



# Right to Work and Vetting Policy

This policy applies to all companies within the Relyon Group.

Relyon is a diverse company that employs people from a wide range of cultures, bringing an array of experience to the business. In order for us to recruit in accordance with the law and our client's requirements there are a number of checks that must be carried out.

This policy applies to anyone directly employed by Relyon in the UK, whether on a permanent or temporary basis.

Contractors may be subject to this procedure depending on the sites on which they are working on or the role they are carrying out.

Staff employed via an agency will be subject to their agencies Right to Work and vetting processes.

This policy is subject to change or amendment at any point to comply with any changes in the law.

## **Right to Work**

### **Why do you check a Right to Work?**

The company needs to ensure that an employee has the eligibility to work in the UK and that we meet the requirements of the Home Office and Immigration and the Asylum and Nationality Act 2006.

### **What checks are carried out?**

During the interview process and before an employee starts work, they will have supplied original documentation proving their right to work in the UK. These documents are checked for validity by the company before employment commences.

### **Visa Checks and Renewals**

If an employee has a Time Limited right to work in the UK, this will be picked up upon initial checks before employment commences.

The company will write to the employee asking for the new and original right to work documents proving continued eligibility to work in the UK.

If the new documents cannot be produced then the employee must provide evidence that they have applied for new right to work documentation, these could be;

- A postage receipt that will evidence a renewal application, posted prior to the expiry date of current visa.
- A UKVI letter confirming they have received an application.

- A solicitors letter – Only if they can provide either of the above two documents.

There is a 28 day grace period following the expiry of right to work. Failure to provide the require information within this timescale will lead to the disciplinary process being invoked and ultimately dismissal.

If an employee fails to provide new right to work documentation, proof of application or are out of time for providing the new documentation, then the individual will be suspended without pay and invited to attend a formal meeting. If no new right to work visa or evidence of extension can be produced then unfortunately there will be no option but to dismiss the employee as there is no longer a right to work in the UK.

Providing fake documents is considered gross misconduct. If the company have reason to believe that any documents produced are fraudulent then immediate action will be taken to dismiss without notice.

## **Transfer Under TUPE**

Any employee transferring under TUPE is entitled to 60 days to provide prof of right to work in the UK. As part of the mobilisation process a letter is sent advising all transferring employees of this deadline. If no suitable documentation is provided within 45 days of the transfer, the employee will be invited to a formal meeting to discuss the failures to provide evidence of their right to work in the UK. This will be treated as a disciplinary matter and may ultimately lead to dismissal.

## **Vetting**

All employees are required to undertake a Basic Disclosure check as part of the recruitment process. Depending on the contract or the role being carried out it may require the individual to undertake an enhanced check. This may be in line with client's clearance requirements such as safeguarding. Some of our clients may also carry out their own vetting on our employees to comply with their statutory requirement.

## **Renewal**

A Basic Disclosure will be renewed every three years however there may be a requirement to renew annual depending on the contract, site of clients requirements for the role undertaken.

Enhanced Checks will be renewed annually to ensure the safeguarding of the employee and the company.

## **What Checks are Made?**

A Basic Disclosure will be completed along with reference checks and where necessary proof of qualifications.

Depending on the site or contract the role is based on there may be a requirement to carry out additional checks to ensure the employee is compliant with the site or contract. These may include, but are not limited to; enhanced criminal records checks, credit checks, employment history, sanctions check and drug or alcohol screening (including spot checks).

Any employee who is successful ins securing an internal vacancy will be subject to any additional required checks in line with the new role. Failure to pass these checks will result in the offer being withdrawn.

## Transfer Under TUPE

All staff transferring to Relyon under TUPE are required to be vetted as a new starter.

## Acceptable Documentation

### Right to Work

Any documentation shown to the Company by a new starter must be:

- Valid – a document cannot be used if it has expired unless it is a British or Irish passport
- The original document – an image or copy of the document will not be accepted

If the employee's document is expiring soon and the employee has applied to extend their leave, the employee can still prove their right to work.

How an employee proves their right to work depends on their immigration status, also known as their 'leave'. An employee cannot use a biometric residence card or permit to prove their right to work.

Immigration Status (leave)	What documentation is needed to prove right to work
British or Irish citizen	<p>British or Irish passport.</p> <p>If the employee does not have a British or Irish passport, a valid passport from another can be used. This passport must have a stamp or sticker on it saying the employee has right of abode.</p> <p>If the employee does not have a passport, two different documents will need to be shown.</p> <ul style="list-style-type: none"><li>• One document should show the employee's name and National insurance number on it, from either the government or their current employer. For example a letter from Department for Work and Pensions (DWP) or a tax document.</li><li>• The second document should be either the employee's birth or adoption certificate (if it is from a court or register office in the UK, Channel Islands, Isle of Man or Ireland), or, a certificate of registration or naturalisation, if the employee became a British citizen by applying for it</li></ul>
Pre-settled or settled status from EU Settlement Scheme	<p>The prospective employee will need to get a share code online to prove their right to work.</p>
An employee with an indefinite leave to enter or remain	<p>The employee must prove their right to work by showing the Company either:</p> <ul style="list-style-type: none"><li>• Their valid passport – it must include a stamp or sticker from the Home Office saying there is no time limit on their leave</li><li>• Their online share code</li></ul> <p>If the employee has an immigration status document, the Company can be shown their immigration status document and one other document if the employee does not have a passport or online share code.</p> <p>The immigration status document must have a residence permit sticker on it saying the employee has indefinite leave to remain.</p>

	The second document must have the employee's name and National insurance number on it, from either the government or their current employer. For example a letter from Department for Work and Pensions (DWP) or a tax document.
If the employee is a Commonwealth citizen with right of abode	The employee may be able to get a share code online to prove their right to work. If they cannot prove their right to work online, the Company can be shown their valid passport instead. It must have a sticker from the Home Office saying they have the right of abode.
Asylum seeker	Most people who apply for asylum don't have the right to work. The employee must check their Application Registration Card (ARC) from the Home Office – if it says 'work permitted' they employee is allowed to work. They may only be able to do certain types of jobs (shortage occupations).  An asylum seeker can prove their right to work by showing the Company their ARC. The Company will contact the Home Office to check they have the right to work. If an asylum seeker needs to prove they have right to work, the Company will need to see: <ul style="list-style-type: none"> <li>• Their ARC</li> <li>• A letter from the Home Office saying the employee can do the job they are applying for</li> </ul>
An employee with a limited leave to remain	An individual will have limited leave to remain if they have a visa with a time limit, such as a student, work or family visa or refugee status. To prove their right to work, the employee must show the Company: <ul style="list-style-type: none"> <li>• Their valid passport, with a stamp or sticker from the Home Office saying they can stay in the UK and do the type of work being applied for</li> <li>• Their online share code</li> </ul>
If the employee does not know what type of leave they have	If they do not know the type of leave they have, the employee must talk to an advisor at citizens advice.



