

Right to Work in the UK Policy

Introduction

This policy sets out the requirements of the [Immigration, Asylum and Nationality Act 2006](#) and associated Home Office guidance as they relate to the employment of staff and prevention of illegal working.

It forms part of the pre-employment screening and recruitment process of Capital Sky Ltd and applies to all individuals engaged to work on behalf of the organisation.

Capital Sky Ltd is committed to ensuring that all employees and workers have the legal right to work in the United Kingdom and that all right to work checks are carried out consistently, fairly, and in accordance with Home Office requirements and data protection legislation.

Scope

This policy applies to all candidates offered employment or engagement with Capital Sky Ltd.

For the purposes of this policy, employees are defined in accordance with Section 230 of the [Employment Rights Act 1996](#) and associated legislation. This policy applies equally to permanent employees, temporary workers, agency workers, casual workers, subcontractors, consultants, apprentices, and contractors engaged by Capital Sky Ltd.

Where agency workers are supplied by a third party, it is the responsibility of the supplying agency to ensure that all required right to work checks have been completed and that workers are legally entitled to work in the UK. Capital Sky Ltd reserves the right to request evidence of such checks where appropriate.

Immigration, Asylum and Nationality Act 2006

Under Section 15 of the [Immigration, Asylum and Nationality Act 2006](#), an employer must not employ an individual who does not have the legal right to work in the UK or whose immigration status prevents them from carrying out the work offered.

The legislation places a duty on employers to prevent illegal working by carrying out prescribed right to work checks before employment commences. It is a criminal offence to knowingly employ an individual who does not have the right to work in the UK.

Penalties

Employers found to be employing individuals without the legal right to work in the UK may be subject to substantial civil penalties, criminal prosecution, imprisonment, reputational damage, and restrictions on future sponsorship rights. Penalty levels are determined by current Home Office legislation and guidance.

By carrying out compliant right to work checks in accordance with current Home Office guidance, Capital Sky Ltd may establish a statutory excuse against liability for a civil penalty if it is later discovered that an individual did not have the right to work.

Right to Work Checks

All individuals offered employment or engagement with Capital Sky Ltd must demonstrate that they have the legal right to work in the United Kingdom before employment commences.

To establish a statutory excuse, Capital Sky Ltd will complete one of the following approved right to work checking methods before employment starts:

- a manual document-based right to work check
- a Home Office online right to work check using a share code
- an Identity Document Validation Technology (IDVT) check through an approved Identity Service Provider (IDSP) for eligible British and Irish citizens

Right to work checks must be completed in accordance with current Home Office guidance and retained securely for the duration of employment and for the required retention period after employment ends.

Checks will be carried out consistently for all prospective employees and workers regardless of nationality, race, or ethnic origin to ensure compliance with the [Equality Act 2010](#) and to prevent discriminatory practices during recruitment and employment.

To maintain a statutory excuse, Capital Sky Ltd must:

- carry out checks before employment commences
- complete repeat checks where immigration permission is time limited
- ensure any work restrictions are identified and complied with
- retain clear records of checks undertaken

Regardless of document checks, the statutory excuse will not apply where illegal working is knowingly permitted.

Manual Right to Work Checks

Where manual document checks are undertaken, responsible personnel must complete the following three-step process:

Step 1 – Obtain

Obtain original acceptable documents from the current Home Office approved lists.

Step 2 – Check

Responsible personnel must verify that:

- photographs and dates of birth are consistent across documents and with the individual's appearance
- documents are genuine, valid, and belong to the individual presenting them
- expiry dates have not passed
- the individual is permitted to carry out the work offered
- any restrictions on working hours, type of work, or sponsorship conditions are identified and monitored where applicable
- any differences in names can be explained by supporting documentation

Step 3 – Copy and Retain

Clear copies must be retained securely in a format that cannot be manually altered. Records must include the date the check was completed.

Online Right to Work Checks

Where an individual provides a Home Office share code, Capital Sky Ltd will complete an online right to work check using the official Home Office online service.

Online checks must confirm that the photograph displayed matches the individual presenting for work and that the person is permitted to undertake the role offered.

British and Irish citizens may either present original documents or complete an IDVT check through an approved Identity Service Provider.

Repeat Checks

Where an employee has time-limited permission to work in the UK, repeat checks must be completed before the expiry of their permission.

Repeat checks should normally be conducted prior to expiry to ensure continuity of lawful employment.

Where an employee has an outstanding application, appeal, or administrative review with the Home Office, Capital Sky Ltd may use the Employer Checking Service (ECS) to obtain verification of continued right to work.

Employer Checking Service

Capital Sky Ltd will use the Home Office Employer Checking Service where required, including where an individual:

- has an outstanding immigration application or appeal
- cannot provide acceptable documentation
- presents an Application Registration Card or Certificate of Application requiring verification

A Positive Verification Notice issued by the Home Office may provide a statutory excuse for a limited period in accordance with Home Office guidance.

Employees Who No Longer Have the Right to Work

Where concerns arise regarding an employee's right to work status, management and HR will investigate the matter promptly and fairly.

Capital Sky Ltd will seek confirmation from the Home Office where appropriate before any employment decision is made.

Where appropriate, employees may be suspended on full pay whilst verification checks or investigations are completed.

Where an employee no longer has the legal right to work in the UK and no statutory excuse can be maintained, employment may be terminated in accordance with legal obligations and company procedures.

Employees will be given the opportunity to provide further information or evidence before a final decision is made and may be accompanied at formal meetings by a work colleague or trade union representative where applicable.

Any dismissal relating to loss of right to work will be confirmed in writing, including the reason for dismissal and the right of appeal.

Data Protection and Confidentiality

All right to work documentation and related personal data will be processed, stored, and retained in accordance with the [Data Protection Act 2018](#) and [UK GDPR](#) requirements.

Access to right to work records will be restricted to authorised personnel only.

Records will be retained and securely destroyed in accordance with the company's data retention procedures and applicable legal requirements.

Guidance and References

Capital Sky Ltd follows current Home Office guidance relating to prevention of illegal working and right to work checks.

The latest Home Office guidance can be accessed at:

[Home Office Right to Work Guidance](#)

Online right to work checks can be completed at:

[Home Office Right to Work Online Service](#)

Employer Checking Service guidance is available at:

[Employer Checking Service](#)

Monitoring and Review

This policy will be reviewed at least annually or sooner where changes occur in legislation, Home Office guidance, or operational requirements.

Capital Sky Ltd reserves the right to amend this policy at any time to reflect changes in legislation, Home Office guidance, operational requirements, or best practice.

Name: Martin Maloney

Position: Chief Executive Officer

Signature:



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