

## Right to Work Checks – June 2022

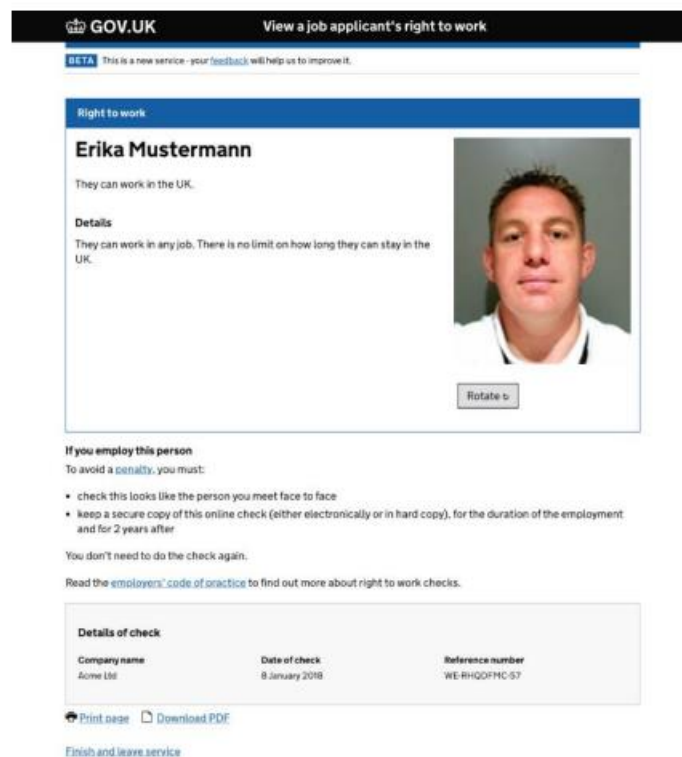
### **A. UK and Irish nationals**

- 1) Digital / remote right to work (RTW) checks became possible on 30<sup>th</sup> March 2020 in the light of the pandemic.
- 2) Remote RTW checks allow agencies and consultancies to remotely conduct checks using the following process:
  - i. the worker submits a scanned copy or a photo of their original documents, usually via email
  - ii. the agency or consultancy arranges a video call with the worker
  - iii. the worker shows the agency or consultancy the original documents during the video call by holding them up to the camera
  - iv. the agency or consultancy confirms that the original documents match the scanned copy already received, look genuine, and that the worker's face on the video call matches any photographic documents provided as part of the check
  - v. the agency or consultancy prints a copy of the RTW documents sent via email, and writes the date that the check was made and the phrase "adjusted check undertaken on [insert date] due to COVID-19", along with their name and signature
  - vi. Copies of the signed identity documents must be kept on file
- 3) The existing process (above) can be used until **30 September 2022**. After 30 September 2022, agencies and consultancies can revert to checking original documents in person, or use the "new" remote RTW check process (see point 4 below).
- 4) Instead of an "in person" check for RTW, agencies and consultancies can use the new Identity Document Validation Technology (IDVT) tool for checking RTW for UK and Irish nationals. This requires you to engage a third-party company authorised by the government to conduct these checks. These 3<sup>rd</sup> party providers are called IDSPs (Identity Service Provider). **IDSPs will charge you for each RTW check they undertake on your behalf.** A list of currently-accredited IDSPs is available [here](#).

### **B. All other nationalities**

- 1) Any person who is not a UK or Irish national must have RTW checks conducted in a different way. This includes all EEA nationals who have applied to the UK Settlement Scheme.
- 2) Up to **6<sup>th</sup> April 2022**, agencies and consultancies can use the remote RTW checking process as described in Point 2 of the section above (ie the same checks as for UK and Irish nationals) to prove RTW.

- 3) After 6<sup>th</sup> April 2022, agencies and consultancies **must** use the Home Office online service, unless the service cannot be used for that particular individual. The Home Office online service is **completely free** to use.
- 4) The worker must go to <https://www.gov.uk/prove-right-to-work> and complete the online tool. The tool will generate a share code that the worker gives to the agency or consultancy. The share code is valid for 90 days and can be used unlimited times during that period.
- 5) The agency or consultancy goes to <https://www.gov.uk/view-right-to-work> and uses the worker's date of birth and the share code to confirm the worker's RTW. The online tool will provide a picture of the worker and their status in relation to RTW. An example is below.



- 6) The agency or consultancy downloads the RTW confirmation from the online tool and retains on file.
- 7) The agency or consultancy still has an obligation to conduct a video call with the worker to ensure that the photograph from the online service matches the worker's face in the video call.
- 8) Any workers who have time limits on their RTW must be re-checked before the given time limit expires.
- 9) If the worker cannot use the online checking service as described above, agencies and consultancies may use a manual, in-person checking process, or they can use a separate Home Office Checking Service available at <https://www.gov.uk/employee-immigration-employment-status>.

**C. Additional Information** on all types of RTW checks, including for Ukrainian nationals, and the acceptable documents for proving RTW is available [here](#).

If you have any questions or queries on right to work legislation, feel free to contact me at [bernie@labvolution.com](mailto:bernie@labvolution.com).