full.
- Each page of the copy must include the current verification wording (See Staff Directory). They should be saved in a way that means they cannot be modified later (e.g. a PDF).
- Carry out [right to work checks](#) during the interview process as appropriate. Copies for unsuccessful candidates should be disposed of in confidential waste.

All copies must be attached to the individual's [appointment form](#).

Frequently asked questions

- ***Can I undertake the right to work check on the morning the individual starts?*** No, all checks must be carried out at least the day before the start date.
- ***What restrictions are there for Tier 4/Student visas?*** Working hours in this case must not exceed the maximum weekly limit (usually 20 hours per week) across ALL employments. These restrictions only apply during term-time, but note that PhD and Master's students are always considered to be in term-time. Work must end when the visa

ends unless the individual has applied for a further visa . Along with the right to work check, the individual will also need to provide evidence of term-dates and complete a T4/Student declaration form.

- **How does my individual get visa sponsorship under the Skilled Worker route?** Your Resourcing Adviser will liaise with the individual and make all the arrangements.
- **I have a Visiting Researcher who needs a Government Authorised Exchange visa. What do I do?** Contact righttowork@essex.ac.uk for further information before issuing any invitation letters or Honorary Agreements.
- **My individual has visa sponsoring from another employer. Can they still work for the University?** In certain circumstances, yes, they can. Please email righttowork@essex.ac.uk for further advice.
- **What should we do if we discover someone has been working without having their right to work checked?** The individual must stop work immediately. Contact righttowork@essex.ac.uk as soon as possible.

Who can I contact for more information and queries?

- If the check relates to recruitment that is being managed by the Resourcing Team, **Resourcing Adviser** by email at resourcing@essex.ac.uk.
- If the recruitment is for post of less than 6 months or On Demand staff, contact staffing@essex.ac.uk.
- If the individual is currently sponsored under the Tier 2/Skilled Worker, International Sportsperson or Tier 5/Temporary Worker routes, please contact sponsoredstaff@essex.ac.uk.
- If you have general right to work queries, please contact righttowork@essex.ac.uk

Contact righttowork@essex.ac.uk for support with this document. For more Quick Guides go to the [webpage](#).