



UK COLLEGE
OF BUSINESS AND COMPUTING

Conducting Right to Work Checks Policy

Policy no:	PC 5.7
Version no. & date:	Version 1.0 – April 2026
Author:	Head of People and Culture
Last review date:	May 2026
Next review due:	TBC
Responsible Committee:	College Management Team (CMT)
Approved by & date:	College Management Team – May 2026
External reference points:	
Linked policies:	PC 5.3 Equality, Diversity and Inclusion Policy, DIG 2.1 Data Protection Policy
Audience:	Staff

1. Purpose

The purpose of this policy is to ensure that Right to Work checks are conducted in accordance with the requirements of the UK Immigration, Asylum and Nationality Act 2006 and relevant Home Office guidance on preventing illegal working. The UKCBC (the College) have a legal duty to prevent illegal working in the College by carrying out prescribed document checks on candidates as part of its recruitment process before employment begins.

These checks confirm that candidates are lawfully allowed to work in the College and must be repeated where an employee has time-limited permission to work. Conducting compliant Right to Work checks protects the College from illegal working penalties, supports regulatory compliance, and ensures fair and transparent recruitment practices.

2. Scope

This policy applies to:

- All prospective employees before employment begins
- All employees employed by the College
- Casual workers, agency workers, and temporary employees where applicable
- Apprentices, interns, and work placement students where they receive payment

Right to Work checks must be completed before employment commences, regardless of nationality, race, or background, to ensure equality and prevent discrimination.

3. Legal Framework

Right to Work checks are conducted in line with:

- Immigration, Asylum and Nationality Act 2006
- Home Office guidance on preventing illegal working
- Equality Act 2010

The College will obtain a statutory excuse against civil penalties by correctly conducting Right to Work checks if an employee is later found to be working illegally.

4. Principles

The College is committed to:

- Conducting checks consistently for all employees and candidates
- Ensuring fair and non-discriminatory recruitment practices
- Maintaining accurate and secure records
- Following current Home Office verification procedures
- Ensuring checks are completed before employment begins

5. Right to Work Checks within the Recruitment Process

Right to Work checks form part of the College's recruitment process.

All candidates will be informed prior to their interview that they will be required to provide valid documentation confirming their right to work in the UK.

On the day of the interview or appointment:

- The interviewer will check the candidate's Right to Work documentation.
- The interviewer must verify that the documents appear genuine and belong to the candidate presenting them.
- A clear copy of the documents must be taken, signed and dated by the interviewer.

It is the interviewer's responsibility to check and record each candidate's Right to Work status during the recruitment process.

Employment must not commence until the Right to Work check has been completed and verified.

6. Acceptable Methods of Right to Work Checks

The College may conduct Right to Work checks using the following approved methods.

6.1 Manual Document Check

The College must:

- Obtain original documents from the Home Office approved list.
- Check the documents in the presence of the candidate.
- Verify that:
 - Documents appear genuine
 - Photographs match the candidate
 - Dates of birth are consistent
 - Any work restrictions are understood
- Take a clear copy of the documents.
- Sign and date the copies to confirm the check was completed.

Copies must be retained securely for the duration of employment and for two years after employment ends.

6.2 Online Right to Work Check

For candidates who hold digital immigration status, checks must be completed using the Home Office online Right to Work service.

The candidate must provide:

- A share code
- Their date of birth

The College must:

- Access the online profile
- Confirm the candidate's identity matches the record
- Save evidence of the check for record keeping.

7. Follow-Up Checks

Where an employee has time-limited permission to work in the UK, a follow-up Right to Work check must be conducted before the expiry date of their permission.

A follow-up check is required:

- At the expiry date shown on the Right to Work documentation, or
- Every six months where a candidate or an employee presents a Certificate of Application or an Application Registration Card, or where they have an outstanding immigration application or appeal with the Home Office.

Failure to conduct follow-up checks may result in the loss of the College's statutory excuse.

8. Expiry of Right to Work

Prior to the expiry of an employee's Right to Work permission, the People and Culture Department will contact the employee and copy the relevant departmental manager.

The employee must provide evidence confirming one of the following:

- A request to extend the Certificate of Sponsorship has been submitted
- An application to extend a visa that allows continued employment has been submitted
- An application for Indefinite Leave to Remain (ILR) has been submitted
- Permanent leave to remain has been granted

Where permanent leave to remain is granted, a certified copy must be submitted to the People and Culture Department.

If none of the above confirmations are received before the expiry date of the Right to Work permission, employment may be terminated immediately, as employing someone without the legal right to work in the UK constitutes a criminal offence.

9. Record Keeping

The College must keep records of:

- Documents checked
- Copies of the Right to Work documentation
- Date the check was conducted
- Name and designation of the person conducting the check
- Evidence of online verification where applicable

Records must be stored securely in accordance with data protection legislation and GDPR requirements.

10. Non-Compliance

If an employee cannot provide acceptable evidence of their Right to Work:

- Employment must not commence, and
- The College may verify the employee's status through the Home Office Employer Checking Service.

Knowingly employing an employee without the right to work may result in:

- Civil penalties
- Criminal liability
- Reputational damage to the College

11. Responsibilities

11.1 People and Culture

- Ensure Right to Work checks are completed before employment begins
- Maintain accurate documentation and records
- Conduct follow-up checks where required
- Monitor visa expiry dates and contact employees where necessary
- Provide guidance to hiring managers and interviewers

11.2 Employees

- Provide valid documentation when requested
- Inform the College of any changes to their immigration status
- Provide updated documentation where visa extensions or new permissions are granted

12. Data Protection

All personal information and documents collected during the Right to Work checking process will be handled in accordance with the College's Data Protection and Privacy policies and applicable data protection legislation.

13. Review of Policy

This policy will be reviewed periodically to ensure continued compliance with UK immigration legislation and updated Home Office Right to Work guidance.