

ELIGIBILITY TO WORK POLICY

Overview

As an employer in the United Kingdom we have a legal obligation to ensure that our colleagues are eligible to work here. You can be assured that in doing so we will ensure that everyone is treated in the same and consistent manner.

This is controlled by the Immigration, Asylum and Nationality Act 2006 and we must follow these guidelines to ensure we do not knowingly employ an illegal migrant worker.

It's our commitment that the process remains fair, inclusive, and non-discriminatory.

Who does it apply to?

The policy applies to prospective colleagues, all colleagues employed directly at our sites and those supplied via third parties eg agency or self-employed interim colleagues.

This policy is non-contractual and may be amended from time to time to reflect best practice and any changes in legislation.

What do I need to know or do?

Evidence of a prospective colleague's eligibility to work in the United Kingdom must be obtained **prior** to their agreed start date. In most circumstances the relevant documentation will be requested at interview stage. Colleagues are not able to commence employment without evidence of eligibility to work in the UK.

Eligibility to work checks will only be conducted by a trained colleague who will usually be a member of the Talent Acquisition or HR Teams.

Where colleagues have restricted eligibility to work in the UK, follow up checks will be undertaken during employment, depending on the documentation provided as below. This may include use of the Home Office Employer Checking Service (ECS – further information below), if a Negative Verification Notice is received the prospective colleague cannot start or current employment may be terminated.

The documents we can accept as evidence of eligibility to work in the UK are set out in two distinctive lists:

- List A – an automatic and ongoing right to work in the UK without restrictions
- List B (groups 1 & 2) – those that do not have an automatic right to work in the UK but have gained permission or expect to be granted to do so subject to restrictions ie: for a time limited period.

The ETW Checklist in **Appendix 1** details the documents in list A & B.

Where a prospective colleague is unable to provide photographic identification and use their birth certificate or adoption certificate, we require that a bank statement or utility bill dated within the last three months is also provided. All prospective colleagues must also provide an official document giving their permanent National Insurance number issued by a Government agency or a previous employer (P60 or P45 only). If the prospective colleague does not have a National Insurance number, they must provide proof of their application.

How does it work?

Existing Colleagues - Follow Up Checks

If you commenced employment on or after 29 February 2008 but before 16 May 2014 and have time limits detailed on your documentation, we have an obligation to ensure that you have continuing eligibility to work in the United Kingdom by conducting follow-up checks based on the expiry date of your documentation.

If you commenced employment on or after 16 May 2014, you must also have an Indefinite Leave to Remain ('ILR') stamp on your current passport. If your passport is no longer valid you can make an application to the Home Office to upgrade your older form of immigration documentation.

Each site may also carry out information validation audits at locally agreed intervals which may include the checking of eligibility to work documentation. You will be expected to comply with any such reasonably made request.

Eligibility to work checks will only be conducted by a trained colleague who will usually be a member of the Talent Acquisition or HR Teams.

Expiry of Time Limited ETW Documents - List B, Group 1

If you have time limits on your right to live and work in the United Kingdom, HR Shared Services will write to you three months before the expiry of your documents to request that you present documents relevant to your eligibility to work status, including any documentation received from the Home Office, showing that you have made an in-time application to extend or vary leave to remain. Copies of all relevant documentation will be made and placed on your personal file. Where an application to extend or vary leave has not yet been made, you must do this without delay and provide proof of postage / submission to HR Shared Services.

HR Shared Services will contact the Employer Checking Service (ECS) to obtain a Positive Verification Notice 14 days after your application has been made. Provided that an application has been made prior to the expiry of documents (in-time), a Positive Verification Notice will extend your eligibility to work status for a period of 6 months from the date of the notice.

Failure to submit an in-time application will mean that existing permissions do not continue whilst the application is being considered and therefore your employment will not usually be able to continue.

If a Negative Verification Notice is received or there are any changes to your permissions to work in the UK, a further discussion with the local HR Team will be arranged as this may indicate that you are no longer able to continue working or carry out the type of work for which you are employed.

Once your application to the Home Office has been processed, you should present your new documentation and any additional correspondence to the HR Team so that copies can be taken and provided to HR shared Services to be placed on your personal file. This should be done without delay.

List B, Group 2

Where you have provided a document from Group 2 of list B which is less 6 months old from the date of issue as proof of your eligibility to work (this includes where an application to the EU settlement scheme has been made), we are required to obtain a Positive Verification Notice from the Employer Checking Service at the Home Office once in every 6 month period.

HR Shared Services will write to you one month before the expiry of the 6 month period to request that you present your documents. If the documents presented still appear in List B, Group 2, this process will continue until such time as you are able to present documents from List A, or Group 1 of List B.

If a Negative Verification Notice is received or there are any changes to your permissions to work in the United Kingdom, a further discussion with the local HR Team will be arranged as this may indicate that you are no longer able to carry out the type of work for which you are employed.

Home Office Employer Checking Service

An online right to work check will provide us with a statutory excuse against a civil penalty in the event of illegal working involving our colleagues.

The check can be undertaken by visiting this website: <https://www.gov.uk/view-right-to-work>

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 (effective 30 June 2021, these individuals can no longer demonstrate their right to work by presenting their EU passport or ID card)
- status issued under the points-based immigration system
- British National Overseas (BNO) visa
- Frontier workers permit

Our prospective or current colleague would first access their own Home Office right to work record and provide us with a 'share code'. We can then enter this along with the individuals date of birth to access the right to work status. The image of the individual presented as part of the online check must be the prospective or current colleague.

We must retain evidence of this online right to work check. This is the profile page confirming the individual's right to work. This page contains the individual's photo and date on which the check was conducted.

Third Party / Self-Employed Colleagues

Where you are employed by a third party such as an employment agency or temporary labour provider, it is the third party's obligation to carry out the necessary checks to ensure eligibility to work. However, in order to ensure that we are not implicated or adversely affected by a breach of the legislation, all third parties must comply with this policy and the supplementary guidance supplied by HR Teams which outlines process requirements for conducting eligibility to work checks.

Where the employment agency or labour provider do not have managed on-site offices or where you are self-employed, the HR Team will conduct eligibility to work checks in line with this policy. Basic personal information such as name, address, telephone number(s), email address and emergency contact details may also be collected and securely stored and retained for the duration of the assignment and for a minimum of 2 years following the end of the assignment.

Where you have been employed by a third party and subsequently accept an offer of permanent employment with us, your local HR Team will carry out eligibility to work checks in the usual way.

Data Collected for the Purpose of Document Verification

Where documents provided by you to establish eligibility to work include a Passport, EEA National Identify Card, Biometric Residence Permit or Visa, it is our policy to verify these details using a secure database which is hosted by a third party based in the UK and subject to the provisions outlined in the Data Protection Act 2018. In order to conduct the verification check, the following information will be used:

Name	Date of Birth
Nationality	Document Type
Country Code (Visas only)	Document Number
Date of Issue	Date of Expiry
Gender	Nationality
Issuing Authority	Text / Numbers from Machine Readable Zone

How are records kept?

All eligibility to work checks and follow-up checks are retained on colleagues' personal files and for a minimum of 2 years after they leave employment.

Associated documentation will be treated as confidential and kept in accordance with the principles of the Data Protection Act 2018, which state that any personal data kept should be necessary, fairly and lawfully processed, relevant, accurate and secure.

Retention of Eligibility to Work Information

Should an offer of employment not be made or accepted, we will retain eligibility to work information in a secure filing system for a period of 6 months, following which it will be destroyed in line with other confidential waste.

How will I be supported?

We are here to support our colleagues with eligibility to work, whilst remaining compliant with government legislation. If you have any concerns speak to your manager, our local HR team or HR shared Services.

You can also visit <https://www.gov.uk/prove-right-to-work> for further information.

What happens if I don't follow it?

Failure to comply with Home Office legislation in relation to eligibility to work can result in prosecution and prison sentences.

It is a legal requirement to comply with this policy.

If you are already employed, it is likely that you will not be able to continue to work with us if you refuse to or are unable to provide satisfactory evidence of your eligibility to work status. No offer of employment will be made to prospective colleagues unless satisfactory evidence has been received.

How will the policy be monitored?

This policy will be monitored annually by the Company to review its effectiveness and will be updated in accordance with legislative changes.

Issue	Issue Date	Author	Revision Notes
1	2018	Policy Harmonisation	New policy
2	June 2021	Policy Project Team	Legislation update for EU citizens

Related documents I may need to know?

- ETW checklist
- Inclusive Recruitment Policy
- Data Protection Policy

Appendix 1

LIST A

01	A passport (current or expired) showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.	<input type="checkbox"/>
02	A passport or passport card (current or expired) showing that the holder is a national of the Republic of Ireland.	<input type="checkbox"/>
03	A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.	<input type="checkbox"/>
04	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.	<input type="checkbox"/>
05	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.	<input type="checkbox"/>
06	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.	<input type="checkbox"/>
07	A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating 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.	<input type="checkbox"/>
08	A birth (short or long) or adoption certificate issued 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. (P45/P60)	<input type="checkbox"/>
09	A birth (short or long) 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. (P45/P60)	<input type="checkbox"/>
10	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 (P45/P60).	<input type="checkbox"/>

LIST B – GROUP 1

01	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.	<input type="checkbox"/>
02	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.	<input type="checkbox"/>
03	A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time limited period and to do the type of work in question.	<input type="checkbox"/>
04	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.	<input type="checkbox"/>
05	A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, on or before 30 June 2021.	<input type="checkbox"/>
06	A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.	<input type="checkbox"/>
07	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.	<input type="checkbox"/>

LIST B – GROUP 2

01	A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.	<input type="checkbox"/>
02	A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.	<input type="checkbox"/>
03	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.	<input type="checkbox"/>
04	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.	<input type="checkbox"/>