



UNIVERSITY OF
LINCOLN

Right to Work Checks - How to Guidance

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UNIVERSITY OF
LINCOLN

DEPARTMENT OF PEOPLE,
PERFORMANCE AND CULTURE

CONTENTS

Section	Title	Page
	Context	2
	Introduction	3
1	When to Complete a Right to Work Check 1A. Under-Graduate and Post-graduate (taught) - External Examiners 2B. Post-Graduate (Research) - External Examiners	4
2	Acceptable Documents	4
3	Home Office Online Right to Work Check A. Carrying out an online right to work check using the Home Office service B. Right to Work Checks for Sponsored Visa Holders C. Skilled Worker - Supplementary Employment D. Student Visa Holders E. Employer Checking Service (ECS)	5
4	Manual Right to Work Check	9
5	Use of IDVT Technology for a remote digital check	11
6	Application Registration Card	12
7	Permitted Paid Engagement	12
8	Further Guidance/References	12

Introduction

The sections below provide guidance on 'Completing Right to Work Checks' (RTW) from 1st October 2022.

From 1st October 2022 Covid-19 adjusted RTW checks¹, which allowed a check to be undertaken remotely, will no longer be permissible in its original form and the prescribed ways to check a RTW are now:

1. Home Office Online Share Code Check (All visa holders/ those with status under the EU Settlement scheme)

An online right to work check and video call using the Home Office Online Right to work Checking Service for individuals with a 'Home Office Digital Profile' and 'Share code'.

2. Manual/ IDVT Check (British/Irish passport holders)

a. In-person check of an individual's original 'right to work documentation' for those with a UK/Irish passport, Irish passport card, or entry clearance vignette or ILR document in an in-date passport. ([Acceptable Documents](#))

b. A manual right to work check - in the ***physical presence*** of the original 'right to work documentation' via video call. Only permissible for UK/Irish passports/passport cards and documents should be posted via the University courier ([courier link](#))

c. Identification Document Validation Technology (IDVT) supplier (Trust ID) verification of an in-date UK/Irish passport and undertake a follow up video call 'likeness' check with the University.

Please note it is important:

- To ask applicants how they wish to demonstrate their right to work and not make assumptions on the type of RTW an individual may have. Template correspondence can be found [here](#).
- Right to work checks must be applied equally to all employees/workers to ensure that we remain compliant with our duty to prevent illegal working and at the same time avoid unlawful discrimination.
- To ensure checks take place **ahead of the start date and not on the start date** to provide us with a statutory excuse, avoid liability for a civil penalty and meet our compliance duties as a 'Highly Trusted Sponsor'.

¹ The Government confirmed that retrospective ('prescribed') checks are not required on covid-19 adjusted checks provided the check was completed in the prescribed manner as set out in the COVID-19 adjusted checks guidance.

1. When to Complete a Right to Work Check

A right to work check must be completed irrespective of the length of the engagement or employment contract **before** work or engagement commences and ideally before a start date is agreed. Where a contract start date falls on a weekend or public holiday and cannot be delayed as it has been specified by a funding organisation, the check must be carried out **before** the first day. A RTW flowchart detailing when a RTW check is required and the type of check can be accessed [here](#).

In some instances, it may be possible to recompense individuals in an alternative way, as follows:

1a. 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.

2b. 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/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 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. Further information can be found at [HMRC](#).

2. Acceptable Documents

The Home Office provide a full list of document types that can be accepted as proof of right to work. These are divided into List A and List B documents and the full list can be found here: [Right to work checklist Gov.uk](#).

List A documents evidence an individual's permanent right to work: no repeat check required unless there has been a break in service/ where an hourly paid role moves to a core role. For example, a British/Irish passport or proof an EU/EEA citizen has Settled status via a digital Home Office share code.

List B documents evidence an individuals time limited right to work, in which a repeat check is required ahead of the expiry date. For instance, a time limited visa such as a Skilled Worker or Student visa. Additionally, where an individual enters the

UK on a 'vignette' (entry clearance sticker in passport) which is normally valid for 30 days, a follow up check would be required before the vignette expiry utilising a digital share code.

3: Home Office Online Right to Work Check

On 6th April 2022 it became mandatory for individuals with a digital Home Office status 'digital share code' to evidence their Right to work using the Government's [online tool](#).

For those with physical Biometric Residence Permit Cards, Biometric Residence Cards, status under the EU Settlement Scheme, Frontier Worker Permit or an eVisa, these cards are no longer permissible even where the cards continue to be valid by date. RTW will be required via the [online tool](#).

a. Carrying out an online right to work check using the Home Office service:

An online right to work check must be undertaken **prior to an individual commencing work** at the University and must be conducted with the **individual in-person or present via a video call**.

i. Step 1: Share code

First establish how an individual wishes to demonstrate their 'right to work in the UK', see [template correspondence](#).

The individual should then view their own [Home Office right to work record](#) and provide you with the 'digital share code' generated by the service. They may provide this to you directly, or they may choose to send this to you via the service, in which case you will receive an email from right.to.work.service@notifications.service.gov.uk. The share code will be valid for 90 days, after which a new code will be required in order to conduct an online check. All share codes now begin with a letter denoting the purpose it can be used for, for example, a share code beginning with the letter 'W' will indicate that the share code has been generated by an individual to evidence their right to work. Please ensure the share code commences with the letter 'W'.

To view the individual's right to work details, you will need to type in the share code and the individual's date of birth.

You must use the [Home Office Online Right to Work Checking Service](#) to conduct an online check. It is not sufficient to simply view the details provided to the individual on the migrant part of the service and doing so will not provide you with a statutory excuse.

Where individuals are yet to receive their BRP and digital status they are permitted to commence work/engagement based on their entry clearance passport vignette, with a follow up required upon receipt of the digital status ahead of the vignette expiry date. It is important

however that this check follows the manual 'Right to Work check' of original documentation in section 3.

Please note: The Home Office Service does not specifically include the type of visa/permission an individual has. Where individuals are willing to provide this information and their BRP, please include these details on the relevant form/system. It is particularly important to identify Skilled/GAE sponsored visas and Student Visa types given the additional Home Office conditions for these routes.

Example 1: Sponsored Worker Digital Profile:

Home Office

Photo of person

NAME OF PERSON
They have permission to work in the UK from 1 March 2021. They can work in the UK until 14 September 2021.

Details
On their current visa, they must work for their sponsor while they are in the UK.
They can also work part-time (up to 20 hours a week) in another job if it is one of the following:
• the same role as their current job
• on the shortage occupation list
Any part-time work must be outside the hours they work for their sponsor.
These conditions are the standard requirements for their visa.

Example 2: Student Visa Holder Digital Profile

Home Office

Photo of person

NAME OF PERSON
They have permission to work in the UK from 25 March 2021. They can work in the UK until 16 August 2023.

Details
They can work:
• up to 20 hours a week during term time
• full-time during the holidays

They must share proof of their term dates with their employer.
They can also work on a placement which is part of the course their student visa is based on. The work placement must be:
• a compulsory part of their course
• assessed as part of their course
Read more about [volunteering, working for a student union and other types of work](#).

Conditions
They cannot:
• work as an entertainer
• work as a professional sportsperson or coach
• run a business or be self-employed - unless they have applied for a start-up visa

ii. Step 2: Check

Verify the online screen with the individual either in-person or via video call. Check that the photograph/ date of birth on the online right to work check is of the individual presenting themselves for work. You must only employ/engage the individual, or continue to employ an existing employee, if you are conducting a follow-up check, if the online check

confirms they have the right to work and are not subject to a condition preventing them from doing the work in question.

iii. **Step 3: Retain**

You must retain evidence of the online right to work check. For online checks, this should be the 'profile' page confirming the individual's right to work. This is the page that includes the individual's photo and date on which the check was conducted. You will have the option of printing the profile page or saving it as a PDF or HTML file.

You will need to include the following declaration '**Date on which this visual right to work check was made**', signed and dated by yourself with the document.

A copy of the online right to work check and declaration should be saved on the individual's record. Please also request a copy of the individual's passport to provide Payroll with documentary evidence of the individual's date of birth, it should be made clear however that this is not obligatory and does not need verification. It is important that you confidentially destroy/delete the right to work documentation once it has been saved in the correct location.

Ensure that any conditions of employment are noted, for example: dates of the visa or immigration status, particularly where right to work ends on a set date, restrictions on the number of weekly hours the individual can work (20 hours during term time for students & 20 hours supplementary employment for sponsored Skilled Worker/ Tier 2 visa holders).

b. Right to Work Checks for Sponsored Visa Holders

If an individual is working at the University **under a sponsored route such as a Skilled Worker Visa (Tier 2 visa previously), or a GAE Temporary Work Visa (Tier 5 visa previously)**, you must also ask the individual to provide you with a copy of their current passport (mandatory for this route) to retain on file in addition to their online right to work check document. The individual will need to send you a copy of the passport pages showing their personal identity details and any relevant entry clearances (visas) or permission (leave) to enter stamps showing they have permission to work for the University. Follow steps at section 3.ii and 3.iii below.

For sponsored colleagues you must also make a copy of their most recent entry clearance stamp (a visa to enter the UK) indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question and check that they entered the UK during the validity period of their visa.

In the absence of an entry stamp i.e. in cases whereby individuals enter the UK via e-gates, retain copies of travel tickets or travel itinerary as proof of when the individual entered the UK. If the individual entered before the 'valid from' date on their visa, they will not have permission to work for the University. In this case, contact the PPC team. This step is not required if the individual has been granted, or is applying for, permission to stay (leave to remain) in the UK. This includes where the worker is applying for an extension of their Worker or Temporary Worker permission or is 'switching' (changing immigration route) to the Worker or Temporary Worker routes while they are in the UK.

For sponsored academic researchers –who are carrying out or taking part in research at postgraduate level or above in a relevant subject area, and are not an exempt national, must also hold an [ATAS certificate](#) before they begin any such research. Please contact the PPC department who will be able to support in such instances.

c. Skilled Worker Visa Holder - Supplementary Employment

Some prospective employees may hold a Skilled Worker or Tier 2 visa sponsored by another employer. These visas only permit an individual to work for the sponsor who issued them with a Certificate of Sponsorship and only allow them to work in the specific post that was detailed when the Certificate of Sponsorship (CoS) was issued.

Supplementary employment may be permitted with the same or a different employer alongside their main role, as long as the individual is still working in their main sponsored role and the supplementary work is:

- the same type of work, and at the same professional level, as the main role and falls under the same job code, or in a [shortage occupation](#)
- outside their normal working hours and does not interfere with their main role
- no more than 20 hours per week

As part of a right to work check before any supplementary work commences, the visa holder will need to provide a letter from their sponsor employer confirming:

- They are still working for their sponsor;
- The job description and occupation code of their sponsored employment (if their supplementary employment is not in a shortage occupation);
- Their normal working hours

It will also be necessary to ask the individual if they are undertaking any other supplementary employment to ensure they will not be doing more than 20 hours a week in total of supplementary employment.

d. Student Visa Holders

Where an individual is engaged to work on a '**student visa**', with limited permission to work, you must also obtain, copy and retain a copy of their current passport to retain on file in addition to their online right to work check document, current study status and details of their academic term and 'vacation times' covering the duration of their period of study in the UK for which they will be employed/engaged.

In all instances work hours must be pre-booked via the University '[Work Monitoring form](#)' before engaging in any work and individual's must complete the [Student Visa Holder Working on Campus: Guidance and Declaration Form](#). PPC will confirm approval to commence work.

e. Employer Checking Service

The Employer Checking Service (ECS) is used to request verification from the Home Office that an individual has the right to work in the UK when they have an outstanding application or appeal and cannot present valid right to work documents before they start work.

The Employer Checking Service generates a 'Positive Verification Notice' which confirms a person's right to work in the UK. This should be added on the employees personnel file until they can provide original documents for the repeat right to work check.

Where a current employee has submitted a visa application in the UK before their current visa expires, the conditions of their visa continue whilst the application is being processed. The University must secure a right to work check or a Positive Verification Notice before the **28th day after the visa expires**.

In all cases the PPC department and Campus Jobs colleagues will undertake ECS checks.

4. Manual Right to Work Check

Manual checks against an individual's original documentation for individuals without a digital Home Office status; British/Irish citizens, British citizens by naturalisation or those with an Application Registration card (ARC) for instance. A full list can be found here: [Employers' right to work checklist - GOV.UK \(www.gov.uk\)](#)

- a. **Carrying out a Manual Right to Work Check**
 - i. **Step 1 - Obtain documents**

First establish how an individual wishes to demonstrate their 'right to work in the UK' and request documents prescribed in the [List A/B](#) of acceptable documents. [template correspondence](#).

- ii. **Step 2 - Check**

Checks should predominantly take place 'face to face' and where this is not possible checks may take place via video call provided colleagues are in the '**physical presence**' of the right to work **original** documentation. 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: [courier link](#).

For each document presented in the presence of the employee, you should:

- check any photographs are consistent with the appearance of the individual (this means you must see them in person)
- check dates of birth listed are consistent across documents and that you are satisfied that these correspond with the appearance of the individual
- satisfy yourself that the documents are valid and genuine, have not been tampered with and belong to the holder
- Check that the expiry dates for permission to be in the UK have not passed
- Check any work restrictions to see if the individual is allowed to do the type of work offered.

If the individual gives you two documents which have different names, ask for a further document to explain the reason for this. The further document could be a marriage/civil partnership certificate, a divorce decree, or an enrolled deed poll.

iii. Step 3 - Retain

You must make a copy of the relevant page or pages of the document in a format which cannot be subsequently altered. Typically, you should do this by photocopying and/or scanning the documents.

In the case of a passport or other identification document, the following parts must be photocopied and/or scanned:

- Passports: any page showing the individual's personal identity details (e.g. name, signature, nationality, date of birth, biometric details and photograph) along with the document expiry date.

Each document should be photocopied and/or scanned separately and include the following declaration '**Date on which this right to work check was made**'. The declaration must be **signed and dated** by the individual conducting the check and their name written legibly so it is clear who has completed the check.

Ensure that any conditions of employment are noted, for example: dates of the visa or immigration status, particularly where right to work ends on a set date, restrictions on the number of weekly hours the individual can work.

Where an individual does not demonstrate their RTW using their passport, i.e. via a vignette, please request a copy to provide Payroll with documentary evidence of the individuals date of birth, it should be made clear however that this is not obligatory and does not need verification.

It is important that you confidentially destroy/delete the right to work documentation once it has been saved in the correct location.

5. Use of IDVT Technology for a remote digital check

For those with an in-date UK/Irish Passport verification is permissible via the use of our certified Identification Document Validation Technology (IDVT) supplier Trust ID.

a. Carrying out An IDVT Check

i. Step 1 - Obtain documents

First establish how an individual wishes to demonstrate their 'right to work in the UK' [template correspondence](#). Where the use of IDVT is requested, send the individual the [guidance document](#) and secure link from Trust ID to commence the process.

ii. Step 2 - Check

Once the validation of the passport has taken place you will be notified via cloud@trustid.co.uk. Check that the passport and selfie have been verified and there are no alerts:

Identity verified

Yes

Download the check ([guidance](#)) and arrange a video call with the applicant to undertake a 'likeness' check. In the presence of the employee review the 'Digital Identity Right to Work Check' provided by Trust ID and check:

- the photographs are consistent with the appearance of the individual (this means you must see them in person via video call)
- check dates of birth listed are consistent across documents and that you are satisfied that these correspond with the appearance of the individual.

iv. Step 3 - Retain

Each document should be saved and include the following declaration '**Date on which this 'likeness' check was made**'. The declaration must be **signed and dated** by the individual conducting the check and their name written legibly so it is clear who has completed the check.

It is important that you confidentially destroy/delete the right to work documentation once it has been saved in the correct location.

6. Application Registration Card

In instances whereby an 'Application Registration Card' (ARC) evidences a 'right to work', both sides of the card must be copied and the University must also request a 'Positive Verification Notice' (PVN) from the Home Office to confirm that the applicant has the right to work. This document must be retained also.

In all instances, contact the PPC Department who will process the PVN.

7. Permitted Paid Engagement

The Permitted Paid Engagements (PPE) Visitor route is a sub-group of the Standard Visitor visa route and is for individuals invited to come to visit the UK for their particular skills or expertise relating to paid employment overseas. Individuals can come to the UK to undertake pre-arranged engagements for which they must be paid; however, there is no specified level of payment that must be made. The visit can be for up to six months but the PPE activities must be completed within the **first 30 days** after they arrive in the UK.

Permitted activities include:

- Visiting lecturers –invited to give one or a short series of paid lectures in their field of expertise, provided this is not a part-time or full-time role and does not replace the formal role of a course tutor i.e. cannot be responsible for design, review or marking of a programme.
- Visiting examiners or assessors – academics who are highly qualified in their field of expertise to examine students or participate in and/or chair a selection panel as part of the institution's quality assurance processes.

For 'Right to Work' purposes, the University are required to retain a passport, [College invitation letter](#) which details the agreed work scope and payment terms prior to arrival and evidence of entry to the UK to ensure the PPE is within the first 30 days of entry.

8. Further Guidance/References

- Student Visa Holder [Work Monitoring form](#)
- [Casual Workers – Human Resources \(lincoln.ac.uk\)](#)
- Home Office 'right to work' YouTube [video](#)
- [right to work checks: an employer's guide](#)
- Employers' '[Right to Work Checklist](#)'
- Online interactive tool '[Check if someone can work in the UK](#)', which will take you through the process by asking you a series of questions.
- [Student Employment Work Conditions](#)
- [Appendix D – Guidance for Sponsors](#)
- [Code of practice on preventing illegal working: Civil penalty scheme for employers](#)
- [Code of practice for employers: avoiding unlawful discrimination while preventing illegal working](#)