

BUILDING A CASE FOR RIGHT TO WORK CHECK TECHNOLOGY IN YOUR BUSINESS





Introduction

All businesses in the UK, regardless of organisation size or sector, must ensure that every employee has the Right to Work in the UK. This means seeing and checking relevant identity documents in the presence of the holder. This can be a physical presence or via a live video link. In both cases, you must be in physical possession of the original documents.

However, the number of people attempting to use fake identity documents to illegally gain employment continues to grow. What's more, if you employ someone who has no Right to Work in the UK or who is using a fake identity, the consequences can be very serious for your business, your employees, your customers and your reputation.

Making a robust, consistent identity check is the critical first step in a Right to Work process – to ensure the person you're hiring is who they say they are and that they have the correct evidence of their Right to Work in the UK.

**You can find the latest government guide to employer
Right to Work checks here:
[https://www.gov.uk/government/publications/
right-to-work-checks-employers-guide](https://www.gov.uk/government/publications/right-to-work-checks-employers-guide)**

Right to Work

The law on preventing illegal working is set out in the Immigration, Asylum and Nationality Act 2006 and the Immigration Act 2016. This legislation covers the penalties for those found guilty of employing someone who they knew or had 'reasonable cause to believe' did not have the Right to Work in the UK. This includes, for example, if you had any reason to believe that their identity documents were incorrect or false. Sanctions include a civil penalty of up to £20,000 per illegal worker and, in serious cases, a criminal conviction carrying a prison sentence of up to 5 years and an unlimited fine.

THERE ARE THREE STEPS THAT EMPLOYERS MUST FOLLOW TO CONFIRM AN EMPLOYEE HAS THE RIGHT TO WORK IN THE UK

- ✓ Request all relevant Right to Work documents
- ✓ Validate the documents in the presence of the holder
- ✓ Copy the documents, record the date of the check and store them securely

As an employer, making checks correctly means ensuring that all documents you see are genuine, original and unchanged and belong to the person who has given them to you.

Most employees will present legal and valid documentation. However, ensuring compliance with Right to Work legislation may be challenging for your organisation, particularly if you have a high turnover of staff or see employees with many different global identity documents. In addition, illegal documents continue to be manufactured by professional fraudsters, some to a very high standard, which makes them hard to identify. These counterfeit documents are then used by criminals to fraudulently apply for jobs or gain access to the services provided by your organisation.

Identity document validation technologies (IDVT) can quickly and easily assist you to authenticate documents which are presented for identity verification purposes, including for example, passports, Biometric Residence Permits (BRPs) and identity cards.

Electronic identity document validation for Right to Work

Knowing that the documents you're seeing are genuine and being presented by their legitimate holder is a critical first step in any Right to Work process. However, without significant and on-going training, staff may not easily be able to judge whether an identity document is genuine.

The Home Office recognises the important role that IDVTs can play in preventing the use of fraudulent documentation.



Identity document validation technologies (IDVT) are forms of technology that can quickly and easily assist you to establish the authenticity of documents presented for identity verification purposes, including passports, biometric residence permits, driving licences and identity cards

With IDVT, it takes just a few seconds to capture an identity document, using a secure web interface, App on your smartphone or ID scanner. Advanced scanning features capture security information, both visible and non-visible, that is difficult for counterfeiters to correctly imitate, such as the algorithmic data printed in the Machine-Readable Zone (MRZ) and data held within the document's chip. This makes validation technology highly effective when compared to a visual inspection by staff with limited training in examining documents.

Electronic identity verification is increasingly being used to validate documents presented to assert and prove identity for Right to Work across the private sector, including in recruitment, retail, facilities management, hospitality and security, as well as across many NHS Trusts.

Depending on their level of in-house Right to Work knowledge and resources, an organisation may choose a straight-forward identity document validation service which confirms the authenticity of the identity document or may prefer to outsource the entire Right to Work process.

The benefits of IDVT for Right to Work

There are many benefits to electronic Right to Work checks compared to a manual check and photocopy:

-  Scanning gives you a single, consistent process across your organisation for all staff who need to make identity checks
-  When an organisation publicises the use of electronic checks and applicants are notified that ID scanning software is used for Right to Work, this deters those individuals who may seek employment using false documentation
-  A scanning application eliminates the need to photocopy and store paper copies of identity documents which saves time and greatly eases the administrative burden on staff. It also means that records can be easily stored for future reference and auditing purposes
-  With fraudulent documents becoming ever more sophisticated, an IDVT protects your recruitment team who would otherwise have to bear the burden of identifying them
-  Right to Work software means you can train staff on how to use the technology, rather than needing to train them on how to check new or updated global identity documents or Right to Work legislation changes
-  If you do identify a suspicious document, the IDVT vendor provides a Document Helpdesk to review the document, offering an additional level of support and advice to on-boarding staff
-  Scanning technology is easy to roll out across different locations, helping you to make consistent checks from anywhere
-  If required, Right to Work software can guide your staff through compliance questions. This helps to ensure that you are seeing the correct documents to comply with current legislation and removes the need for ongoing Right to Work training
-  Right to Work software is quick, with a response usually given within 1 business hour, saving your team time and enabling you to get new starters up and running quickly
-  Many systems have an API which allows integration into your back-end systems

Your options



In order to meet the legal requirements around Right to Work checks and establish a statutory excuse ('the excuse') against payment of a civil penalty, an organisation must be able to show that they have followed due process in accordance with the regulations

Your organisation is required to see an original document or combination of documents from the approved list:

(Full list here: <https://www.gov.uk/government/publications/right-to-work-checklist>).

As a minimum, staff should then check that the person claiming to own them resembles the photographs on the documents and examine them for any signs of forgery or counterfeiting, including:

- ✓ Printing quality including gold-blocking, paper quality and construction
- ✓ Watermarks, intaglio printing and latent images
- ✓ Alterations to the holder name or the photograph, gender or date of birth
- ✓ Extra pages or missing pages, false visas, stamps or residence permits

All documents provided must also be copied and stored either electronically or in hard copy along with a record of the date on which a check was made. Copies of the documents should be kept securely for the duration of the individual's employment and for a further two years after they stop working for you.

This check, copy and store process can be handled either manually or electronically.

With manual checking, front line staff bear the burden of a drawn-out administrative process. They need to first ensure that they ask to see all the correct documentation. Then they must visually determine the validity of identity documents. You need to provide regular training updates to help identify revised identity documents and ensure that they are up to date with changing Right to Work legislation. Any manual check puts responsibility for making the right decision onto your staff.



The introduction of an IDVT adds a 'filter' and helps the user decide how to handle a document or an applicant. With electronic scanning technology, a quick, single, consistent process helps users validate documentation or highlight any anomalies.

A validation system can provide a response on the validity of the document in just a few seconds, which may be particularly beneficial in high volume environments. Some electronic document scanning providers also provide investigative support when you identify any anomalies with a document and cross-check documents with external database of counterfeit and fraudulently obtained genuine (FOG) documents for additional peace of mind.

A Right to Work service may then include a 'human step' with Right to Work experts processing validated identity documents to ensure they are the right combination of documents to prove the holders' Right to Work in the UK.

Key assumptions, dependencies and resources

It is assumed that an IDVT will prove significantly more effective when compared to a basic visual inspection by a person with no or limited training in examining documents.

Your organisation should consider the purpose served by the technology, the volume of checks required and the level of knowledge of fraudulent documents and Right to Work expertise amongst staff. You should weigh this against any purchase, implementation, training and ongoing costs

WHEN FORMULATING COSTS, YOUR ORGANISATION SHOULD CONSIDER:

- ✓ The ongoing cost of training staff to conduct manual checks and keep up to date with Right to Work legislation
- ✓ Potential civil penalties which could be incurred by a breach - one illegal worker could lead to fines of £20,000
- ✓ Time saved in administrative processes during recruitment and on-boarding
- ✓ Reduction in compliance costs as all internal audits regarding checking identity documents can be carried out electronically in a central location

Electronic validation solutions can be set up within an hour, with just a few minutes of training enough to get staff up to speed and using the application. If your organisation chooses an online validation service, they don't need to purchase any additional hardware to support the checks.

Confidence in your compliance

An ever-increasing number of organisations across the private and public sector are turning to identity validation services to support their Right to Work compliance. For more information on identity validation solutions, please visit <https://www.trustid.co.uk/>