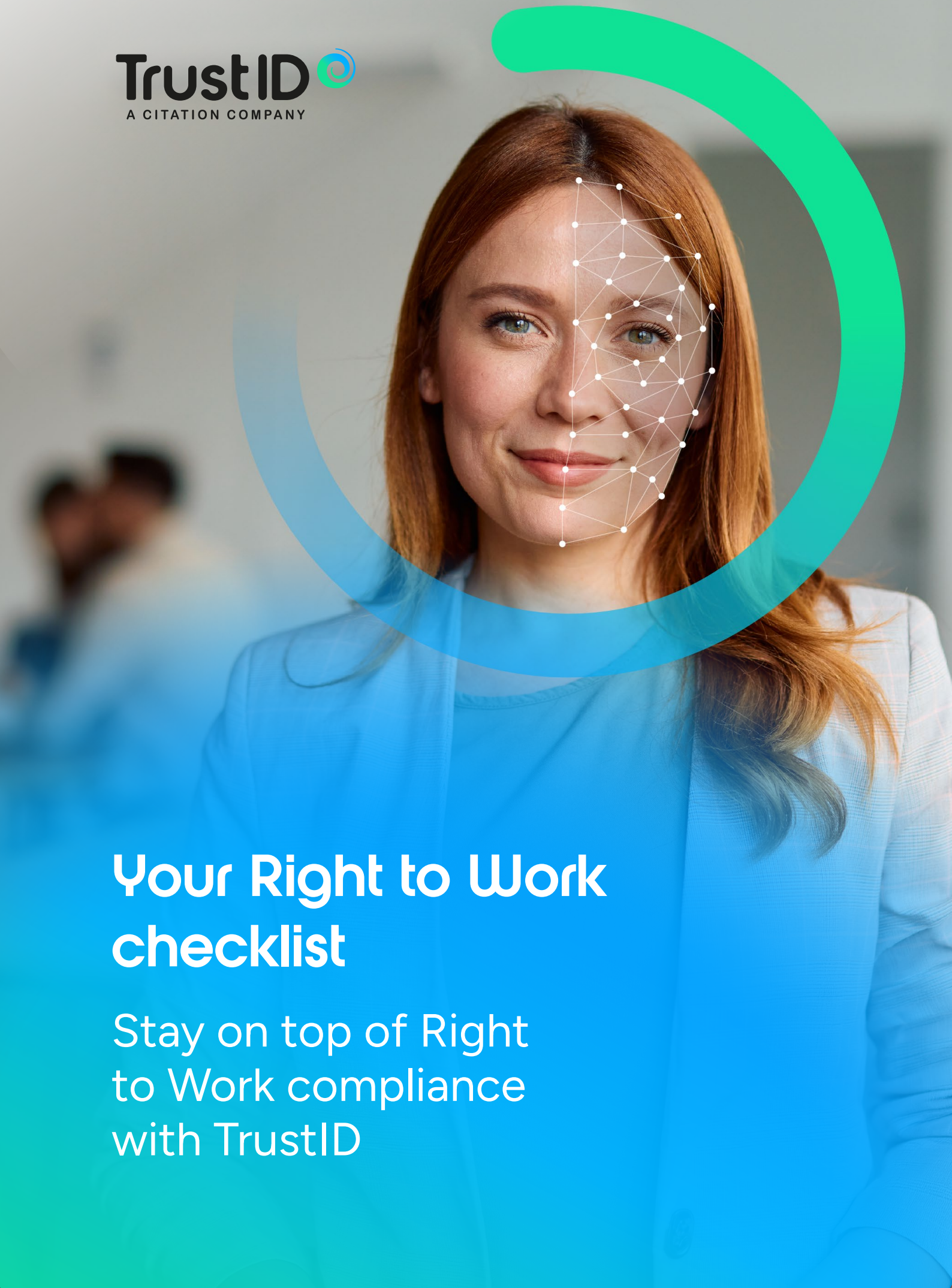
TrustID
A CITATION COMPANY



Your Right to Work checklist

Stay on top of Right to Work compliance with TrustID

On 1st October 2026, the Right to Work scheme expanded to encompass millions of new individuals who previously didn't need Right to Work checks.

To ensure you stay compliant with the new regulations, we've developed a short checklist for your business. If you're uncertain if you've got the right processes in place, give this a read-through and make sure you're prepared in case of unexpected Home Office audits.

Double-check your Right to Work processes today

Working arrangements:

When working individual service providers:

- Are they genuinely self-employed? (Therefore out of scope)
- Do you have an ongoing, controlled engagement with them – e.g. worker's contract, or individual sub-contractor relationship? (Therefore may be in scope)

Double check these categories with external hires to ensure compliance.

- Do your contracts with external service providers (e.g. online matching services) include confirmation of a worker's Right to Work?

Checking routes:

- If you are using a third-party provider, have they listed which Right to Work DVSP they are using?
- Do you have an unbiased method to check any available route?
  1. **Manual check**
  2. **Online check** (e-visa or share code) which can be facilitated by a third party
  3. **Digital check** via a certified Digital Verification Service Provider (DVSP, UK & Irish only)
- Have any digital checks been completed through a Right to Work Digital Verification Service Provider who appears on the Office for Digital Identities and Attributes (OfDIA)?

Here to help: *TrustID is an OfDIA registered Right to Work DVSP. Any Right to Work checks completed with uCheck go through TrustID, providing a statutory excuse for all customers.*

- Have you conducted follow-up Right to Work checks on any individuals with time-limited Right to Work in the UK?

Record keeping:

- Do you have a strong record keeping process?
- Have you recorded the date each check took place?
- Are expired records being destroyed properly and completely?
- Do you have the capacity to store records securely for long periods of time?

The reason why: All Right to Work checks must be stored securely for the duration of someone's employment, plus an additional two years. Any Home Office Right to Work audit will be looking for compliance in this area.

An overview of relevant penalties

The fines for non-compliance haven't changed with the October updates – but they remain severe, nonetheless.

First time offences: £45,000 per illegal worker

Repeat offences: £60,000 per illegal worker

Knowing hiring illegal workers: Unlimited fines, and/or up to five years in prison

A statutory excuse protects you from such penalties. It shows you have done your due diligence – and any fraud or discrepancies found later are not your fault. However, under the new regulations, if you wish to complete a Right to Work check via the digital route, only completing checks through a certified Right to Work DVSP can provide a statutory excuse. Otherwise, you will remain unprotected.

Reasons you may lose your statutory excuse:

You may lose your statutory excuse if you:

- Completed a check after work started
- Used the wrong way of checking
- Relied on a share-code without checking it
- Relied on screenshots, printouts, or informal evidence
- Failed to check the person appearing for work is the person who appears
- Failed to obtain student term time evidence

This is a non-exhaustive list. For more information on reasons why you may lose your statutory excuse, check the Home Office website.

TrustID
A CITATION COMPANY

Support with Right to Work checks

TrustID is a certified Digital Verification Service Provider (DVSP) and a leading expert in Right to Work services.

Need a DBS check along with your Right to Work check? uCheck are TrustID's sister company, and the largest DBS umbrella body provider in the UK.

Together, we help thousands of businesses complete millions of checks each year, streamlining efficiency and maintaining compliance with essential government regulations.

Find out more from TrustID:

0118 228 0939

enquiries@trustid.co.uk

Find out more from uCheck:

0330 113 33 33

info@ucheck.co.uk