

# **Schools**

## **Right to work**

### **in the UK policy**

This document applies to Community and Voluntary Controlled Schools, and is advisory for Foundation and Voluntary Aided Schools.

Date: September 2026

## **Policy overview**

This policy sets out the legal requirements for carrying out the following checks on all employees and prospective employees:

- identification
- right to work checks

It also sets out our requirements when recruiting foreign nationals. It ensures the recruitment process remains fair, inclusive and non-discriminatory.

For the purpose of this policy, and with effect from 1 January 2021, 'foreign nationals' refer to non-UK or Irish citizens or citizens in the European Economic Area (EEA) that have successfully applied for settled or pre-settled status under the EU settlement scheme.

## **Principles**

We have a responsibility, by law, to:

- comply with immigration legislation
- ensure that any migrant workers we employ are eligible to work in the UK

We must check documents of prospective employees before they start work. This provides us with a 'statutory excuse' which may avoid financial penalties.

For workers with a time limit on how long they can stay in the UK, we repeat document checks at least once a year. This is so we can retain the statutory excuse protection.

The most severe penalties are for knowingly employing an illegal worker. However, even those who unknowingly employ illegal migrant workers can face severe financial penalties.

To comply with equality laws, we carry out document checks on all employees and prospective employees. We make no presumptions about a person's right to work in the UK based on their:

- background
- appearance
- accent
- race
- colour
- nationality
- ethnic
- national origins
- or, on the length of time they have been in the UK

## **Recruitment and commencement of employment**

As an organisation we must carry out checks during the recruitment process.

The first set of checks are to:

- satisfy legal obligations

- verify the identity of individuals
- confirm the right to work in the UK
- if the successful candidate does not have the right to work in the UK but is eligible for sponsorship then we will look to offer sponsorship

The second set are to check the individual's professional integrity:

- verify qualifications
- ensure professional registration
- confirm any other relevant evidence of a skill or competency

For specific roles, we will carry out a Disclosure Barring Service (DBS) check.

For more details, read the [criminal records policy](#).

### **Identity checks**

All documentation provided must be the original. Each one must be checked, copied and verified (print name, sign and date) by the recruiting manager or an individual they delegate this to.

We will need proof of:

- name
- date of birth
- current address
- photographic identification

Documents we use as evidence of identity

#### Photographic ID

- passport – current or out of date
- photocard driving licence
- HM forces ID
- firearms licence
- cards carrying the PASS accreditation

Documents we may need that must be less than three months old

- bank or building society statement
- bank or building society opening confirmation letter
- utility bill (not a mobile telephone bill)
- benefit statement (for example, child benefit or pension)

Documents we may need that must be less than twelve months old:

- mortgage statement
- council tax statement
- P45 or P60 statement
- financial statement (for example, pension or endowment)

Other forms of ID we may need

- birth certificate
- driving licence (paper version)
- marriage or civil partnership certificate
- adoption certificate
- central or local government agency or local authority document giving entitlement (for example, from the Department for Work and Pensions, Employment Service or HMRC)
- letter from a headteacher or college principal for 16 to 19-year-olds in full-time education (only if other documents cannot be provided)

### Right to work checks

Our prospective employees must prove that they:

- have permanent entitlement to work in the UK
- have a temporary entitlement to work in the UK
- be eligible for sponsorship for the role

We must check that a job applicant is allowed to work in the UK before we employ them. We do this by:

- [checking the applicant's original documents](#) manually
- checking a British and Irish citizen applicant's right to work through a digital check (their passport must be in date)
- checking a non-British and Irish citizen applicant's right to work online, if they've provided their share code\* [Checking a job applicant's right to work - GOV.UK](#)
- checking their visa status
- offering them a certificate of sponsorship so they can apply for a visa

\* A share code is available to an individual using the following link: [Prove your right to work to an employer: Get a share code online - GOV.UK](#)

If undertaking a manual right to work check, the hiring manager must:

- ask to see the applicant's original documents
- check that the documents are valid with the applicant present
- ensure each one is checked, copied and verified (print name, sign and date)

A hiring manager can delegate this task to a suitable individual.

List of acceptable documents for manual right to work checks

1. a passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK
2. a passport or passport card showing the holder is an Irish citizen.
3. a current 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
4. a document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing

that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules

5. 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
  - This must be supplied with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer
6. a birth or adoption certificate issued 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
7. 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
8. 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

Documents to prove temporary entitlement to work in the UK

Group 1 – documents where a time-limited statutory excuse lasts until the expiry date of leave:

1. a current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. a document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules
3. a current Immigration Status Document containing a photograph issued by the Home Office to the holder. This should include 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.

Group 2 – documents where a time-limited statutory excuse lasts for six months:

1. a document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 **together with a Positive Verification Notice** from the Home Office Employer Checking Service
2. a Certificate of Application (non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, **together with a Positive Verification Notice** from the Home Office Employer Checking Service
3. a document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules **together with a Positive Verification Notice** from the Home Office Employer Checking Service

4. 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
5. 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

### **Checking documents**

Managers must take all reasonable steps to check that employee documents are valid. They must be sure that the prospective or current employee is the person named them. They must check that the documents allow them to do the work in question.

For each document presented, managers must:

- check any photographs are consistent with the appearance of the employee. This means the manager must see them in person
- check that dates of birth listed are consistent across documents. The manager must check that these correspond with the appearance of the person
- check the expiry dates of any limited leave for the person to enter or remain in the UK have not passed
- check any UK Government endorsements, such as stamps, visas, to see if the prospective or current employee is able to do the type of work we are offering
- satisfy themselves that the documents are valid and genuine. They must not have been tampered with and must belong to the holder
- if two documents have different names, the manager must ask for a further document to explain the reason. The further document can be a:
  - marriage certificate
  - divorce decree
  - deed poll
  - statutory declaration

### **Copying documents**

Managers must make a copy of the relevant page or pages of any documents. They must be in a format which cannot be later altered (for example, a photocopy or scan), and it must be clear enough to read.

In the case of a passport or other travel document, we need the following parts:

- the page containing the holder's personal details, such as:
  - details of nationality
  - photograph
  - date of birth
  - signature
  - date of expiry
- any page containing UK Government endorsements indicating that the holder:
  - has an entitlement to be in the UK
  - is entitled to undertake the work in question

Managers should copy other documents in their entirety.

## Verifying documents

We will not enter an employee on to the payroll or allow them to start working until the checks are complete.

If a manager is unsure about someone's right to work in the UK, they must email [HRSchoolsTeam@lincolnshire.gov.uk](mailto:HRSchoolsTeam@lincolnshire.gov.uk)

If we remain dissatisfied with the identity and work status information, or the prospective employee or worker cannot produce the original documentation, the school can contact the Employer Checking Service at: [Use the Employer Checking Service - GOV.UK](#) A record will be kept of all telephone conversations and contacts, when checking on asylum and immigration matters.

If we are not satisfied that someone has the right to work in the UK, we will refuse employment to that person. It is up to the prospective employee to demonstrate to us that they are permitted to work. We will not employ prospective employees who cannot demonstrate this.

## Skilled worker visa

Hiring managers should speak to their Senior HR Advisor if they are considering appointing an overseas candidate.

Under the skilled worker system, anyone coming to the UK to work must demonstrate that:

- they have a job offer from a Home Office-licensed sponsor (we are a licensed sponsor)
- the job offer is at the required skill level – RQF 6 or above (degree and equivalent) or RQF 3 to 5 and on the immigration salary list (ISL) or temporary shortage list (TSOL)
- they speak English to [the required standard](#)

The job offer must also meet the applicable minimum salary threshold. This is the higher of either:

- the general salary threshold of £41,700, or
- the specific salary requirement for their occupation, known as the "going rate"

All applicants can trade characteristics, such as their qualifications, against a lower salary to get the required number of points. If the job offer is less than the minimum salary requirement, but no less than £33,400, an applicant may still be eligible if they have:

- a job offer in a specific shortage occupation
- a PhD relevant to the job
- a PhD in a STEM subject relevant to the job

There are different salary rules for workers in certain health or education jobs, and for 'new entrants' at the start of their careers.

For further information, read the sponsorship guidance at: [Sponsor a Skilled Worker - GOV.UK](#)

### Sponsorship fees

We will assign a certificate of sponsorship to each foreign worker we employ. This is an electronic record, not a physical document.

Each certificate has a number which a worker can use to apply for a visa.

The cost of a certificate of sponsorship is £525. This is paid by the school.

There is an immigration skills charge (also paid by the service area) if the individual is applying for a visa from:

- outside the UK to work in the UK for six months or more
- inside the UK for any length of time

The fees are:

- £1,320 for the first 12 months
- £660 for each additional six months

Please note that the candidate applying for a skilled worker visa will also have a number of costs that they will need to pay for.

### Public sector language requirements

By law, everyone who works in the public sector in a customer-facing role must speak fluent English.

It includes employees, apprentices, people engaged under a contract to do work personally and agency workers.

A customer-facing role is someone who, as a regular and intrinsic part of their role, has to speak to the public in English.

A person speaks 'fluent English' if it is sufficient for them to do their job effectively.

We have procedures in place for complaints about breaches of these requirements.

For more details, [read the code of practice on the English language requirement for public sector workers](#).

We must take care not to apply higher standards of fluency than are necessary. We may commit indirect race discrimination if we cannot justify this.

### **Data protection**

We must keep right to work documents for the duration of employment, plus a further two years.