|  |
| --- |
| RIGHT TO WORK CHECKLIST – GUIDANCE NOTES |

|  |
| --- |
| **General** |
| This guidance is to provide assistance on completing the Right to Work Checklist, which is available on the [HR A-Z of forms webpage](https://www.ed.ac.uk/human-resources/a-to-z-of-forms)**Information on how to carry out a right to work check is available on the** [HR Right to work check webpages](https://www.ed.ac.uk/human-resources/recruitment-guidance/right-to-work-checks/how-to-check)* Evidence of right to work in the UK must be obtained for ALL new recruits before an unconditional offer of employment is made, before the contract of employment is issued and before the employee’s start date.
* There are three methods of carrying out a right to work check, Digital Identity Verification Document (IDVT) check, in-person checks of physical documents and online checks using the Home Office system.
* This checklist is also used for completing an ID check as part of an application for a Certificate of Sponsorship (section 4).
* The Right to Work checklist must accompany all right to work check documentation.
 |
| **APPLICANT & POST DETAILS** |
| Enter the individual’s information |
| **Which method of Right to Work check has been completed?** |
| Select the relevant RTW check that you have carried out from the 4 options provided, then move to the corresponding section to complete the form. Please see the sections below for further information on each type of check. |
| **SECTION 1** |
| **Digital Identity Verification Document (IDVT) checks**Complete this section if you have used IDVT to carry out the RTW check on a current UK/Irish passport or an Irish passport card. See the section [‘Procedure for undertaking right to work checks using IDVT’](https://www.ed.ac.uk/human-resources/recruitment-guidance/right-to-work-checks/how-to-check)After the check has been completed an in-person or video-call check will still be required to verify the identity of the individual being offered the role against the PDF document produced by the IDVT check e.g. the photo and date of birth are consistent with the person presenting themselves for work.**Please now complete section 5** |
| **SECTION 2** |
| **In-person physical document check** Complete this section if you have completed an in-person RTW check, have seen the applicant’s **original** physical document, and have taken a good, clear copy of it (e.g. UK/Irish passport, or a temporary visa sticker inside their passport known as a vignette visa). See the section ‘[Procedure for undertaking an in person right to work check’](https://www.ed.ac.uk/human-resources/recruitment-guidance/right-to-work-checks/how-to-check)Check the University website for a full up-to-date list of acceptable [List A](https://www.ed.ac.uk/sites/default/files/atoms/files/list_a_v280223_0.docx) and [List B](https://www.ed.ac.uk/sites/default/files/atoms/files/list_b_v18-10-23.docx) RTW documents**Note on vignette visas**Vignette visas are the short-term (90 day) visas inside an individual’s passport that allows them to travel to the UK. Once inside the UK the individual can start work using this visa, but the physical copy inside the passport MUST be checked in-person. Once the Biometric Residence Permit (BRP) has been issued, the individual can then provide a share code to allow a check to be done on the Home Office website (see section 3 below). A repeat RTW check must be done when the individual can obtain their share code, or before the vignette visa expires, whichever is earliest.**Sponsored Workers**Please note that vignette visas should also contain a date stamp in dark coloured ink received on arrival to the UK. If the vignette does not contain a stamp (for example if the individual used the electronic passport gates when they arrived in the UK and never presented their passport to border officials to be stamped) then alternative proof of arrival to the UK must be provided by the individual (for example a boarding pass/travel ticket), and a copy of this must be taken. The visa is not considered activated until proof of arrival in the UK has been provided. Please see [Receiving your visa and what to do next](https://www.ed.ac.uk/human-resources/international-staff-work-uk/receiving-your-visa).**Employer Checking Service (ECS)** To request an ECS check, please submit a Service Request titled ‘ECS Check Requested’ under the category ‘Right to Work’. You must obtain the individual’s permission for the check to be carried out, and include confirmation of this in the request. For outstanding visa applications please also include the UKVI reference number of the application. Where the individual has the right to work, the outcome of an ECS check is a Positive Verification Notice (PVN). Once received this is recorded by HR Operations. There are three scenarios where an ECS check would be required. Please see below the actions required for each scenario: * **ECS check for a List B Group 2 document**Carry out the RTW check on the List B Group 2 document. Complete Section 2, Section 5, and Section 7 of the RTW checklist. Send the RTW checklist plus a copy of the List B document in to HR via service request, as stated above. HR Operations will then carry out the ECS check. Once the PVN has been received you will be notified. HR Operations will then upload all documents (RTW checklist, List B document, and PVN) to P&M. No further action is required.
* **ECS check for an individual with an outstanding visa application – New start**Complete Section 5, Section 6 (if required) and Section 7 of the RTW checklist, carrying out an Identity check on the individual using their current/expired visa document. Send the RTW checklist plus a copy of the visa document(s) in to HR via service request, as stated above. HR Operations will then carry out the ECS check. Once the PVN has been received you will be notified. HR Operations will then upload all documents (RTW checklist, visa document, and PVN) to P&M. No further action is required.
* **ECS check for an individual with an outstanding visa application – Current employee****Do not** complete the RTW checklist. HR already have the current visa document on file. Request an ECS check via service request, as stated above. HR Operations team will inform you when a PVN is received. They will then upload this to P&M. No further action is required.

Note: A new member of staff cannot begin employment until a PVN has been received. Current employees can continue to work whilst the check is being carried out for up to 28 days after the expiry of their visa on the same conditions as their previous visa.  This does not apply when an application is not made ‘in time’.**Permitted Paid Engagement (PPE)**Individuals who are in the UK to carry out PPE can do so as long as they have been invited to do any of the following:* to give a lecture or series of lectures
* to speak at a conference
* as an academic - to be a student examiner or assessor

**Note: The engagement must be relevant to the expertise, qualifications and main job of the individual. They can come to the UK for 6 months but the engagement must be completed within the first month.**In these circumstances the following documents must be presented:* a written invitation from UoE for a pre-arranged event or other permitted engagement
* proof of UK arrival (stamped vignette visa, boarding pass, etc)

**Please now complete section 5**  |
| **SECTION 3** |
| **Online share code check**Complete this section if you have received a share code from the individual and have completed an online check via the [Home Office website](https://www.gov.uk/view-right-to-work). The share code must begin with a W for RTW purposes. See the section [Procedure for undertaking an online right to work check](https://www.ed.ac.uk/human-resources/recruitment-guidance/right-to-work-checks/how-to-check)Completing this check will provide you with a PDF report from the Home Office containing a photograph of the applicant, plus details of their right to work in the UK.**Confirmation of visa/status**The online check confirms that the individual has the right to work in the UK, but does not state what type of visa/status they have. In order to confirm this, please provide a copy of one of the following documents:* The Biometric Residence Permit (BRP)
* A confirmation email received by the individual from the Home Office, which states the type of visa they have been awarded.
* A screenshot from the status page of the individual’s Home Office online account, showing their visa type

**Additional information for Sponsored Worker visa holders**An online check on a Sponsored Worker visa will fall in to one of three categories. Please see below the required documents to be sent in for each category:* Online check for a Sponsored Worker who has already started employment/temporary work using their vignette visa, and a previous RTW checklist has been submitted – Provide Home Office PDF report and confirmation of visa/status.
* Online check for a Sponsored Worker who is a current employee/temporary worker and has applied for a new visa – Provide Home Office PDF report and confirmation of visa/status.
* Online check for a Sponsored Worker who has not yet started employment/temporary work – Provide Home Office PDF report and confirmation of visa status, plus copy of date stamped vignette visa or boarding pass/travel ticket (proof of UK arrival).

Do not complete an online share code check before the individual has arrived in the UK, as it will not be valid proof of RTW in the UK.Note: It may be necessary to carry out an ECS check if the individual cannot provide a share code. Please see Section 2 for details on how to carry out an ECS check.**Supplementary employment**If the individual has a Skilled Worker or Temporary Worker visa that is not sponsored by the University of Edinburgh, we require a letter or email from their main employer. This letter must confirm that the individual is currently sponsored by them, and must also confirm what their SOC code is. The individual can then work up to 20 hours per week for UoE in a supplementary job. <https://www.gov.uk/skilled-worker-visa/second-job> **Please now complete sections 5**  |
| **SECTION 4** |
| **Application for Certificate of Sponsorship (COS)**Complete this section if you are using the RTW checklist to accompany a copy of a passport for a COS application. Note: When the individual secures their visa, a right to work check must be completed before they start work.**Please now complete sections 5** |
|  **SECTION 5** |
| **Identity check** This step must be completed even if an IDVT check or an Online share code check has been completed.* For in-person physical document check – Visual check must be made in-person
* For IDVT, Online share code, or ECS check – Visual check may be either in-person or by video call

Visual checks should be made to satisfy yourself that the document belongs to the person who has presented themselves. Check that the photographs in the documents provided match the individual’s appearance, and that the date of birth is consistent with the appearance of the individual. **Please complete the following:****• If the individual has a Tier 4/Student visa please now complete Section 6 and Section 7****• For all other categories, please now complete Section 7** |
| **SECTION 6 - COMPLETE SECTION 6A, 6B OR 6C, DEPENDING ON THE STUDENT’S CIRCUMSTANCES**Please note that a student visa holder cannot be employed in a full-time permanent (i.e. open-ended) post unless they have completed their studies and made an application for a Skilled Worker or Graduate visa. Evidence of this is required. |
| **SECTION 6A** |
| **University of Edinburgh (UoE) student**Complete this section if you have carried out a Home Office online check or an in-person check for an individual with a student visa, and they are a current UoE student. Further information for working in the UK for a student visa holder, including working hours, can be found on the [University of Edinburgh Student Immigration webpages](https://www.ed.ac.uk/student-administration/immigration/working-in-the-uk/during-studies). |
| **SECTION 6B** |
| **Non-UoE student**Complete this section if you have completed a Home Office online check or an in-person check for an individual with a student visa, and they are currently a student at another institution.Further information for working in the UK for a student visa holder, including working hours, can be found on the [University of Edinburgh Student Immigration webpages](https://www.ed.ac.uk/student-administration/immigration/working-in-the-uk/during-studies) |
| **SECTION 6C** |
| **PhD student – studies completed** Complete this section if you have completed a Home Office online check or an in-person check for an individual with a student visa, and they are a PhD student who has completed their studies (either at UoE or elsewhere). Please note that ‘completed’ is deemed to be the submission of the hardbound thesis, with no further corrections. |
| **SECTION 7** |
| Form to be signed and dated with the date the check was completed. |