

Right to work checks

October 2010

About the NHS Employment Check Standards

This document outlines the right to work checks that NHS organisations must carry out for the appointment and ongoing employment of all individuals in the NHS. It is one of a set of six documents that make up the *NHS Employment Check Standards*.

NHS Employers has developed these standards with the Department of Health and employers in the NHS. The standards include those checks that are required by law, those that are Department of Health (DH) policy and those that are required for access to the NHS Care Record Service.

These standards replace previous NHS Employers guidance on safer recruitment and describe the employment checks that NHS organisations must carry out to meet the Department of Health's core standards, outlined within the Standards for Better Health. From April 2010, all NHS providers (whether NHS organisations or private providers) need to be registered with the Care Quality Commission (CQC), formerly the Healthcare Commission. NHS providers will be required to show evidence of compliance with the *NHS Employment Check Standards* as part of the CQC's annual regulatory framework.

Failure to comply with these standards could potentially put the safety and even the lives of patients, staff and the public at risk.

The NHS Employment Check standards are mandatory for all applicants for NHS positions (prospective employees) and staff in ongoing NHS employment. This includes permanent staff, staff on fixed-term contracts, volunteers, students, trainees, contractors, highly mobile staff and staff supplied by an agency. Trusts using agency, contractor or other external bodies to provide NHS services must ensure, through regular audit and monitoring, that their providers comply with these standards.

Avoiding discrimination

Employers must avoid unlawfully discriminating in their recruitment processes on the grounds of ethnicity, disability, age, gender, religion and belief, or sexual orientation. To avoid discrimination employers must treat all job applicants in the same way at each stage of their recruitment process.

Recording and protecting data

NHS employers must carry out all checks in compliance with the Data Protection Act 1998. Information should only be obtained where it is essential to the recruitment decision and kept in accordance with the Act. Employers must record the outcome of all pre-employment checks, using Electronic Staff Record (ESR), where available, or an alternative HR management system. These checks are also part of the information governance and assurance standards linked to the use of the NHS Care Record Service (NHS CRS). For more details visit www.connectingforhealth.nhs.uk/systemsandservices/rasmartcards

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Introduction

Changes to the Immigration, Asylum and Nationality Act (2006), which came into effect on 29 February 2008, introduced a tough new criminal offence for employers who knowingly employ illegal migrant workers and a continuing responsibility for employers of migrant workers to check their ongoing entitlement to work in the UK.

Employers risk breaking the law unless they check the entitlement to work in the United Kingdom for all prospective employees before they start employment. No assumption should be made about a person's right to work or immigration status on the basis of their colour, race, nationality, ethnic or national origins, or the length of time they have been in the UK. Failure to check could result in a civil penalty of up to £10,000 per illegal worker. For staff in ongoing employment, the checks that should have been undertaken before 29 February 2008 will depend on when the employee was recruited. Employers should refer to guidance issued by the UK Borders Agency (UKBA) *Civil penalties for employers – code of practice (February 2008)*, which is available at www.ukba.homeoffice.gov.uk

There are three steps that employers must go through to confirm a prospective employee has the right to work in the UK:

- request right to work documents
- validate the documents
- copy and store

The employer must assess the eligibility of an individual's right to work in the UK by verifying specified documentation from lists A and B on pages five to seven. You must validate documentation from all prospective employees to ensure they are eligible to reside and work in the UK and also to meet the requirements of anti-discrimination legislation. All documents must be valid, current and original. Documents downloaded from the internet must not be accepted.

If an illegal migrant is employed because the individual supplied fraudulent documents that could not have been detected as fraudulent, the employer can establish a statutory excuse ('the excuse') against payment of a civil penalty. You must be able to show that you followed due process in accordance with the regulations.

In addition to these standards, employers must regularly check the UKBA website for the latest information.

These checks are concerned only with an individual's right to work in the UK and must be done in conjunction with verification of identity checks, so that employers can satisfy themselves that the applicant is the rightful owner of the documents they present. Please refer to the *Verification of identity checks* document of the *NHS Employment Check Standards*.

Avoiding racial discrimination

Employers have a legal duty under current race relations legislation to avoid unlawfully discriminating on racial grounds. Where complaints of racial discrimination are upheld by a tribunal, employers can be ordered to pay compensation for which there is no upper limit.

Assumptions must not be made about a person's right to work or immigration status on the basis of their colour, race, nationality, ethnic or national origins, or the length of time they have been in the UK.

To avoid discrimination employers must treat all job applicants in the same way at each stage of their recruitment process and undertake document checks on every prospective employee.

Employers could face prosecution under the Race Relations Act and an unlimited fine if they are found guilty of discriminatory processes. Please refer to the UKBA's *Anti-discrimination code of practice for employers (February 2008)*, which can be found on their website at www.ukba.homeoffice.gov.uk/preventingillegalworking

New points-based immigration system

The Home Office introduced a new points-based system, which was rolled out during 2008/09. The new system changed the way individuals from outside the EU and EEA could work, train or study in the UK and has now replaced the majority of the previous immigration system. There are now five tiers:

- Tier 1: Highly skilled individuals to contribute to growth and productivity.
- Tier 2: Skilled workers with a job offer to fill gaps in UK labour force.
- Tier 3: Limited numbers of low skilled workers needed to fill specific temporary labour shortages (this tier is suspended indefinitely).
- Tier 4: Students. UK education providers will act as a sponsor for students from outside the UK/EEA and will have to apply for a licence from the UKBA. There are two types of visas available within this tier.
- Tier 5: Youth mobility and temporary workers. People allowed to work in the UK for a limited period of time to satisfy primarily non-economic objectives such as exchange schemes or agreements.

Further details can be found on the NHS Employers website and through updates published in the NHS Workforce Bulletin.

Employers must also regularly check the UKBA website at: www.ukba.homeoffice.gov.uk/employers for the latest information.

What does this mean for people with a current visa?

Any individual currently on a Highly Skilled Migrant Programme (HSMP) visa or work permit will not have to change their status until their leave to remain expires.

Employers should always seek advice from the UKBA in relation to potential employees with student visas.

Right to work documents

To confirm that an applicant has the legal right to work in the UK, employers must see one of the documents or combinations of documents specified in **List A** or one of the documents or combinations of documents specified in **List B**. No other documents or combinations of documents are acceptable.

If a document or combination of documents is provided from List A there is no need to ask for documents from List B.

All documents must be valid, current and original. However, from 2 August 2010, following an amendment to UKBA policy, employers are able to accept evidence of indefinite leave to remain where it is produced in an expired (out of date) passport. This exception is only in relation to proof of indefinite leave to remain, employers must undertake the same checks to verify an expired passport as they would for a valid (in date) passport and copies of documentation will need to be kept on file to avoid a penalty notice. Photocopies must not be accepted. The documents must show that the holder is entitled to do the type of work being offered.

List A

Employers must see one of the original documents or combinations of documents specified in this list. If the individual cannot provide documents from this list, ask for documents from **List B**.

- A passport showing that the holder, or a 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 of abode in the United Kingdom.
- 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 the European Economic Area or Switzerland.
- A residence permit, registration certificate or document certifying or indicating permanent residence, that has been issued by the Home Office or the UKBA to a national of a European Economic Area country or Switzerland.
- A permanent residence card issued by the Home Office or the UKBA to the family member of a national of a European Economic Area country or Switzerland.
- A Biometric Immigration Document issued by the UKBA to the holder that indicates the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.
- A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.
- An Immigration Status Document issued by the Home Office or the UKBA to the holder, with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, when produced in combination with an official document issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.
- A full birth certificate issued in the United Kingdom, which includes the name(s) of at least one of the holder's parents, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.
- A full adoption certificate issued in the United Kingdom, which includes the name(s) of at least one of the holder's adoptive parents, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.
- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.
- An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.

- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.
- A letter issued to the holder by the Home Office or the UKBA indicating that the person named in it is allowed to stay indefinitely in the United Kingdom, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.

List B

Only use this list if the individual can not provide documents from **List A**.

If a prospective employee shows you one of these original documents, or combinations of documents, it indicates that they only have limited leave to work in the UK. You must therefore carry out these checks at least once every 12 months and record the date on which you carried out these checks. At this point the employee must produce new documents from **List A** or **B** or leave your employment. Where the individual provides a document or documents from List A, no further checks are required for the duration of their employment.

- A passport or travel document 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, provided that it does not require the issue of a work permit.
- A Biometric Immigration Document issued by the UKBA to the holder, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
- A work permit or other approval to take employment issued by the Home Office or the UKBA, when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office or the UKBA to the holder or the employer or prospective employer confirming the same.
- A certificate of application that is less than six months old issued by the Home Office or the UKBA to, or for, a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment, when produced in combination with evidence of verification by the UKBA Employer Checking Service.
- A residence card or document issued by the Home Office or the UKBA to a family member of a national of a European Economic Area country or Switzerland.
- An Application Registration Card issued by the Home Office or the UKBA stating that the holder is permitted to take employment, when produced in combination with evidence of verification by the UKBA Employer Checking Service.
- An Immigration Status Document issued to the holder by the Home Office or the UKBA with an endorsement indicating that the person named in it can stay in the United Kingdom and is allowed to do the type of work in question, when produced in combination with an official document issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.

- A letter issued to the holder or the employer or prospective employer by the Home Office or the UKBA, indicating that the person named in it can stay in the United Kingdom and is allowed to do the work in question, when produced in combination with an official document issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.

*Lists A and B were correct at the time of publishing but are subject to change. Always check the UKBA website before proceeding with document verification checks.

National Insurance numbers

Employers should note that the provision of an National Insurance number in isolation is not sufficient evidence for the purposes of having a statutory excuse and this must only be accepted when presented in combination with one of the appropriate documents specified in Lists A or B.

Identity cards for foreign nationals

From 25 November 2008, the UKBA changed the way it issued permission for leave to remain in the UK. Identity cards for foreign nationals are a form of residence permit and replace the vignettes previously placed in passports. This only applies to foreign nationals of countries outside the EEA and Switzerland who are granted leave to remain in the UK. Employers may accept these cards, alongside the other recommended documents, to verify the individual's identity and right to work in the UK. For more information please refer to the UKBA website at: www.ukba.homeoffice.gov.uk/managingborders/idcardsforforeignnationals or contact the UKBA helpline on 0300 123 4699.

Employing EEA nationals

Nationals from European Economic Area (EEA) countries and Switzerland can enter the UK without any restrictions.

Nationals from all EEA countries and Switzerland must produce a document showing their nationality. The legitimate documents are covered in List A.

Nationals from the following EEA countries can enter and work freely in the UK without restriction. Their immediate family members are also able to work freely in the UK while their adult EEA family member is legally residing and working here. However, employers should still check their documents to demonstrate this entitlement.

Austria*

Italy*

Belgium*

Liechtenstein

Cyprus*

Luxembourg*

Denmark*

Malta*

Finland*

Netherlands*

France*

Norway

Germany*

Portugal*

Greece*

Spain*
Iceland
Sweden*
Ireland*
UK*

Nationals from Switzerland and their family members also have the same free movement and employment rights as EEA nationals.

*Indicates that the country is also a member of the European Union.

Workers from A8 countries (accession state workers)

On 1 May 2004, eight countries joined the European Union and became part of the EEA. These countries are referred to as 'A8 countries' and workers from these countries are often referred to as 'accession state workers.'

Nationals from these countries are also free to come to the UK to live and seek work. In 2004, the Government established a Worker Registration Scheme to monitor the participation of workers from these eight countries in the UK labour market. These countries are:

Czech Republic
Lithuania
Estonia
Poland
Hungary
Slovakia
Latvia
Slovenia

Employers are responsible for ensuring they are authorised to employ a person from one of the A8 countries by checking the individual has applied to the UK Border Agency to register under the scheme within one month of starting work, unless they are exempt from the requirement to do so. If the individual does not apply within one month of starting work their employment will be unlawful after that date and the employer will no longer be authorised to employ them. Exemptions from the scheme are set out in the *Comprehensive guidance for employers on preventing illegal working (February 2008)* at: www.ukba.homeoffice.gov.uk

After they have registered and worked legally for a continuous period of 12 months they gain full EEA status and Home Office restrictions no longer apply.

Workers from A2 countries (Bulgaria and Romania)

On 1 January 2007, Bulgaria and Romania joined the European Union and also became part of the EEA. These countries are referred to as 'A2 countries'.

A2 workers are free to come to live in the UK, but may be subject to worker authorisation. Employers of A2 workers may need to apply for a work permit. If this is the case, the individual will need to wait for UKBA to grant the work permit and issue them with a letter of approval. The individual will then use this to apply for an accession worker card. This means that they are only able to work in the UK if they hold a valid accession worker authorisation document or if they are exempt from authorisation. Exemptions from the scheme are set out in the *Comprehensive guidance for employers* booklet at: www.ukba.homeoffice.gov.uk

Once the individual has been legally working in the UK for a continuous period of 12 months they gain full rights of free movement and Home Office restrictions no longer apply.

Employing an A8 or A2 worker

When employers take on a new worker from one of the A8 or A2 countries, they must first validate their right to work with a document from List A.

A8 countries: advise your A8 employee to register with the UKBA. Workers from A8 countries can start work for you without registering first, but the application should be submitted within the first month of employment with you. Once the worker has successfully registered, the UKBA will send you a copy of the registration certificate confirming this.

A2 countries: ensure that the prospective A2 employee is authorised to work before they begin working for you, unless they are exempt. The evidence will be a document issued by the UKBA. In the case of Bulgarian and Romanian nationals, employers may still need to apply for a work permit.

For A8 or A2 workers employers must:

- Copy and retain their completed application form and any documentation issued by the UKBA to validate that they are not exempt.
- Retain a copy of the registration certificate once sent by UKBA.

You may be committing a criminal offence, and face a fine of up to £5000, if you continue to employ an individual who has not applied for a registration certificate within one month of starting work with you, or you do not retain a copy of the completed application form.

Where the application is refused by the UKBA, a copy of the refusal letter will be sent to you and you will no longer be authorised to employ that individual.

For full details employers must refer to the revised UKBA guidance (March 2009) at: www.ukba.homeoffice.gov.uk/workingintheuk

Employing Turkish workers already residing in the UK

The European Community Association Agreement (ECAA) with Turkey provides Turkish nationals who are already working legally in the UK with certain rights when they need to extend their stay.

Individuals will only be accepted as a Turkish ECAA worker if they meet the criteria set by the UK Border Agency (UKBA).

Individuals:

- can only apply to extend their permission to stay and work in the UK for the same employer (if a job is available) after they have worked in the UK for a period of one year
- can change employers after they have worked in the UK for a period of three years – this must be in the same type of occupation
- will have full access to the UK labour market and will be free to work in any type of job for any employer after they have worked in the UK for a period of four years.

Once the UKBA grants permission for an individual to stay as a Turkish ECAA worker, the individual will be issued with a vignette in their passport and receive a letter confirming their status.

Employers will be able to use this documentation to check a potential or existing employee's right to work in the UK. A Turkish ECAA worker visa does not give the individual an automatic right to apply for indefinite leave to remain and any application to the UKBA for indefinite leave

to remain will be rejected. The duration of leave granted to an individual will be between 12 and 36 months. At the end of the granted period, another application must be made if a further extension is required.

A Turkish worker will, however, be eligible to apply for indefinite leave to remain after they have legally resided in the UK for a period of 10 years.

Further information is available on the NHS Employers international recruitment pages: www.nhsemployers.org/RECRUITMENTANDRETENTION/INTERNATIONALRECRUITMENT/Pages/Definition-of-a-resident-worker.aspx

Employers must refer to guidance 'Immigration Directorates' Instructions 1 June 2009 for full details about the process for ECAA Turkish workers which can be found on the UKBA website www.ukba.homeoffice.gov.uk

Sponsorship licence system or work permits

The sponsorship licence system was introduced as part of the new provisions that came into force from 29 February 2008 and replaces the use of work permits for migrant workers issued by Work Permits (UK). Employers who recruit foreign nationals from outside the UK/EEA, or who wish to extend the employment of an individual with a work permit when their visa expires, must apply for a sponsorship licence for tier 2, and issue a certificate of sponsorship (CoS) to migrants they wish to employ. The licence is valid for four years, unless it is withdrawn by the UKBA. Organisations must renew the licence prior to the expiry date in order to continue to act as a sponsor.

The CoS is not an actual document, but a unique reference number that migrants can use to apply for leave to remain in, or for entry to, the UK.

Work permit arrangements continue for employers wishing to recruit Bulgarian and Romanian nationals only (see paragraph on 'Workers from A2 countries').

Individuals who are work permit holders and have existing leave to enter, or remain granted under the old work permit arrangements, will be able to extend their leave under tier 2 but are not required to change their status until their leave to remain expires. To continue in post they will need a certificate of sponsorship from their employer, which must confirm that the job is at or above S/NVQ level 3 and is paid at or above the appropriate rate for the job.

If an existing work permit holder wants to change their employment, (eg new employer, or where promoted with existing employer) they will need their employer to issue a certificate of sponsorship and meet the full eligibility criteria for the tier 2.

Further details can be found at NHS Employers website.

Resident labour market test

If a vacancy does not appear on the Home Office shortage occupation list, employers will need to demonstrate that they were unable to recruit a resident worker before recruiting an individual from overseas. They will be required to provide details of the recruitment method used and give credible reasons why they did not appoint a suitably qualified resident worker.

A 'resident worker' is a person who is a European Economic Area (EEA) national or has settled status in the UK within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002.

Further details can be found on the UKBA website.

Visas

Non-EEA nationals may need entry clearance before they can travel to the UK. The entry clearance process for the UK is carried out by UK Visas, which runs the UK's visa service through British diplomatic posts overseas.

It is the responsibility of the appointed individual to obtain and meet the cost of any visa required. Further information on whether the individual needs to apply can be obtained from www.ukvisas.gov.uk

Particular scrutiny should be given to those individuals who present student visas and employers should contact UK Visas if they are in any doubt regarding the suitability and authenticity of these documents. Individuals who currently hold a visa and who have existing leave to enter or remain granted under the old visa arrangements, will be able to extend their leave under tier 2 but are not required to change their status until their leave to remain expires.

Refugees and asylum seekers

Refugees

A refugee is a person who has had a positive decision on their claim for asylum under the 1951 United Nations Convention Relating to the Status of Refugees (the Refugee Convention). Individuals who do not meet the Refugee Convention's criteria for Refugee Status may qualify either for Humanitarian Protection (granted for five years), or Discretionary Leave to Remain (granted for up to three years).

A refugee has rights under the Geneva Convention to be treated no less favourably than citizens of the host nation. In the UK, refugees have the right to work and are able to move and reside freely. They are also eligible for mainstream benefits and services, including access to education and NHS treatment in the same way as UK citizens. Refugees with Humanitarian Protection or Discretionary Leave to Remain are entitled to apply for further leave before their current leave expires. A refugee's entitlement to employment and training continue during this period of waiting for a decision on their application.

Refugees will not normally have national passports and are unlikely to have copies of other official documents, such as birth certificates or photo-cards. When granted leave to remain in the UK, a refugee will be issued with an Immigration Status Document (ISD) by the Home Office, which will indicate their refugee status as outlined above. This document can be used for identification purposes. They may also have a travel document.

For further information on employing refugees see

- the briefing 'Reaping the Rewards'
www.rose.nhs.uk/SiteCollectionDocuments/RHPP%20briefing%20Reaping%20the%20rewards%20FINAL.pdf
- information on the NHS Employers website
www.nhsemployers.org/RecruitmentAndRetention/RefugeeHealthcareProfessionals/Pages/Refugee-healthcare-professionals.aspx

Asylum seekers

An asylum seeker is a person who has made an application for asylum, but whose application is yet to be decided upon. Since 2003, asylum seekers do not have the right to work in the UK.

Only a very small number of asylum seekers will have the right to work and if so it will state 'employment permitted' or 'allowed to work' on their Application Registration Card (ARC).

Employers should refer to the *Employing refugees guide*, published by the Refugee Council and the Equality and Human Rights Commission, for further guidance about the acceptable documentation that should be requested to evidence the entitlement to work in the UK for refugees and asylum seekers.

What if the applicant does not have the right to work in the UK?

If, after carrying out these checks, you establish that the applicant is not permitted to work in the UK, then you must not allow the individual to commence employment.

If there is no evidence that such permission is going to be promptly forthcoming you must withdraw the offer of employment. If a person is likely to obtain the relevant permission within an acceptable time period, such as within two weeks, then it is at your discretion to withdraw the offer of employment or wait until the permission is received.

The UKBA is providing a service to enable employers to make a safer, more informed decision when considering applications from migrant workers.

Further details are available at www.ukba.homeoffice.gov.uk/employingmigrants or by calling the UKBA employer helpline on 0845 010 6677. The helpline offers an employer checking service, which allows you to check if the migrant worker has an outstanding application or appeal with the UKBA and as a result cannot provide you with the documents you require. At present the checking service allows employers to check against the following:

- Exceptional Leave to Remain (ELR) and Indefinite Leave to Remain (ILR)
- non EEA dependants and spouses
- discretionary leave
- humanitarian protection
- A2 Nationals (Bulgarian and Romanian)
- validation of Application Registration Cards (ARC).

Validating the documents

Employers must carry out all of the following checks on all documentation:

- check photographs, where available, to satisfy yourself that they are consistent with the appearance of the individual
- check that the date of birth is consistent with the individual's identity documents and the appearance of the applicant (see the *Verification of identity checks* document of the *NHS Employment Check Standards*)
- check that expiry dates of any limited leave to enter or remain in the UK are still valid
- check any Government stamps or endorsements to ensure the individual is entitled to do the work being offered
- if the applicant provides you with documents that have different names you must request further documentation to explain the reason for this (marriage/civil partnership certificate, divorce certificate, deed poll, adoption certificate or statutory declaration)

- dates must be cross-referenced with identity documents and work permits, or confirmed by contacting appropriate embassies and consulates.

Copying and storing

All documents provided must be photocopied and retained on file to provide an ongoing defence against a penalty.

Employers need to make a copy of the relevant page or pages of the document in a format that can not be subsequently altered, for example a photocopy or scan. In the case of a passport or other travel document, the following parts must be photocopied or scanned:

- for passports and travel documents, a copy should be taken of the document's front cover and any page containing the holder's personal details. In particular, you should copy any page that provides details of nationality, his or her photograph, date of birth, signature, date of expiry or biometric details
- any page containing UK Government endorsements, noting the date of expiry and any relevant UK immigration endorsement that allows your prospective or current employee to do the type of work you are offering.

Other documents should be copied in their entirety. Where you have been provided with a national identity card, both sides of the card should be photocopied.

You should then keep a record of every document you have copied. The copies of the documents should be kept securely for the duration of the individual's employment and for a further six years after their employment has ceased.

Where an electronic copy is made of a document, it must be made using Write Once Read Many (WORM) media, for example on a non-rewritable disk such as CD-R.

Employers who acquire staff as a result of a Transfer of Undertakings (Protection of Employment) transfer are provided with a grace period of 28 days to undertake the appropriate document checks following the date of transfer.

The person taking the copy must sign and date the copy to show it has been certified. Although employers may request to see and take copies of other documentation of an individual's identity, only those from lists A and B in this document will be eligible for submission to establish a statutory excuse against a civil penalty.

Further information

This document uses information from the UK Border Agency, visit the UKBA website at: www.ukba.homeoffice.gov.uk

Further details can also be found on the NHS Employers international recruitment pages at www.nhsemployers.org/RecruitmentAndRetention/InternationalRecruitment/Pages/Homepage.aspx

Every effort is made to ensure that the requirements within these standards are updated in line with new legislation and DH policy as it comes into force. Where employers choose to download hard copies of the standards, it is essential that they regularly refer to the NHS Employers website to ensure that they are fully compliant with any updated legal and mandated requirements. Alerts to any changes to these standards are published in the NHS Workforce Bulletin, which you can download or subscribe to at: www.nhsemployers.org/workforcebulletin.

Visit www.nhsemployers.org/employmentchecks

Email employmentchecks@nhsemployers.org

NHS Employers

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NHS Employers represents trusts in England on workforce issues and helps employers to ensure the NHS is a place where people want to work. The NHS workforce is at the heart of quality patient care and we believe that employers must drive the workforce agenda. We work with employers to reflect their views and act on their behalf in four priority areas:

- pay and negotiations
- healthy and productive workplaces
- recruitment and planning the workforce
- employment policy and practice.

NHS Employers is part of the NHS Confederation.

Contact us

For more information on how to become involved in our work, email getinvolved@nhsemployers.org

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