

Coronavirus (COVID-19): Right to Work Update Guidance for Local Authorities Recruiters

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1. New temporary measures

In order to support employers to easily carry out right to work checks, the Home Office have announced a temporary adjustment to the process in response to Covid-19 with effect from 30 March 2020.

The following new measures have been introduced:

- Video calls can be used to carry out the checks
- Candidates can send the [relevant documents](#) via email or mobile app (scanned or photographs) instead of sending originals
- Should a candidate be unable to provide any of the relevant documents, employers are required to use the [Employer Checking Service](#)

Right to work checks remain mandatory and guidance on carrying out the checks can be found in the Gov.uk [employers guide](#). Please be aware that it is still an offence to employ anyone who does not have the right to work in the United Kingdom.

If a candidate is unable to provide evidence of their right to work, all efforts must be made to ensure that they are not discriminated against. Guidance on [avoiding unlawful discrimination](#) while preventing illegal working can be found on Gov.uk.

2. What you need to do

- Ask the candidate to submit their right to work documents (scanned or photo) via email, mobile app, or ATS. (If using Talentlink, request candidates to upload their scanned documents/photos directly to the portal avoiding delays and additional emails, also supports auditing and monitoring process).
- Schedule a video call with the candidate
 - The candidate will need to hold the original documents to the camera
 - The employer will need to check these against the digital copies
- The date the check is undertaken needs to be recorded as “adjusted check undertaken on [insert date] due to COVID-19”.
- If the candidate has a current Biometric Residence Permit or Biometric Residence Card or status under the EU Settlement Scheme you can use the [online right to work checking service](#) while doing a video call - the applicant must [give you permission to view their details](#)



3. Employee unable to show their documents

You must contact the [Home Office Employer Checking Service](#). If the person has a right to work, the Employer Checking Service will send you a 'Positive Verification Notice'. This provides you with a statutory excuse for 6 months from the date in the notice.

4. What happens when these measures end?

You will be informed in advance when these measures will end. After that date, you should follow the checking process set out in [right to work checks: an employer's guide](#).

You will be asked to carry out retrospective checks on existing employees who:

- started working for you during these measures
- required a follow-up right to work check during these measures. You should mark this check: "the individual's contract commenced on [insert date]. The prescribed right to work check was undertaken on [insert date] due to COVID-19." (If using TalentLink ensure this is created as a field that enables reporting)
- The retrospective check must be carried out within **8 weeks** of the COVID-19 measures ending. Both checks should be kept for your records.

The Home Office will not take any enforcement action against you if you carried out the adjusted check set out in this guidance, or a check via the Home Office, and follow this up with the retrospective check.

If, at the point of carrying out the retrospective check, you find your employee does not have permission to be in the UK you must end their employment.

If the check you have undertaken during the adjusted period was done in the prescribed manner, you do not need to undertake a retrospective check.

