

Who requires a Right to Work check?

It is essential that a Right to Work (RTW) check is completed before an individual commences work. A check made after work has commenced will not provide a statutory excuse from the Home Office. This guidance is designed to assist in determining whether a Right to work check is required in various common scenarios.

Employees

Scenario	Right to Work Check required?
New employees	Yes - All employees (casual workers are dealt with separately below) require a right to work check before work commences.
Re-hiring a previous employee	Yes , in all cases. A break in employment requires a new RTW check.
Casual worker moving to employee status	Yes , in all cases. This also applies to workers supplied by an agency.
Honorary appointments	Yes , in all cases.

Casual workers

Scenario	Right to Work Check required?
<p>Casual workers (Timesheet workers)</p> <p><i>Example roles:</i></p> <ul style="list-style-type: none"> • Student Ambassadors • Anatomy Tutors • Alumni Callers • Peer tutors and qualified tutors • External Examiners* 	<p>Yes - Particular attention should be given to employed student visa holders who may be working and paid on Timesheets as there are restrictions on the number of hours they can work each week. It is the responsibility of both the employer and student visa holder to ensure that the restrictions are adhered to.</p> <p>Yes - Examiners paid as casuals must have their RTW checked.</p> <p>*Examiners coming to the UK from overseas may qualify as a Paid Permitted Engagement visitor. If eligible for this route, the Right to work check may not be required. An individual assessment will be required. Contact HR for further guidance. See section below on Visitors and Immigration Status Checks</p>
<p>External Examiners <u>remaining outside the UK</u></p>	<p>Anyone who does not come to the UK but is examining from abroad won't require a require a RTW check.</p>
<p>Re-hiring a previous casual worker</p>	<p>Yes</p>
<p>Second jobs (as casual work)</p>	<p>No, if RTW documentation is evidenced in personnel file – check with Hrhelp@sgul.ac.uk</p>

Visitors/ Guest Lecturers	<p>Yes - Unpaid visitors coming for more than 30 days must undergo a right to work check.</p> <p>Yes - Paid visitors/workers will require a right to work check.</p>
Visitors/ Guest Lecturers – Unpaid for less than 30 days	<p>No - Any unpaid visitor coming to the University for 30 days or fewer in a six-month period will not be required to undertake a right to work check. This includes individuals who will receive expenses payments only but not those who receive any other form of payment.</p> <p>**For visitors invited from outside the UK and Ireland, please see further details in the (**Visitors) section below**</p>
Volunteers	<p>No - if volunteer is only taking part in activities which are not essential to the function of the University.</p> <p>Yes - if activity is essential (i.e., if a volunteer is doing an activity that if not done by the volunteer, the University would pay someone to do instead) This would be classed as unpaid work and requires a RTW check.</p>
Work Experience	<p>Yes - in all cases (except where the individual is under the age of 16). Work Experience is classed as unpaid work.</p>
Agency Workers	<p>No - where a department is paying an agency and not the worker directly (in these circumstances the agency is responsible for checking RTW).</p>
Council Members	<p>No</p>
Security contractor	<p>No - ICTS (security contracted company). Liz Gilby, Deputy Director of Estates & Facilities holds confirmation that right to work checks have been conducted and completed by the Employer: ICTA Security Company ICTS provide integrated security services & systems.</p> <p>An email from the employer (currently ICTS) must be provided with the paperwork for each new contractor.</p>

Cleaning Contractor	<p>No - Churchill (Cleaning contractor). Deputy Director of Estates & Facilities holds confirmation that right to work checks have been conducted and completed by the Employer: Churchill Group, Commercial Cleaning Services Churchill Group (churchillservices.com)</p> <p>An email from the employer (Churchill) must be provided with the paperwork for each new contractor.</p>
Maintenance contractor	<p>No - CBRE (Maintenance contractor). Assistant Director of Estates holds confirmation that right to work checks have been conducted and completed by the Employer: CBRE, Global Commercial Real Estate Services CBRE UK</p>

Self-employed

Individuals who are self-employed are paid directly (usually on invoice) and are not paid via payroll.

Scenario	Right to Work Check required?
Self-employed individuals	No. RTW check not required for self-employed individuals.

**Visitors - invited from outside the UK and Ireland

Institutes/Departments are required to conduct an Immigration Status Check on anyone they have invited into the country as an Academic Visitor. This is similar to a Right to Work check whereby the passport and visa/stamp is checked, copied, signed, dated and retained for the duration of the visit.

Scenario	Immigration Check Required?
Visitors	<p>Yes, for visitors invited from outside the UK and Ireland and to whom the Institute/Department has issued a letter of invitation required for their application to enter the UK as an Academic, Business or Permitted Paid Engagement Please destroy the data when the visit is finished.</p> <p>All EU, EEA, and Swiss nationals, that have not been resident in the UK before 31 December 2020, will need to enter the UK under the appropriate Visitor visa route.</p> <p>No for visitors who are nationals of the UK or the Republic of Ireland, or who are already in the UK with Pre-Settled status or a work visa.</p>

Where there is any doubt on whether a Right to Work check is required, please contact the Human Resources well in advance of the individual commencing work to discuss.

Right to Work guidance

Full guidance on Right to Work requirements and how to complete Right to Work checks is available on: [Checking a job applicant's right to work - GOV.UK](https://www.gov.uk/guidance/checking-a-job-applicant-s-right-to-work)
(www.gov.uk)

Any queries about Right to Work - please contact hrhelp@sgul.ac.uk