

RIGHT TO WORK POLICY

Rooted in Christ and Catholic tradition and under the guidance of its patron, St Edmund's aims to realise the God-given potential, in body, mind and spirit, of all members of its community through service and leadership.

Avita Pro Fide !

St Edmund's is committed to ensuring the welfare and protection of children in its care and this commitment is a fundamental part of the role of every person employed by St Edmund's

Introduction

The Right to Work Policy is for guidance only and does not form part of your contract. The College reserves the right to amend and update it from time to time.

We have a legal responsibility to ensure that all of our workers have the legal right to work in the UK before they undertake any work. If you are offered employment by us, you will need to show us original documents from List A or List B below which provide evidence that you have the right to work in the UK.

You must provide the College on request with satisfactory evidence of your right to work at all times during your employment.

If you hold a Tier 4 visa or residence permit the hours per week you can work are limited by your visa / permit and may be limited by the regulations of the institution at which you study. Before you commence employment with us you will receive a letter confirming the maximum hours you can work each week. You must not work in excess of the maximum hours allowed – this is the total hours across any assignments with us and any other job you may hold in the College or elsewhere.

Expired passports - please note we cannot permit an individual to start work for us where you hold a visa or residence permit endorsement (including indefinite leave to remain) inside an expired passport. Please contact us prior to your application if this applies to you and we will explain the process you need to follow.

Leavers - once you are made a leaver from the College we are legally obliged to retake evidence of your right to work before you undertake any further work for us.

Who needs a right to work check?

All potential employees require a right to work check, regardless of their nationality. This must be conducted before employment commences.

For those individuals who hold a visa permitting them to live and work in the UK for a limited period of time, there is also a requirement to undertake a further check at the point that permission expires. As part of this process, you agree the College may undertake a check with the Home Office Employer Checking Service and/or permit the College to undertake an online right to work check.

Please contact the HR Director for further guidance.

Why do we need to do checks?

Under the Immigration, Asylum and Nationality Act 2006 and the Immigration Act 2016, the College has a legal responsibility to ensure that all employees have the legal right to work in the UK. Checks on right to work must be carried out for every person the College intends to employ regardless of their race, ethnicity or nationality before they begin any work. If we do not comply with our duty to ensure our employees have the right to work in the UK, there are serious penalties for non-compliance:

- On-the-spot fines of up to £20,000 for each illegal migrant worker employed.
- Criminal liability for the College and its staff if the College employs an individual knowing or having reasonable cause to believe that the individual was not entitled to work in the UK by virtue of their immigration status.
- Down-grading the College's sponsor licence, with subsequent timed action plan to regain fully compliant status. The College would not be able to sponsor any more individuals during any period when our licence is downgraded, or
- Withdrawal of the sponsor licence, with the consequence that all sponsored individuals would have to leave the College.

How do we carry out checks?

The College adopts the Home Office's guidance in respect of conducting right to work checks. As at the time of updating this policy the Home Office last updated these documents on 29 January 2019. Note however that the Home Office updates these from time to time on their website, here:-

- Guidance:- <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>
- Code of Practice on Preventing Illegal Working:- <https://www.gov.uk/government/publications/illegal-working-penalties-codes-of-practice-for-employers-2018>
- Right to Work Check-list:- <https://www.gov.uk/government/publications/right-to-work-checklist#history>

List A documents

An original version of any one of the following documents should be provided which cover the duration of the individual's employment.

1. A passport showing 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.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
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.

List B documents

If an individual is unable to produce an original document from List A, at least two of the documents at List B should be provided.

List B documents are divided into 2 groups, group 1 and group 2.

Group 1

List B group 1 documents may provide evidence of your right to work until the expiry date of the permission to live and work in the UK shown in such document.

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 question.
2. 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.



3. A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. 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

List B group 2 documents may provide evidence of your right to work for 6 months from their date of issue.

1.

A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old **together with a Positive Verification Notice** from the Home Office Employer Checking Service.

2. 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.

3. 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.

Frequency of review: Annual

Policy last reviewed: Michaelmas Term 2019

Next review date: Michaelmas Term 2020