**Contractor Management - Right to Work**

The following guidance will help you to understand right to work requirements in relation to contractors.

**Right to Work**

The right to work check is to establish an individual's legal right to work in the UK.

In the UK all employers are required by law to check their employees have the right to work in the UK.  From 2017, the Home Office has been recommending that employers extend their right to work checks to workers as well as employees, and recommends that employers may also want to apply right to work checks to self employed individuals, although this is not yet a legal requirement on companies.

The civil penalty can be up to £20,000 per illegal worker and can include custodial sentences for individual employers.  There were over 3000 civil penalties issued in 2016.

**Valid Right to Work**

There are a number of documents that can be accepted as **valid proof of right to work**, and they include:

* Passport
* Birth certificate and NI number proof

Driving licence is **not** an acceptable right to work, and payslips cannot be used as NI number proof. Acceptable NI number proof includes P45, P60, NI card, HMRC or DWP letter.

You must see the originals of the right to work documents, take a clear copy and sign and date each copy to confirm that you have seen the original.

**Right to Work for Contractors**

**Direct Contractors**

As these individuals are self-employed and the relationship is direct between the Society and the individual, the Society has a responsibility to confirm the direct contractor has a valid right to work in the UK.

A copy of the valid right to work documents must be signed and dated to confirm that the originals have been seen, and then loaded onto eploy as part of the contractor placement actions.

**Agency Contractors** (including temps)

As these individuals are employed by the agency, the responsibility for verifying right to work sits with the agency.  The Society requires confirmation (email is fine) from the agency that they have verified that the individual has a valid right to work in the UK.

No copy of the right to work documents is required for agency contractors, and the agency confirmation of valid right to work should be loaded onto eploy as part of the contractor placement actions.

**Service Contractors**

These individuals are employed by another company, but may work for The Society as a service contractor, ie, they are part of the service that the company provides to the Society.

No copy of the right to work documents or confirmation from the contractor’s employer, is required when engaging a service contractor.

**Further Information**

Link below to the government guidance on acceptable right to work documents. This guidance covers UK nationals, EU nationals and non-EU nationals.

<https://www.gov.uk/government/publications/acceptable-right-to-work-documents-an-employers-guide>

***END OF GUIDANCE***

**Document Control**

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| **Document Version** | 1.0 |
| **Process Owner** | Emma Brain |
| **Document Maintainer** | Ali McCreery |
| **Date Last Updated** | 29/07/2019 |
| **Last Updated By** | Ali McCreery |
| **Date Next Review** | 29/07/2020 |
| **Document Location** | Available on colleagues connect, with master held on B drive > PSG > PSG Shared Area > Resourcing > Contractors > IFS Contractors Project |

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