

Right to Work Policy

POLICY 31

30/03/2021

TIME RECRUITMENT SOLUTIONS LTD ('THE COMPANY')

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Company Name:	Time Recruitment Solutions Ltd ('the Company')
Policy:	Right to Work Policy
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Version:	1

1 POLICY STATEMENT

Our business is committed to delivering 100% compliance in reference to candidate's Right to Work in the UK checks by carefully adhering to evolving Government's guidelines to ensure seamless internal processes.

2 RESPONSIBILITY

- 2.1 It is the responsibility of all persons involved in the recruitment process to ensure that the Right to Work in the UK is carried out in the appropriate for the circumstances matter and is recorded and documented in a way that is compliant with this policy.
- 2.2 Our obligation to check the right to work depends on the capacity in which we act:
 - 2.2.1 Employment Agency (PERMANENT): The client will be deemed to be the 'employer' and so will be legally responsible for ensuring that the work-seeker has the right to work in the UK. However, we may be contractually obliged to carry out right to work checks (e.g. SLA, terms of business, compliance – vulnerable people (healthcare))
 - 2.2.2 Employment Business (TEMPORARY): We will be deemed to be the 'employer' and it will be our legal responsibility to check the work-seeker's eligibility to work in the UK.
- 2.3 The following Policy Procedure will define the course of action that shall be taken provided that company acts as an EMPLOYMENT BUSINESS and/or is contractually obliged to the Client.

3 POLICY PROCEDURE

- 3.1 To determine if a candidate is eligible to work in the UK, according to the latest Government's guidelines, which can be found [here](#), we either:
 - 3.1.1 check the applicant's original documents
 - 3.1.2 check the applicant's right to work online, if they have given us their share code
- 3.2 We obtain the work-seekers original documents. The work-seeker must provide us with one or combination of documents from the list of acceptable documents. We must only accept ORIGINAL documents – photocopies or electronic scans are not acceptable. A list of acceptable documents can be found by clicking [here](#).
- 3.3 Carry out face to face checks; documents must be consistent with the appearance of the person presenting the document.
- 3.4 We ensure to check validity of the documents in the presence of the holder (physical presence or via a live video link. In the latter case document should be posted to us beforehand). In either of the cases we must be in possession of the original document (unless Government's guidelines state any different due to exceptional circumstances i.e. due to [COVID-19](#))

- 3.5 Checking documents, we ensure:
 - 3.5.1 The documents are genuine, untampered with, original and unchanged and belong to the person who has given them to us
 - 3.5.2 The dates for the applicant's right to work in the UK have not expired
 - 3.5.3 Photos and Dates of birth are the same across all documents and look like the applicant
 - 3.5.4 The applicant has permission to do the type of work we are offering (including any limit on the number of hours they can work)
 - 3.5.5 If 2 documents give different names, the applicant has supporting documents showing why they are different, such as a marriage certificate or divorce decree, deed poll or a statutory declaration
- 3.6 Documenting, storing, and retaining Right to Work Check documents:
 - 3.6.1 We make a copy that cannot be changed, for example a photocopy
 - 3.6.2 Make sure the copy is clear enough to read
 - 3.6.3 For passports, copy any page with the expiry date and applicant's details (for example nationality, date of birth and photograph) including endorsements, for example a work visa
 - 3.6.4 For biometric residence permits and residence cards (biometric format), copy both sides
 - 3.6.5 For all other documents make a complete copy
 - 3.6.6 Keep copies during the applicant's employment and for a minimum of 2 years after they stop working for us (Government's requirement)
 - 3.6.7 Our data retention policy:
 - 3.6.7.1 Person worked – retain documents for 6 years
 - 3.6.7.2 Person not worked – automatically delete after 3 years of registration
 - 3.6.8 Record on the copy the date on which we conducted the check and 'this is the true likeness of Name Surname' OR 'Original Seen' or similar for non-photographic documents
- 3.7 Candidates with no original documents - ask the Home Office to check an employee's or potential employee's immigration status and for a 'Positive Verification Notice' to confirm that the applicant has the right to work and keep this document if any of the following are true:
 - 3.7.1 They cannot show you their documents because of an outstanding appeal, review, or application with the Home Office
 - 3.7.2 They have an Application Registration Card (must state that the work the employer is offering is permitted)
 - 3.7.3 They have a Certificate of Application that's less than 6 months old
 - 3.7.4 They are a Commonwealth citizen who started living in the UK before 1988
- 3.8 The only accepted expired documents are UK Passport / Passport issued by EEA member (subject to change in legislation)

Right to Work Policy

- 3.9 Hiring persons to carry out Mandatory follow up checks enabled & flagged by the integrated compliance focused recruitment RMS Adapt
- 3.10 Note – we will not discriminate based on where the Candidate is from and what is their nationality (refer to [Equal Opportunities and Diversity Policy](#)).

This Policy was written by business QA team 04/11/2020

Signed off by Directors 04/11/2020

Next Review Date 01/01/2023