Quick Guide

Right to work checks – why, what how?

Why it matters...

As an employer, we have the responsibility to ensure that all employees and potential employees have the right to work in the UK.

The University may be liable for a civil penalty if we employ somebody who does not have the right to undertake the work in question. We may also lose our licence to have.

The University must play its part in helping Tier 4 students work within the terms of their visa. It is a criminal offence for students to break the terms of their visa and it is likely they would lose their right to stay in the UK.

What do I need to do?

Make sure that anyone who is starting to work in your area is asked to provide their right to work documents, preferably at interview.

Have a copy of the list of acceptable documents on hand and to share (this will be provided to anyone coming through the central recruitment process).

Do not let anyone start working without having seen their right to work documents in person and with copies taken.

Where someone is working on a Tier 4 visa, their weekly hours must be monitored.

Where an immigration permission ends, the individual must stop working for us.

How it works

• All original documents must be obtained before the starting date of the role, preferably at interview. They must match the list of acceptable documents.

• If they cannot be obtained before the start date, then the start date must be pushed forward.

• Check the original documents in person. They should appear genuine and any photographs must match the person presenting them.

• It is essential that a copy of each document is taken.

• The copies must be clear to read and copied in a way which means they cannot be modified later.

• Each page of the copy must be signed and dated.

• All copies are to be submitted to HR and kept on the individual’s file.

For more Quick Guides go to 'People Strategy in Action'.

Right to work guidance
How do I check and copy?

Things to check:
• Photographs and dates of birth - is there consistency across documents?
• Are there any restrictions on hours available or types of work they can do?
• Have any expiry dates passed?

How to copy and retain documents:
• Passports – copy any page with the document expiry date, nationality, date of birth, signature, photo, leave expiry date, and any information stating that person has an entitlement to enter and/or remain in the UK and undertake work. The cover does not have to be photocopied.
• Biometric Residence Permit - both sides need to be copied.
• All other documents - to be copied in full.

Each page of the copy must have the name of the person conducting the check, their signature, position at University, the date the check was made, and position the check is for.

Tier 4 students
• Tier 4 visas are held by non-EU students and usually contain a limit on working hours during term time.
• Visas must be physically seen and checked before the first day of work. A term date letter and a completed right to work are also essential.
• Working hours must be monitored and must not exceed the weekly limit. Hours cannot be averaged over a month or year Each week, every department is requested to provide the hours worked the previous week and planned for the week ahead of all Tier 4 students.
• Visa restrictions on hours only apply during term time - PhD and Masters’ students are always considered to be in term time.
• Voluntary or unpaid work is included in the weekly limit on hours.
• Work must come to an end when the visa ends.
• The same restrictions apply to Croatian students.

Common questions
• Can I do right to work checks on the morning someone starts work?
No, it must be done before they start work preferably at interview. If not, they can come in for checks up to the day before. If they cannot do it until they are due to start, their starting date will need to be pushed back.

• Is volunteering covered under Tier 4?
There is a difference between volunteering and volunteer work. It is possible to freely volunteer, but volunteer work (where there are obligations such as having to attend every week) is bound by the 20 hour restriction.

• What if someone has been working without right to work checked?
They must stop working immediately. Also, contact your HR link/ Employment Compliance Manager.

“I understood that there was a standard procedure that applied in the same way to everyone and I felt that I was dealt with efficiently”

Contact your Senior Employee Relations Adviser/ Employee Relations Adviser for support.

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