

Right to Work Policy

Devised in keeping with Home Office guidance *An employer's guide to right to work checks: 06 April 2022* <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

The Right to Work check should be undertaken by the Founder and Chair of Trustees.

Manual check

The manual check can be completed for UK and Irish nationals who can use their passport, or other identity document (as detailed in the list of acceptable documents included in Appendix 1), as proof of their right to work. We will also complete a manual check for individuals in the UK who cannot prove their immigration status online.

The Founder should obtain original documents and check them in the presence of the applicant (he/she may be present via a live video link), and make clear copies of them. They should check that the photographs and dates of birth are consistent across documents, as well as checking expiry dates and work restrictions.

Applicants in this category must show original documents to the Founder and Chair commencing their employment. Freelance workers and volunteers, must also show proof of their right to work/volunteer in the UK. However, the Pearce Foundation recognises that it may not always be possible to view their original documents (often due to their location) prior to undertaking the role. In this case, a scan of the document should be emailed to the Founder and Chair prior to the start of the work, and the original document should be viewed at the earliest available opportunity, in the presence of the document holder. Should the Pearce Foundation have any concerns about a Freelancers/volunteers right to work, they may ask them to bring their documents to the office in person at their earliest convenience.

Retaining Document Records

A hard copy of the relevant document(s) will be kept on file for the duration of the person's employment/contract, and for a further two years after they have stopped working for *the Pearce Foundation*. Electronic copies are also held on file, stored in the relevant Google Drive folder and only shared with the Trustees by invitation only.

UK points-based immigration system

Although the Pearce Foundation aims to recruit employees/volunteers locally, it is important to note that a new immigration system applies to people arriving in the UK from 1 January 2021. EU citizens who have been offered employment or a voluntary position at the Pearce Foundation will need to get a visa in advance of coming to the UK.

Online check

On 1 July 2021, the process for completing right to work checks changed. The Pearce Foundation will not be able to accept EU passports or ID cards as valid proof of right to work for new staff, with the exception of UK and Irish citizens. Instead, an online check should be conducted for job applicants that hold digital proof of their immigration status in the UK, known as an eVisa. This applies to most

EU citizens, including those with settled or pre-settled status, those with a Hong Kong BNO visa and some other nationalities who have moved to the UK under the points-based immigration system.

To carry out an online right to work check, we will need the applicant's date of birth and their share code which they will have obtained online. The check should be carried out by visiting [gov.uk/view-right-to-work](https://www.gov.uk/view-right-to-work).

References

GOV.UK. *Guidance: Right to work checklist*

<https://www.gov.uk/government/publications/right-to-work-checklist>

GOV.UK. *UK visa sponsorship for employers* <https://www.gov.uk/uk-visa-sponsorship-employers>

Date of Policy: September 2022

Date of next review: April 2024

APPENDIX 1: Acceptable Documents

List A

Acceptable documents to establish a continuous statutory excuse.

1. A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. 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(J) 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.
4. 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.
5. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that 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.
6. A birth 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 employer¹.
7. A birth 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.
8. 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.

¹ Definition includes a full birth certificate issued by a UK diplomatic mission (British Embassy or British High Commission).

List B

Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of permission to enter or permission to stay

1. 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 question².
2. 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(J) 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.
3. 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.

Group 2 – documents where a time-limited statutory excuse lasts for six months

1. 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 (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A Certificate of Application (digital or non-digital) 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 (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. 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.
5. 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.

² This includes a current passport endorsed with a stamp showing an individual has been granted leave to enter and there are no work-related conditions attached. If, under the conditions of the individual's leave, work was restricted or prohibited the endorsement placed in the individual's passport would explicitly set that out as a condition.