Policy on Preventing Illegal Working

All employers within the UK have a legal responsibility to prevent illegal working. Alto Construct Ltd ("the company") understands the requirement to carry out robust right to work checks on all directly engaged personnel, in compliance with our statutory obligations under Sections 15-25 of the Immigration Asylum and Nationality Act 2006.

All offers of employment/engagement are made subject to receiving satisfactory evidence of the individual's right to work in the UK, **before** they start work with us. This policy applies to all potential and existing employees, as well as directly engaged workers through the CIS scheme.

The following process will be followed to establish an individual's legal right to work in the UK.

We can check the individual's right to work online, if they have provided us with a share code, or we can check their original documentation.

British and Irish citizens cannot get an online share code to prove their right to work, and as such, we will check their original documents.

Step 1

We will ask to see the individual's original documents or the 9 character share code they have been issued by the Home Office. The share code is valid for 90 calendar days from the point it has been issued and can be used as many times as needed within that time. The share code must start with a "W", as this indicates that the share code has been generated for evidence of a right to work. (We cannot accept other share codes which begin with the letter "R" or "S".

When conducting a manual right to work check, we must obtain original documents from either List A or B of the accepted documents contained in Appendix 1 of this policy.

Where a right to work check has been conducted using the online right to work checking service, the information is provided in real-time directly from Home Office systems and there is no requirement to check any documents listed in Appendix 1.

Step 2

For a manual check, for each document we will take reasonable steps to check that it is valid with the individual present.

We will do this by checking:

- Any photographs look like the individual and are the same across all documents.
- The documents are genuine, original, have not been tampered with and belong to the person who has given them to us.

- Dates of birth are the same across all documents.
- If two documents give different names, the individual has supporting documents showing why they are different, such as a marriage certificate or divorce decree.

If the individual is not a British or Irish citizen, we will also check:

- The dates for the individual's right to work in the UK have not expired.
- The individual has permission to do the type of work we are offering (including any limit on the number of hours they can work).
- For students we will see evidence of their study and vacation times.

Online Checks using a share code

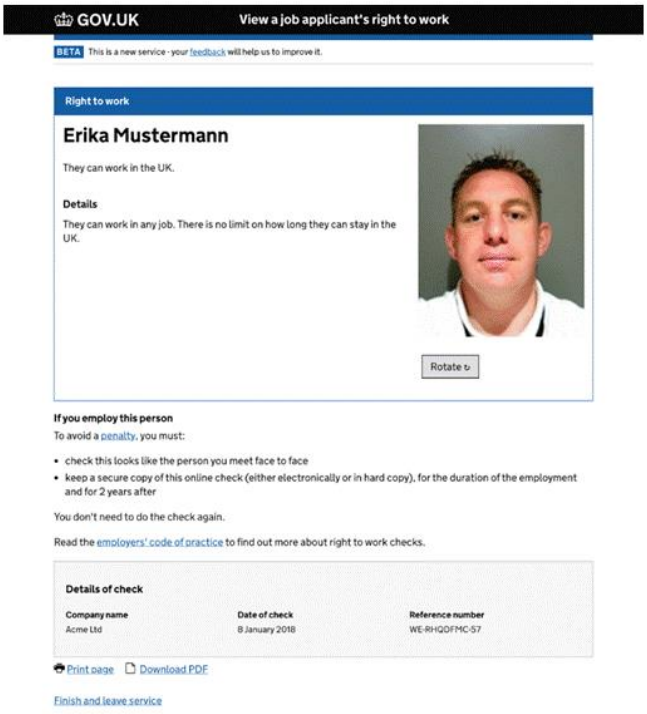
When conducting a Home Office online right to work check, we must access the employer part of the online service at "Check a job applicant's right to work: use their share code" page on GOV.UK. It is not sufficient to view the details provided by the individual on the migrant part of the service.

The individual may provide the share code to us directly, or they may send it to us via the service. If they send it via the service, the email will come from right.to.work.service@notifications.service.gov.uk

To check the person's right to work details, we will need to:

- Access the Home Office service (through the employer part as detailed above)
- Enter the share code provided to us by the individual
- Enter their date of birth.

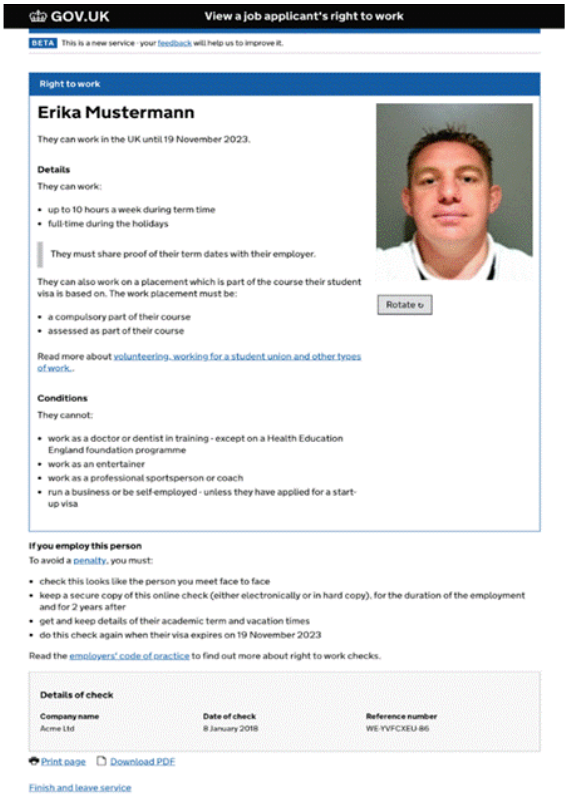
We will then be presented with a screen like the example below:



We must check that the photograph on the online right to work check is of the individual that will be working for us (i.e. they are not an imposter). This can be done in person or via video call.

If the image of the individual on their digital profile is showing incorrectly or is of poor quality, we should advise the individual to update the image on their account. We must only employ/engage the individual if the online check confirms they have the right to work and are not subject to a condition preventing them from doing the work in question.

The previous image shows the individual has a continuous right to work and their status does not need checking again.



GOV.UK View a job applicant's right to work

BETA This is a new service - your feedback will help us to improve it.

Right to work

Erika Mustermann

They can work in the UK until 19 November 2023.

Details

They can work:

- up to 10 hours a week during term time
- full-time during the holidays

They must share proof of their term dates with their employer.

They can also work on a placement which is part of the course their student visa is based on. The work placement must be:

- a compulsory part of their course
- assessed as part of their course

Read more about volunteering, working for a student union and other types of work.

Rotate

Conditions

They cannot:

- work as a doctor or dentist in training - except on a Health Education England foundation programme
- work as an entertainer
- work as a professional sportsperson or coach
- run a business or be self-employed - unless they have applied for a start-up visa

If you employ this person

To avoid a penalty, you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after
- get and keep details of their academic term and vacation times
- do this check again when their visa expires on 19 November 2023

Read the employers' code of practice to find out more about right to work checks.

Details of check

Company name	Date of check	Reference number
Acme Ltd	8 January 2018	WE-YVFCXEU-B6

Print page Download PDF

Finish and leave service

This image shows the individual has a time-limited right to work and confirms the date that their permission to enter or stay expires. It also shows the hours they can work

If an individual's right to work is time limited, we will carry out a new check before the expiry of the current permission.

Step 3

We will take a copy of the relevant pages of the document in a format which cannot later be altered and is clear enough to read, for example a photocopy or scan.

For passports, the page with the expiry date and the individual's details (e.g. nationality, date of birth and photograph) including any endorsements such as a work visa.

In the case of a passport or other travel document, the following parts must be copied:

For all other documents we will make a complete copy.

We will write on the copy of the document the date on which we took the copy.

For online checks, we will retain a copy of the "profile" page confirming the individual's right to work (see previous examples). This is the page that includes the individual's photo and date on which the check was conducted. We will have the option of printing the profile or saving it as a PDF or HTML file.

The copies will be retained securely in hard copy in the individual' personnel file and an electronic copy on their electronic record. These copies will be retained securely for the

duration of the person's engagement with us and for a further two years after they stop working for us. They will then be securely destroyed.

We will repeat this process in respect of any follow-up check.

By doing this, we will be able to provide evidence that we have complied with the law and it will prevent liability for a civil penalty (known as establishing a statutory excuse) if anyone is found to be working illegally for us.

If the individual cannot show their documents or provide a share code

We will ask the Home Office to check their immigration status if the individual cannot show their documents or online immigration status. This might be, for example, because they:

- Have an outstanding appeal, review or application with the Home Office.
- Arrived in the UK before 1989 and do not have documents to prove their immigration status or right to work.
- A digital or non-digital Certificate of Application that says we need to ask the Home Office to check their right to work.
- Have an Application Registration Card. (The Application Registration Card must state that work we are offering is permitted, i.e. restricted to employment in shortage occupation).

We may also use this is service if we haven't been provided with any acceptable documents and are unable to carry out a check using the online service,

We must inform the individual that we will need to contact the Home Office Employer Checking Service. They will send us a "Positive Verification Notice" to confirm that the individual has the right to work (if they do) and we will keep this document.

If there is any doubt whether the documentation we have been provided with is acceptable, contact should be made with the HR Manager immediately.

If we need any help to carry out a right to work check we should call the Employer Enquiry helpline: Telephone: 0300 790 6268 (Monday to Thursday 09:00 to 16:45 and Friday 09:00 to 17:00.

If the prospective employee or worker needs any help accessing or using their Home Office online immigration status services, they should contact the UKVI Resolution Centre on 0300 790 6268, selecting option 3. (Monday to Friday 08:00 – 20:00 and 09:30 – 16:30 on Saturday and Sunday.

An individual should not be allowed to start work until their legal right to work has been established by the company.

Agencies, the self-employed, consultants and sub-contractors (including labour only sub-contractors)

To supplement our own directly engaged workforce, we may also engage workers through employment agencies or use self-employed consultants and labour-only sub-contractors, which may operate through limited companies.

The agency or employer (in the case of a limited company) is ultimately responsible for ensuring that any individual's supplied to Alto have the legal right to work in the UK. Suppliers are selected on the basis of their commitment to comply with the Immigration Asylum and Nationality Act 2006 and other relevant UK legislation, and to carrying out the appropriate checks and maintaining records of these.

Any new suppliers will receive a letter outlining our expectations with regard to right to work checks. They are advised that we are entitled to conduct our own checks or to request evidence that such checks have been carried out and that they will report any breaches to us immediately. Any breaches may result in the termination of their contract or engagement with us.

Any supplier which has a turnover in excess of £36,000,000 will also have published a slavery and human trafficking statement in accordance with Section 54 of the Modern Slavery Act 2015.

Appendix 1 - Lists of acceptable documents for manual right to work checks

Where a right to work check has been conducted using the online right to work checking service, the information is provided in real-time directly from Home Office systems and there is no requirement to check any of the documents listed below.

List A - Acceptable documents to establish a continuous statutory excuse

1. A passport (current or expired) showing 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 passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Isle of Man Immigration Rules.
4. A current passport endorsed to show 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.
5. 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.
6. A birth 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.

7. A birth 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.
8. 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 Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of permission to enter or permission to stay.

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 document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Isle of Man Immigration Rules.
3. 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 Group 2 – Documents where a time-limited statutory excuse lasts for 6 months

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A Certificate of Application (non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Apprendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. 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.
5. 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.