

RIGHT TO WORK IN THE UK POLICY

We have a legal obligation to ensure that our employees have the right to work in the United Kingdom. This is controlled by the Immigration, Asylum and Nationality Act 2013 (“the Act”) and subsequent secondary legislation. It is an offence to employ a person who is not entitled to work in the UK and LJJ has a duty to check that all new employees are entitled to work here. This check gives LJJ an excuse against payment of a civil penalty or a defence against conviction if it is later found to have employed an illegal migrant worker.

Under the Act, LJJ is liable to payment of a civil financial penalty if they employ a person aged 16 or over who is subject to immigration control and who has no permission to work in the United Kingdom, or who is in breach of their conditions of stay in the United Kingdom. If it is proved that LJJ has knowingly employed an illegal migrant worker there is the possibility of prosecution, an unlimited fine and a maximum two year prison sentence. A full copy of “the Act” is stored in admin/Technical and Regulations on the server.

All external job applicants will be required to produce the necessary original documents (photocopies are not acceptable) which LJJ must check in accordance with the Act. The onus remains on the potential employee to demonstrate that they are permitted to do the job LJJ is offering and are eligible to work in the UK.

To ensure we do not breach immigration legislation, LJJ will check and record certain specified documents belonging to potential and existing employees. The required documents are set out in List A and List B of the UK Border Agency’s guidance notes attached. These lists will be provided to all potential employees and are available for inspection by all employees through the HR department. These checks must be made before a person starts working for LJJ and once every twelve months during employment thereafter for those who have only provided List B documents.

In complying with our obligations under immigration rules, special care must be taken to ensure LJJ does not unlawfully discriminate against individuals on racial or ethnic grounds or in respect of any other protected characteristic under equality legislation. This policy should be read in conjunction with our equal opportunities policy and LJJ’s recruitment procedures.

Any LJJ employee who fails to comply with the correct procedures may be subject to disciplinary charges. Any employee who is subsequently found not to have the right to work in the UK is liable for dismissal.

For further details regarding this policy please see our Recruitment policy.

The named person below has overall responsibility for dealing with all issues relating to this right to work in the UK policy statement and will periodically review the statement in accordance with the relevant statutory provisions.

Name:	Ian R. Rennison	Position:	Managing Director
Signed:		Date:	January 2018

ACCEPTABLE DOCUMENTS

Name of Person: _____

Date: _____

- We must be provided with one of the documents or combinations of documents in List A or List B below as proof that someone is allowed to work in the UK.
- We must only accept original documents.

Acceptable Documents List A

1. A passport showing the holder, or a person named in the passport as the child of 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 national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of an EEA country or Switzerland.
3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office to a national of an EEA country or Switzerland.
4. A permanent residence card or document issued by the Home Office to the family member of a national of an EEA country or Switzerland.
5. A Biometric Residence Permit issued by the Home Office to the holder indicating that they are allowed to stay indefinitely in the UK, or have no time limit on their stay in the UK.
6. A passport or other travel document endorsed to show that 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.
7. An Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK **together with** an official document issued by a previous employer or Government agency with their name and National Insurance number.
8. A full birth or adoption certificate issued in the UK including the name(s) of at least one of the holder's parents **together with** an official document issued by a previous employer or Government agency with their name and National Insurance number.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **together with** an official document issued by a previous employer or Government agency with their name and National Insurance number.
10. A certificate of registration or naturalization as a British citizen **together with** an official document issued by a previous employer or Government agency with their name and National Insurance number.

11. A letter issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK **together with** an official document issued by a previous employer or Government agency with their name and National Insurance number.

Acceptable Documents List B (12 month duration)

1. A passport or travel document showing they are allowed to stay in the UK and is allowed to do the type of work you are offering.
2. A biometric Residence Permit issued by the Home Office to the holder indicating that they can stay in the UK and are allowed to do the work you are offering.
3. A residence card or document issued by the Home Office to a family member of a national of an EEA country or Switzerland.
4. A work permit or other approval to work issued by the Home Office **together with either** a passport or travel document showing the holder is allowed to stay in the UK and to do the work or a letter issued by the Home Office confirming the same.
5. A Certificate of Application **less than 6 months** old issued by the Home Office to or for the family member of a national of an EEA country or Switzerland stating they are allowed to work **together with** a positive verification letter from the Home Office's Employer Checking Service.
6. An Application Registration Card issued by the Home Office indicating that they are allowed to work **together with** a positive verification letter from the Home Office's Employer Checking Service.
7. An Immigration Status Document issued by the Home Office indicating that they can stay in the UK and are allowed to do the type of work **together with** an official document issued by a previous employer or government agency with their name and National Insurance number.
8. A letter issued by the Home Office to the holder or to you as the potential employer, which indicates that the person named in it can stay in the UK and is allowed to do the type of work you are offering **together with** an official document issued by a previous employer or Government agency with their name and National Insurance number.

However, you need to be aware of the type of excuse you have as this determines how long it is valid for.

List A

- We have an excuse for the **full duration** of the person's employment with LJJ.
- We are not required to carry out any repeat right to work checks on this person.

List B

- We have an excuse for **up to 12 months** from the date on which we carried out this check.
- To keep our excuse we **must carry out a repeat check** on this person **within 12 months**.
- If the person's leave expires within a 12 month period we need to carry out repeat checks at that point to find out if they continue to have the right to work.

We will not have an excuse if at any point during the employment, we know that the above named person is not allowed to work for us, or to carry out the type of work in question and we may face criminal action.