



# Right to Work Check Update December 2022

## Briefing Note

Following the government changes to Right to Work (RTW) from 1st October, and University experience of the changes to date, we have outlined points of clarification below.

### **Background**

Since 1st October, the prescribed ways to check a RTW have been:

1. British/Irish passport holders: a manual right to work check - in the physical presence of the original 'right to work documentation' and in-person/video call.
2. Those with a Home Office Digital Profile (status under the EU settlement scheme, BRP, FWP and BRC Holders): a Home Office online right to work check using the Government's [online tool](#) and either in-person or via video call.

The University is legally required to ensure that all prospective members of staff/workers are eligible to work in the UK, by checking the appropriate documentation, **before** they start work.

### **Key Points**

#### **1. Flowchart**

To determine whether a right to work check is required; if so the type of check and the statement to enter please view the quick [flowchart](#). For further guidance please see: [Entitlement to work in the UK](#) or [Right to Work Checks – How to Guidance](#)

#### **2. Courier Service**

Where a British/Irish passport holder wishes to demonstrate their 'right to work' over video call, the University will need to be in the 'physical presence of the original documentation' (a reminder, that out-of-date passports are permissible for this purpose).

To facilitate this scenario and the safe keeping of incoming/outgoing provision for Passports, please ensure that the University courier service via DHL is utilised in these circumstances. The process for which can be found [here](#).

#### **3. External Examiners**

##### **3a. Under-Graduate and Post-graduate (taught) - External Examiners**

As External Examiners for undergraduate studies and Postgraduate (taught) studies are employed as workers 'right to work' checks apply and payment will be made through the University payroll with statutory deductions applied where applicable.

##### **3b. Post-Graduate (Research) - External Examiners**

Our default payment will remain through the University payroll to apply the relevant statutory deductions and where this method is used, a right to work check will need to be undertaken before any work commences.

However, External Examiners for higher research degrees (Masters and PhDs) may be engaged as contractors, paid via 'Accounts Payable' and not employed. Should an individual choose to invoice for the work in this way, this must be confirmed prior to



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engagement. Right to work checks are therefore not necessary in these scenarios, provided the engagement is not regular (i.e., more than 3 occasions in any one academic year) and therefore constituting a 'worker' engagement. The Finance [pages](#) have further information on 'one off payment requests' or where the engagement is up to three occasions this will need to be raised as a requisition with your Finance Officer.

**If in doubt about an individual's right to work in the UK, please contact HR on [RTW@Lincoln.ac.uk](mailto:RTW@Lincoln.ac.uk) prior to the individual undertaking any work.**