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GUIDANCE ON ELIGIBILITY TO WORK IN THE UK

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1. INTRODUCTION

The Company is committed to promoting equality and diversity in the workplace and to providing equality of opportunity to all applicants at every stage of the recruitment and selection process. The Company's policies and procedures ensure that all employees and prospective employees are treated fairly and with respect during their employment.

2. PURPOSE

The purpose of this document is to provide an overview of the Company's legal obligations in terms of ensuring that all employees have the legal right to work in the United Kingdom (UK). This document will therefore detail the legal checks which the Company is required to carry out in order to meet these obligations.

3. BACKGROUND

Sections 15 – 25 of the Immigration, Asylum and Nationality Act 2006 set out the law on the prevention of illegal migrant working, which places a legal obligation on the Company to ensure that all employees have the legal right to work in the UK.

The table below shows permissions to work in the UK:

Permission to work in the UK			
Unrestricted Permissions			Restricted (Non EU)*
Austria	Greece	Netherlands	Australia
Belgium	Hungary	Norway	China
Bulgaria	Iceland	Poland	India
Cyprus	Ireland	Portugal	New Zealand
Czech Republic	Italy	Romania	South Africa
Denmark	Latvia	Slovakia	USA
Estonia	Liechtenstein	Slovenia	
Finland	Lithuania	Spain	
France	Luxembourg	Sweden	
Germany	Malta		

Nationals from Switzerland also have the same free movement and employment rights as EEA (European Economic Area) nationals.

***This list is not exhaustive – further details can be found from the Home Office.**

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4. EMPLOYING FOREIGN WORKERS

Right to work checks will be carried out on all prospective employees and assumptions about an individual's eligibility to work in the UK or their immigration status will not be made on the basis of their colour, nationality, ethnic or national origins, accent or length of time they have been a resident in the UK.

In line with the Company's recruitment and selection procedures, all candidates who are invited to interview will be issued with guidance explaining the original forms of documentation they are required to provide in order to prove their eligibility to work in the UK.

There are specific types of documentation which can be accepted as evidence of an individual's eligibility to work in the UK.

The types of evidence that can be accepted are detailed in Appendix 1 – Eligibility Guide for Applicants.

At interview, the Recruiting Manager will view the documentation that the applicant has brought with them to the interview and will ensure that they are the rightful holder of these documents. When checking the validity of the documents, the Recruiting Manager will do this in the presence of the holder.

The Recruiting Manager will carry out an initial right to work check on all individuals they intend to employ before confirming an offer of employment. The Recruiting Manager will take reasonable steps to ensure that the documentation is valid and the satisfy themselves that the employee is the rightful holder of the documents provided by:

- checking photographs to ensure that they are consistent with the appearance of the applicant;
- checking that the expiry dates on documents have not passed; and
- taking a photocopy of the documents and attaching them to the Eligibility to Work in the UK form, which should be completed recoding the date of the check.

An Eligibility to Work in the UK form will be completed by the Recruiting Manager for every applicant, and a copy of the certified documentation they have provided will be attached to the form.

The form to be completed by the Recruiting Manager at Interview is detailed within Appendix 2 – Eligibility to Work in the UK Form.

These documents will be retained in the successful applicants' personnel file. Documents for all other candidates will be retained in the appropriate recruitment file for a period of 6 months, at which time they will be confidentially destroyed.

5. EMPLOYING NATIONALS FROM THE EUROPEAN ECONOMIC AREA

Nationals from the European Economic Area have the right to work in the UK.

The applicant may commence employment with the Company **after** the necessary right to work checks have been completed.

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However, not all EEA nationals are permitted to work in the UK without restrictions and separate restrictions apply to Croatian nationals. A Croatian national who wishes to work in the UK and who is subject to the worker authorisation requirement will need to obtain an accession worker authorisation document (permission to work) before starting any employment.

6. EMPLOYING NATIONALS FROM NON EU COUNTRIES

Nationals from outside the EU can apply to work in the UK; however they must meet the relevant UK Government Agency's criteria for employing a non EU-National, obtain a Certificate of Sponsorship from the Company and pass a Points Based Assessment.

The vacancy for which they have applied must be on the Shortage Occupation List or if not listed, must satisfy the requirements of the Resident Labour Market Test.

Applicants who are nationals from non EU countries cannot start work until the appropriate authorisation has been received.

7. EMPLOYEES WHO TUPE TRANSFER TO THE COMPANY

Where employees transfer to the Company through TUPE regulations, the Company will be required to check the eligibility of all new TUPE employees to work in the UK. The Company will be required to undertake and complete these checks within a period of 60 days from the date of the TUPE transfer.

8. MONITORING

Regular monitoring is required in order to ensure that the Company is complying with its legal responsibility to ensure that employees are legally working for the Company.

Document Type	Excuse Type	Frequency of Checks
List A	Continuous	Before employment starts only
List B – Group 1	Time-limited	Before employment starts and again when permission (as set out in the document checked) expires
List B – Group 2	Time-limited	Before employment starts and again after six months (as set out in the Positive Verification Notice)

Where the leave to enter or remain in the UK granted to an individual is time limited, the document(s) they provide will be specified in List B, please see Appendix 1.

Regular monitoring must take place if the document(s) provided are from List B. After the original checks have been completed, the expiry date detailed on the documentation will be recorded. Prior to the expiry date, the Human Resources Section will check that the employee has either:

- submitted an application to extend or vary their permission to be in the UK; or
- made an appeal against a decision on that application.

Where the employee provides evidence that their application or appeal has been determined with leave granted the Human Resources Section will check the documents in the normal

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9. RESPONSIBILITIES

9.1 Applicants

- To provide original documentation at interview showing that they are eligible to work in the UK.
- To apply for any further authorisation required and provide evidence of this within the required timescales.

9.2 Recruiting Manager

- To collect all documentation proving that the applicant is eligible to work in the UK, including any further authorisation required based on nationality.
- To complete, sign and date the Eligibility to Work in the UK form and attach the photocopied documentation.
- To send the completed paperwork to the Human Resources Section, in order for a conditional offer of employment to be made.

9.3 Human Resources Section

- To ensure that all employees eligibility to work in the UK is up to date in line with the Immigration, Asylum and Nationality Act 2006.
- To record the expiry date of any documents, where applicable, and set a reminder to carry out a follow-up check prior to the expiry date.
- To carry out any necessary checks as detailed in Section 8.

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10. EQUALITY IMPACT

The General Equality Duty was introduced by the Equality Act 2010 ('the Act'), requiring the Company, in the exercise of its functions, to have due regard to three needs. These are the need to:-

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not, by,
 - Removing or minimising disadvantage;
 - Meeting the needs of particular groups that are different from the needs of others; and
 - Encouraging participation in public life.
- Foster good relations between people who share a protected characteristic and those who do not.

The General Equality Duty covers the following protected characteristics; age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers the protected characteristic of marriage and civil partnership with regard to eliminating unlawful discrimination in employment.

This guidance document has been subject to Equality Impact Screening. A copy of the information is available from the Human Resources Section.

11. REVIEW

This guidance document will be reviewed in line with the recognised arrangements, at the date outlined on the front cover of this document, or earlier if there is a business or legislative requirement to do so.

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Appendix 1 ELIGIBILITY GUIDE FOR APPLICANTS

Under the Immigration, Asylum and Nationality Act 2006, we are legally required to check that you are entitled to work in the United Kingdom and you are required to provide evidence of your entitlement to work in the United Kingdom. Acceptable items of evidence are detailed within this document.

You should produce **either**:

- Any one of the documents, or combinations of the documents detailed in List A; **or**
- Any one of the documents, or combinations of the documents specified in List B

List A – Single Documents

1. A Passport showing that the holder, or the person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right to reside in the United Kingdom.
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 a European Economic Area Country or Switzerland.
3. A registration certificate or document certifying permanent residence issued by the Home Office, to a national from a European Economic Area Country or Switzerland.
4. A permanent residence card issued by the Home Office or the relevant UK Government Agency to the family member of a national of a European Economic Area Country or Switzerland.
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit to stay in the UK.
6. A passport 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. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B – Group 1

1. A current passport endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question.
2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the person named can currently stay in the United Kingdom and is allowed to do the work in question.
3. A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area country national who is a family member of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A Current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B – Group 2 – Documents where a time-limited statutory excuse lasts for 6 months

1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months** old **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
2. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
3. A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Appendix 2
ELIGIBILITY TO WORK IN THE UK FORM

This form should be completed for all external applicants and then forwarded to the Human Resources Section along with a photocopy of the documentation provided by the applicant.

SECTION A – VACANCY INFORMATION			
Job Title:		Advert Ref. No:	
Section:		Interview Date:	
Recruitment Panel:			

SECTION B – APPLICANT INFORMATION	
Name:	
National Insurance Number:	

SECTION C – ACCEPTABLE ITEMS OF EVIDENCE
<p>You should ask applicants to produce either:</p> <p>Any one of the documents, or combinations of the documents detailed in List A; or Any one of the documents, or combinations of documents specified in List B.</p> <p>You should only accept original documents.</p>

LIST A – SINGLE DOCUMENTS	
Any one of the following documents are acceptable:	Please Tick ✓
1. A Passport showing that the holder, or the person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right to reside in the United Kingdom.	<input type="checkbox"/>
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 a European Economic Area Country or Switzerland.	<input type="checkbox"/>
3. A registration certificate or document certifying permanent residence issued by the Home Office, to a national from a European Economic Area Country or Switzerland.	<input type="checkbox"/>
4. A permanent residence card issued by the Home Office or the relevant UK Government Agency to the family member of a national of a European Economic Area Country or Switzerland.	<input type="checkbox"/>
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit to stay in the UK.	<input type="checkbox"/>
6. A passport 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.	<input type="checkbox"/>
7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.	<input type="checkbox"/>

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8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.	<input type="checkbox"/>
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.	<input type="checkbox"/>
10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.	<input type="checkbox"/>

LIST B – Group 1	
The following documents are acceptable:	Please Tick ✓
1. A current passport endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question.	<input type="checkbox"/>
2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the person named can currently stay in the United Kingdom and is allowed to do the work in question.	<input type="checkbox"/>
3. A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area country national who is a family member of a European Economic Area country or Switzerland or who has a derivative right of residence.	<input type="checkbox"/>
4. A Current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.	<input type="checkbox"/>
Group 2 – Documents where a time-limited statutory excuse lasts for 6 months	Please Tick ✓
5. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Officer Employer Checking Service.	<input type="checkbox"/>
6. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.	<input type="checkbox"/>
7. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.	<input type="checkbox"/>

SECTION D – DECLARATION			
I confirm that the applicant has produced an original copy/copies of the appropriate evidence.			
Name:		Designation:	
Signature:		Date:	

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