

Right to Work (RTW)

Checks During COVID-19 Pandemic



Right to work checks have been temporarily adjusted due to the COVID-19 pandemic. This is to make it easier for employers to carry them out. These adjusted checks can be done as of 30 March 2020:

- checks can now be carried out over video calls
- job applicants and existing workers can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals
- employers should use the Employer Checking Service if a prospective or existing employee cannot provide any of the acceptable documents

Checks are required to set up a statutory defence against illegal working and the prescribed documents must still be seen. It remains an offence to knowingly employ anyone who does not have the right to work in the UK which carries a fine of up to £20,000 per worker.

The adjusted checks permit the following:

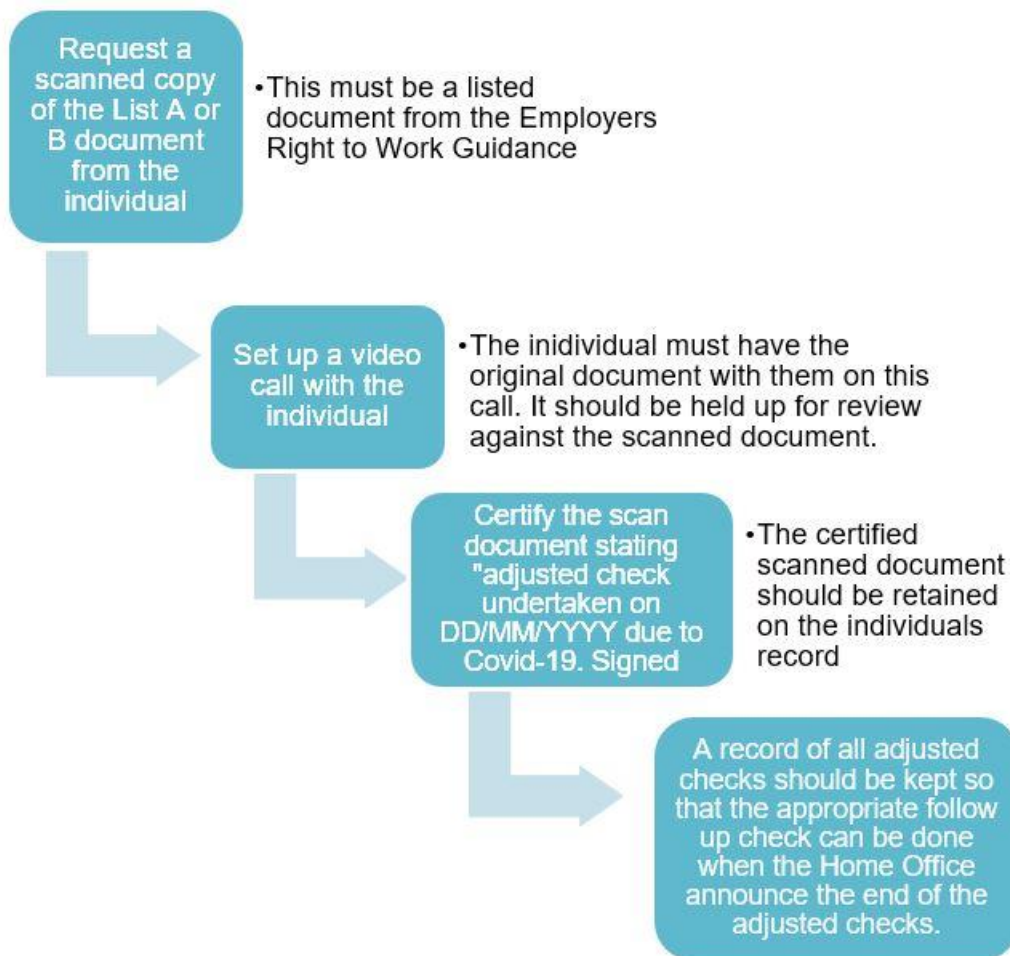
- Copies of documents, either scans or photographs, may be submitted rather than the receipt of originals.
- Verification can be organised over a video call with the worker.
- Documents must be certified stating "*adjusted check undertaken on [date] due to Covid-19*" and signed in the usual way.

If a worker is unable to provide any of the prescribed documents, a check through the [Employer Checking Service](#) may establish a 6 months statutory defence.

Some individuals who hold a Biometric Residence Permit (BRP) or status through the EU Settlement Scheme (EUSS) can evidence their [right to work online](#) – however you must have the individuals permission.

It is also clear from the new policy that all checks conducted under this new procedure will need to be reviewed in accordance with the normal procedures within eight weeks of the Home Office announcing an end to this adjusted check. No date is currently set but employers will need to ensure they monitor the situation and conduct retrospective checks as soon as is practicably possible.

If during this adjusted period right to work checks are conducted online (with the individuals permission) or are able to be conducted via the "normal" route then these will not need to be redone or updated.



These materials are written and provided for general information purposes only. They are not intended and should not be used as a substitute for taking legal advice. Specific legal advice should be taken before acting on any of the topics covered.

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