How to conduct a right to work check - The 3 Step Check

All internal and external candidates are legally required to evidence that they are allowed to work in the UK.

You must know your employee's right to work.

You may conduct a manual document check or perform an online check to establish a right to work. If applicants are not from the UK you can use the toolkit at https://www.gov.uk/legal-right-work-uk to confirm whether they have the right to work in the UK.

You must note on the recruitment checklist which document(s) have been checked.

Home Office online right to work checking service:

For those with a biometric residence permit, a biometric residence card or have status issued under the EU settlement scheme, the online right to work check can be used https://www.gov.uk/view-right-to-work

There are three basic steps to conducting an online right to work check:

1. Use the Home Office online right to work checking service for an applicant and only employ the person, or continue to employ an existing employee, if the online check confirms they are entitled to do the work in question;
2. Satisfy yourself that any photograph on the online right to work check is of the individual presenting themselves for work; and
3. Retain a clear copy of the response provided by the online right to work check (storing that response securely, electronically or in hardcopy) for the duration of employment and for two years afterwards.

Manual document check:

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Step 2: Check</th>
<th>Step 3: Copy</th>
</tr>
</thead>
<tbody>
<tr>
<td>You must obtain original documents from either List A or List B for a manual right to work check.</td>
<td>You must check that the documents are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work you are offering.</td>
<td>You must make a clear copy of each document in a format which cannot later be altered, and retain the copy securely; electronically or in hardcopy. You must also retain a secure record of the date on which you made the check.</td>
</tr>
</tbody>
</table>

**List A** You have a continuous statutory excuse for the full duration of that person’s employment with you. You do not have to carry our any repeat right to work checks on this person.

List A You have a continuous statutory excuse for the full duration of that person’s employment with you. You do not have to carry out any repeat right to work checks on this person.

<table>
<thead>
<tr>
<th>List A</th>
<th>Step 2: Check</th>
<th>Step 3: Copy</th>
</tr>
</thead>
</table>
|        | The photographs must be consistent across documents and with the person’s appearance | You must copy and retain:
|        | 1. The dates of birth are consistent across documents and with the person’s appearance | 1) **Passports:** any page with the document expiry date, the holder’s nationality, date of birth, signature, leave expiry date, biometric details, photograph and any |

You must make a clear copy of each document in a format which cannot later be altered, and retain the copy securely; electronically or in hardcopy. You must also retain a secure record of the date on which you made the check.
List B (Part 1) You have a time-limited statutory excuse which expires when the person’s permission to be in the UK expires. You must carry out a follow-up check when the document evidencing their permission to work expires.

List B (Part 2) You have a time-limited statutory excuse which expires 6 months from the date specified in the Positive Verification Notice. You must carry out a follow-up check when this notice expires.

2. The expiry dates for time-limited permission to be in the UK are in the future (ie they have not already passed)

3. The work restrictions to confirm if the person is able to work for Falkirk Council and do the type of work you are offering (for students who have limited permission to work during term-times, you must also obtain, copy and retain 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).

4. All documents are genuine, have not been tampered with and belong to the holder

5. Reasons for any different names across documents (eg marriage certificate, divorce decree, deed poll). Supporting documents should also be photocopied and a copy retained.

Note: EEA nationals who may work without restriction are from Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, UK, Iceland, Liechtenstein and Norway. Nationals of Switzerland may also work without restriction.

LIST A - Documents which confirm that you have an on-going right to work in the UK - ONE document only is required

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 (EEA) country or Switzerland.

3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of an 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 EEA country or Switzerland.

5. A current Bio-metric 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 have 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 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 or adoption certificate (short or long) 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 or adoption certificate (short or long) 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 (Part 1) - Documents which confirm that you have a time limited right to work in the UK – ONE document only is required**

6. **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 Derivative Residence Card) issued by the Home Office to a non-European Economic Area (EEA) national who is a family member of a national of an EEA country or Switzerland 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.

**LIST B (Part 2) - Documents which confirm that you have a time limited right to work in the UK but where TWO documents are required. Documents where a time limited statutory excuse last for 6 months.**

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 (EEA) 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.
UK withdrawal from the EU – Support for our employees

In March 2017 the UK Government started the process of leaving the European Union (EU). This process may affect our employees and their families. This page will provide updated information about withdrawal from the EU including EU Settlement guidance for employees and managers.

http://www.falkirk.gov.uk/employees/brexit.aspx

<table>
<thead>
<tr>
<th>Category</th>
<th>Countries Included</th>
<th>Criteria for entry</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>European Economic Area (EEA)</strong></td>
<td>Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Irish Republic, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and United Kingdom. Iceland, Liechtenstein and Norway are not members of the European Union (EU) but citizens of these countries have the same rights to enter, live in and work in the United Kingdom as EU citizens.</td>
<td>All EEA and Swiss nationals are free to enter and live in the United Kingdom without the need to apply for UK Visas &amp; Immigration permission.</td>
</tr>
<tr>
<td><strong>A8 Accession States</strong></td>
<td>Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia</td>
<td>Previously applicants had to register with UK Visas &amp; Immigration when they started work. From 01/05/11 access to work in UK is unrestricted.</td>
</tr>
<tr>
<td><strong>A2 Countries (New Members of the EEA)</strong></td>
<td>Bulgaria and Romania</td>
<td>Applicants may need to apply for UK Visas &amp; Immigration permission before they start to work.</td>
</tr>
<tr>
<td><strong>Non-EEA</strong></td>
<td>All other countries not listed above.</td>
<td>Applicants may need a Certificate of Sponsorship before they start work.</td>
</tr>
</tbody>
</table>