



# Right to Work Checking Policy

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April 2024

## Contents

What is a right to work check?	3
Who needs to have a right to work check?	3
Penalties	3
Application	3

<b>Document:</b> Right to Work Checking Policy	<b>Page:</b> 2
<b>Responsibility:</b> HR Department	<b>Version:</b> 3
<b>Date of Issue:</b> April 2024	<b>Review date:</b> October 2026

## What is a right to work check?

A right to work check is a Home Office process to establish that each employee or casual worker has the right to work in the UK before they start their employment.

In addition, those with time-limited right to work in the UK (i.e. those who hold a 'List B' document such as a visa) must have a repeat check before their visa/document is due to expire.

## Who needs to have a right to work check?

Right to work check required	Right to work check not required
Any employees working for the Company (British citizen/visa holder)	Anybody working entirely overseas
Casual workers	Anybody continuously employed since before 27 January 1997
Temporary Worker/Tier 5 visa holders	Self-employed workers
Unpaid workers	Volunteers
Anyone doing work experience who is over the age of 16	Anyone doing work experience who is under the age of 16
Student/Tier 4 visa holders (Most are restricted to 20 hours per week)	Visitors (either British citizen, or someone holding a visitor visa)

## Penalties

If the Company is found to be employing someone illegally and has not carried out the prescribed checks, the Company may face sanctions including:

- a civil penalty of up to £60,000 per illegal worker; the fine for a first breach is £45,000 per illegal worker, for repeated breaches, the fine is up to £60,000.
- in serious cases, a criminal conviction carrying a prison sentence of up to 5 years and an unlimited fine;
- closure of the business and a compliance order issued by the court;
- disqualification as a director;
- not being able to sponsor migrants;
- seizure of earnings made as a result of illegal working; and
- review and possible revocation of a licence in the alcohol and late night refreshment sector and the private hire vehicle and taxi sector.

## Application

All employees regardless of service, age, employment type, race, gender, religious belief, age, sexual orientation or disability will be covered by this policy. All employees and prospective employees will be

<b>Document:</b> Right to Work Checking Policy	<b>Page:</b> 3
<b>Responsibility:</b> HR Department	<b>Version:</b> 3
<b>Date of Issue:</b> April 2024	<b>Review date:</b> October 2026

asked to provide the appropriate documents and will be treated fairly, in line with the Company's Equal Opportunities policy.

<b>Document:</b> Right to Work Checking Policy	<b>Page:</b> 4
<b>Responsibility:</b> HR Department	<b>Version:</b> 3
<b>Date of Issue:</b> April 2024	<b>Review date:</b> October 2026