TrustID
A CITATION COMPANY

Employer's guide to Right to Work checks

Your comprehensive FAQ guide

An explanation of the digital Right to Work scheme

The UK Government first launched the digital Right to Work Scheme in 2022 to further facilitate online Right to Work (RtW) checks. The Digital Scheme allows employers to remotely verify the identity of people with applicable RtW evidence using a Digital Verification Service Provider or DVSP. Further updates that are due to come into force on 1st October 2026 will mean that employers must work only with Right to Work (RtW) DVSPs who are certified and listed on the official Office for Digital Identities and Attributes (OfDIA) Register.

As a certified RtW DVSP and leading provider of RtW services in the UK, we've compiled our most commonly asked questions to help you navigate the complexities of Right to Work checks. We hope you find it useful!



The importance of Right to Work checks

All employers in the UK, regardless of the size of business or sector they operate in, must ensure that every worker has a Right to Work check to confirm that they can work in the UK. This means running a Right to Work check – seeing and checking relevant identity documents – or carrying out a digital Right to Work check, for those people who are eligible.

It is an offence to employ someone who you knew or had 'reasonable cause to believe' did not have the Right to Work in the UK including, for example, if you had any reason to believe that their identity documents were incorrect or fraudulent. If you don't complete the required checks, you could face significant civil penalties and a range of sanctions, including the closure of your business or even a criminal conviction. Fines for illegal workers sit at £45,000 for the first offence and £60,000 for repeat offences.

However, correctly carrying out the checks required gives you a Statutory Excuse against liability which means you can avoid a civil penalty if you've (unknowingly) employed an illegal worker.

A history of Right to Work guidance

- **In January 2022:** The Home Office first published guidance for employers regarding the use of digital identity verification when making Right to Work checks.
- **From April 2022:** Digital Right to Work scheme introduced, allowing employers to carry out remote checks using Identification Document Validation Technology (IDVT). The scheme covered holders of in-date biometric UK and Irish passports and passport cards which can be verified by a DVSP (originally known as an Identity Service Provider (IDSP)).
- **From 1 October 2022:** Temporary changes introduced over COVID were ended. Employers could choose whether to introduce the digital scheme, stick with traditional methods (physical documents), or combine processes.
- **From 31 October 2024:** Biometric Residence Permits (BRPs) no longer issued, with physical documents replaced by a digital immigration status eVisa.
- **From 1 October 2026:** Expansion of Right to Work scheme, increasing who falls under scope, introducing broader 'imposter check' requirements and mandating the use of a certified RtW DVSP.



More about the 2026 guidance update

The guidance due to take effect on 1st October 2026 introduces a new concept of 'Extended Liability'. Historically, responsibility for illegal working has sat with the organisation that directly employs the worker. However, extended liability will mean that civil liability for Right to Work non-compliance can now extend beyond the direct employer, reaching third parties elsewhere in the contracting chain, including online matching services and situations where work is substituted between individuals.

It's being introduced because, as flexible and platform-based work has grown, gaps have opened up around who's actually responsible for checking a worker's eligibility, particularly in labour supply chains, agency arrangements, and gig economy platforms. Extended liability closes those gaps by making sure accountability sits clearly across modern labour market structures, rather than allowing responsibility to fall through the cracks between multiple parties, or onto no one at all.

For organisations that engage contractors, agency staff or workers via platforms, compliance responsibility can no longer be assumed to sit elsewhere in the chain, and it's worth reviewing where your exposure lies well before October.

All about digital checks

A digital check allows applicants with applicable proof of identity to verify their identity and prove their Right to Work remotely, instead of presenting physical documents to you as an employer.

UK and Irish citizens

Under the Digital Scheme, an employer can carry out a Right to Work check on holders of UK & Irish in-date biometric passports using IDVT from a certified RtW DVSP. The RtW DVSP will share a report for your records, confirming the authenticity of the document and whether it gives eligibility to work in the UK.

The report which you receive from your chosen RtW DVSP should confirm the authenticity of an identity document and show that checks have been completed in line with the RtW supplementary code.

- **Step 1:** Confirm your applicant has a British or Irish biometric passport/passport card (from 1st October 2026, this can be up to 6 months expired).
- **Step 2:** Applicant captures and uploads an image of their document to a RtW DVSP.
- **Step 3:** Applicant captures a 'selfie' for biometric facial recognition check.
- **Step 4:** RtW DVSP assesses ID and applicant RtW eligibility, then returns a report including confirmation of their certification, that they are conducting checks per the supplementary code for digital Right to Work checks and that the identity has been verified.
- **Step 5:** Employer confirms employee who comes to work matches the identity of the RtW-verified applicant.

Non-UK and Irish citizens with an eVisa

Anyone with a UK Visas and Immigration (UKVI) account – including those who applied to the EU Settlement scheme – can access their immigration status online through an eVisa. To check an eVisa, an employer must use a share code provided by an applicant (more information on share codes below).

- **Step 1:** eVisa holder applies for share code on Government website
- **Step 2:** Employer enters share code and date of birth into Home Office checking service directly or, if using a DVSP, asks the applicant to capture this through the DVSP interface
- **Step 3:** If working with a RtW DVSP, applicant capture a 'selfie' for biometric facial recognition check
- **Step 4:** Employer receives report confirming applicant's RtW status
- **Step 5:** Employer confirms individual who comes to work matches the identity of the RtW-verified applicant.

Confirming the identity of your applicant

As an employer, it's your responsibility to make sure that the person on whom you're conducting the RtW check on is who they say they are, and that it is the same individual who shows up to work on day-one.

If you're carrying out a digital check, you won't see an applicant's original document or the person who is uploading it. So, it's critical to ensure that you check that the employee matches the applicant to avoid 'imposter fraud', i.e., an applicant using a legitimate proof of Right to Work which doesn't belong to them.

To comply with the UK/Irish digital check scheme, it's essential to add biometric facial recognition technology from a certified RtW DVSP so that the DVSP can match a selfie image to the image of your applicant used in the identity verification. The latest guidance also suggests this biometric facial recognition step as an option when making wider RtW checks, including eVisa checks,

As part of any compliant Right to Work check, the employer themselves must then always confirm that the worker who turns up to work matches the identity of the person who has been verified during the Right to Work check. You can confirm this by seeing the person in a face-to-face meeting or over a video call when they start work, or with the option of DVSP support.

Ongoing identity checks:

According to the latest RtW guidance, where extended liability applies and your contract allows for substitution (or one worker being swapped for another), the employer/person relying on the statutory excuse must also have systems in place to ensure each individual actually doing the work remains the individual whose Right to Work was checked, for the duration of the engagement, not just on day one. The guidance lists several ways that this can be done depending on your processes and level of risk.

Combatting fraud

In our blog, Identity Fraud Trends in 2025, we showed how identity threat has been evolving – and continues to do so. In fact, our team saw fraudulent identity documents increase by 72%, with the most common ID fraud being fraudulent passports.

We also found several emerging identity fraud tactics that went beyond fake documents:

- Imposter fraud: using genuine documents and share codes: When someone presents a real ID or share code that doesn't belong to them
- Digitally altered identity documents and AI-driven fraud: Document forgery using AI, either by complete fabrication or digitally altering specific areas like the photograph or text.

Important: Screenshots or printouts from the EUSS scheme or a Home Office confirmation letter allowing pre-settled or settled status will NOT grant you statutory excuse. You **must** check the documents through the official routes and double-check the individual in person.

FAQs

What do we do if our candidate doesn't have the right documents for a digital Right to Work check?

A fully digital right to work check only works with in-date UK/Irish biometric passport/passport cards (or up to 6-month expired from October 2026) and those who have a share code. For other documents, you will not be able to use the digital scheme and must complete a traditional Right to Work checks, viewing the original documents which you must access, check, record, and store. Some DVSPs (including TrustID) can offer support with the check and record steps of a manual process.

Who are TrustID?

TrustID are a leading certified Digital Verification Service Provider (DVSP). We were first certified in June 2022. We are also certified for Right to Rent (RtR) and DBS checks and have the technology to deliver against the supplementary codes for RtW, RtR and DBS.

A quick note: from October 2026, your DVSP must be listed on the OfDIA register as a certified RtW DVSP – TrustID are listed and you can find the listing here, or by searching for TrustID Limited.

Can we combine a RtW and DBS digital check?

Yes, it's easy to combine Right to Work and DBS checks. Our technology is supported by uCheck, our sister company within the Citation Group, who are the largest DBS umbrella body in the UK. A combined check eliminates the need for applicants to supply physical documents multiple times and helps streamline the experience for both candidates and employers. For both remote RtW and remote DBS checks, you must work with a certified DVSP. Please note, a DBS check on its own can't be used to demonstrate Right to Work.

Do we still need to see the physical document / carry out an in-person check as well, even if we use a DVSP?

For most employers, if you use a certified DVSP for an eligible check (UK/Irish biometric passport holders and eVisa), the digital check itself is sufficient to establish a statutory excuse; you don't also need to physically inspect the document, but it's worth checking whether your sector or contracts impose anything extra.

What's the difference between a DVSP, IDSP, and DVS – are these the same thing?

Broadly yes, they refer to the same type of provider, but the terminology has shifted over time, and different documents use different labels depending on when they were written:

- IDSP (Identity Service Provider) was the original term used when the digital Right to Work scheme launched.
- DVSP (Digital Verification Service Provider) is the term most commonly used in current guidance and by providers themselves, and the draft employer's guide confirms a further name change to "Right to Work Digital Verification Services Provider" (RtW DVSP).
- IDVT (Identity Verification Technology) is the term for the technology provided by the DVSP.

Do we have to use a DVSP, or can we still do manual (in-person document) checks?

There's no legal obligation to use a DVSP. A registered DVSP is one available checking option, not a mandatory requirement and the recognised Home Office checking routes remain available after 1st October 2026. Employers can continue to establish a statutory excuse using whichever appropriate method is permitted under the Code of Practice.

The right method will come down to the evidence your applicants can present, the volume of recruitment, remote/multi-site hiring, and how much administrative burden you want to take on directly versus outsourcing to a provider.

Where can I find out more?

For the latest Right to Work guidance, please visit the Home Office website. But we'll also do our best to always keep you updated on any changes as and when they happen.

If you'd like to find out more about our Right to Work service, or any other services we offer, check out our website or get in touch with our expert team by calling **0118 217 3464** or emailing **enquiries@trustid.co.uk**.