



RIGHT TO WORK

Corporate Policy

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Signed off by	 Julie Cooke Service Director with Responsibility for People
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1. INTRODUCTION

- 1.1 This Policy should be read in conjunction with the Creative Support **Visa Sponsorship Policy** and the **Identity Verification Policy**. Together, these policies set out the organisation's arrangements for establishing, verifying and maintaining an individual's eligibility and identity to work in the United Kingdom.
- 1.2 Creative Support is committed to preventing illegal working and complying with all applicable immigration legislation, Home Office guidance and Codes of Practice relating to Right to Work checks.
- 1.3 Right to Work checks will be completed for all applicants and employees before employment commences and, where required, throughout employment to establish and maintain a statutory excuse against illegal working.
- 1.4 Creative Support uses the prescribed Home Office Right to Work checking methods, including digital identity verification, Home Office online checks, manual document checks and the Employer Checking Service, where applicable.
- 1.5 Creative Support will retain evidence of all prescribed Right to Work checks securely for the duration of employment and for a minimum of two years after employment ends, or for any different period required by current Home Office guidance. The organisation will monitor employees with time-limited permission to work, complete follow-up checks where required and maintain accurate records throughout the employment relationship.
- 1.6 Where an individual requires sponsorship under the Skilled Worker route, the organisation will manage this in accordance with the Creative Support Visa Sponsorship Policy.

2. POLICY PURPOSE

- 2.1 The purpose of this Policy is to establish Creative Support's arrangements for preventing illegal working and ensuring compliance with all applicable immigration legislation, Home Office guidance and Codes of Practice relating to Right to Work checks.
- 2.2 This Policy sets out the responsibilities of applicants, employees, managers, Recruitment, Payroll and the HR Data Compliance Team in establishing, verifying, recording and maintaining an individual's Right to Work throughout employment.
- 2.3 Creative Support will complete Right to Work checks using the prescribed Home Office checking methods, retain evidence of all checks, complete follow-up checks where required and maintain a statutory excuse against illegal working.
- 2.4 This Policy establishes the organisation's requirements for monitoring employees with time-limited permission to work, managing immigration restrictions, recording Right to Work information and responding to changes affecting an individual's immigration status.
- 2.5 Where an individual requires sponsorship under the Skilled Worker route, the assessment, approval and ongoing management of sponsorship will be undertaken in accordance with the Creative Support Visa Sponsorship Policy.

3. SCOPE

- 3.1 This Policy applies to all applicants, employees, workers, bank staff, casual workers, apprentices and volunteers engaged by Creative Support, together with all managers, Recruitment, Payroll and the HR Data Compliance Team responsible for recruitment, employment or Right to Work compliance.

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- 3.2** This Policy applies throughout the employment lifecycle, including recruitment, pre-employment checks, employment, ongoing Right to Work monitoring, repeat checks, changes in immigration status and the termination of employment.
- 3.3** Creative Support reserves the right to request evidence that temporary workers, agency workers, contractors or other individuals supplied by third-party organisations have undergone compliant Right to Work checks before commencing work within the organisation. Suppliers may also be required to provide written confirmation that all prescribed Right to Work checks have been completed in accordance with current Home Office requirements.
- 3.4** This Policy is intended to protect Creative Support, its employees and the people we support by ensuring that all individuals undertake work only where they have the legal right to do so and in accordance with any conditions attached to their immigration permission.
- 3.5** Nothing within this Policy prevents Creative Support from taking any additional action reasonably considered necessary to comply with immigration legislation or Home Office requirements.

4. RIGHT TO WORK COMPLIANCE

- 4.1** Creative Support is committed to preventing illegal working and maintaining full compliance with the Immigration, Asylum and Nationality Act 2006, the Immigration Rules and all applicable Home Office guidance. No individual will commence employment until the appropriate Right to Work checks have been completed and the organisation has established a statutory excuse against illegal working.
- 4.2** Right to Work checks will be completed consistently for all prospective employees, regardless of nationality, race, ethnic origin or perceived immigration status, in accordance with the Equality Act 2010.
- 4.3** Right to Work checks will always be completed before employment commences and no individual will be permitted to undertake any work, paid or unpaid, including induction, mandatory training or shadowing, until the prescribed Right to Work check has been completed.
- 4.4** Creative Support will establish a statutory excuse against illegal working using one or more of the prescribed Home Office Right to Work checking methods, including but not limited to:
- Home Office Online Right to Work Check.
 - Digital Identity Verification through an approved Identity Service Provider (IDSP).
 - Manual Right to Work Check.
 - Home Office Employer Checking Service (ECS).
- 4.5** Creative Support will retain evidence of the prescribed Right to Work check, including the method used, the date completed, the individual who completed the check, any restrictions identified and, where applicable, the date a follow-up check is required.
- 4.6** Employees with time-limited permission to work in the United Kingdom must cooperate with all reasonable requests for Right to Work documentation and immediately notify the HR Data Compliance Team of any change affecting their immigration status or permission to work.
- 4.7** Employment with Creative Support is conditional upon the organisation establishing a statutory excuse against illegal working before employment commences. Where an applicant is unable to provide satisfactory evidence of their Right to Work, or the organisation is otherwise unable to establish a statutory excuse using a prescribed Home Office checking method, the offer of employment will be withdrawn and employment will not commence.

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- 4.8** A Positive Verification Notice issued by the Home Office Employer Checking Service will be considered in accordance with current Home Office guidance but does not, in itself, create an entitlement to employment or continued employment where there is no other legal basis to do so.

5. DEFINITIONS AND INTERPRETATION

- 5.1** The following definitions apply throughout this Policy unless the context requires otherwise.

Term	Definition
Applicant	An individual who has applied for employment with Creative Support and is undergoing pre-employment checks.
Employee	Any individual employed by Creative Support under a contract of employment, including permanent, fixed-term, bank, casual, relief and apprentice employees, unless otherwise stated.
Right to Work	An individual's legal entitlement to undertake work in the United Kingdom in accordance with UK immigration legislation and any conditions attached to their immigration permission.
Illegal Working	Working in the United Kingdom without the legal Right to Work or in breach of any conditions attached to an individual's immigration permission.
Immigration Status	An individual's immigration permission granted by the Home Office, including any conditions, restrictions or time limits attached to their stay or employment in the United Kingdom.
Immigration Permission	Permission granted by the Home Office allowing an individual to enter, remain and, where applicable, work in the United Kingdom.
eVisa	A secure digital record of an individual's immigration permission held by the Home Office. For many individuals, an eVisa has replaced physical immigration documents and is used to demonstrate immigration status and Right to Work.
UK Visas and Immigration (UKVI)	The division of the Home Office responsible for administering the UK's immigration system, including immigration permission, visas, sponsorship and Right to Work guidance.
Home Office Online Right to Work Check	The prescribed Home Office service used by employers to verify an individual's Right to Work using a valid Share Code.
Home Office Online Services	The digital services provided by the Home Office to enable individuals and employers to access and verify immigration status, Right to Work and related immigration information.
Share Code	A unique code generated by the Home Office that enables an employer to securely access an individual's online Right to Work record.
Identity Service Provider (IDSP)	A Home Office-certified provider authorised to complete digital identity verification for eligible British and Irish citizens.
Digital Identity Verification	The process of verifying an individual's identity electronically through an approved Identity Service Provider in accordance with Home Office requirements.
Identity Check	The process of confirming that the individual presenting Right to Work evidence is the rightful holder of that evidence and that the evidence relates to them.
Employer Checking Service (ECS)	The Home Office service used where an individual's Right to Work cannot be established using the standard prescribed checking methods.
Positive Verification Notice (PVN)	Confirmation issued by the Employer Checking Service confirming that an individual has a temporary Right to Work. A Positive Verification Notice establishes a statutory excuse for the period specified by the Home Office.

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Negative Verification Notice (NVN)	Confirmation issued by the Employer Checking Service confirming that an individual does not have the Right to Work, or that the Home Office is unable to confirm a Right to Work. A Negative Verification Notice does not establish a statutory excuse against illegal working.
Statutory Excuse	The legal protection established where an employer has completed a prescribed Right to Work check correctly in accordance with Home Office requirements.
List A Documents	Documents prescribed by the Home Office which establish a continuous statutory excuse against illegal working and do not require a follow-up Right to Work check.
List B Documents	Documents prescribed by the Home Office which establish a time-limited statutory excuse against illegal working and require follow-up Right to Work checks.
Time-Limited Permission to Work	Immigration permission that expires on a specified date and requires repeat Right to Work checks before expiry.
Follow-up Right to Work Check	A repeat Right to Work check completed before an individual's time-limited permission expires or where otherwise required by Home Office guidance.
Restricted Right to Work	Permission to work that is subject to conditions or limitations, including restrictions on working hours, occupation, employer or supplementary employment.
Unlimited Right to Work	Permission to work in the United Kingdom without time restrictions or the requirement for repeat Right to Work checks, subject to Home Office guidance.
Supplementary Employment	Additional employment undertaken where permitted by the Immigration Rules and the conditions attached to an individual's immigration permission.
Biometric Residence Permit (BRP)	A physical immigration document previously issued by the Home Office to evidence immigration permission. BRPs have largely been replaced by digital eVisas and should only be relied upon where permitted by current Home Office guidance.
Biometric Residence Card (BRC)	A physical immigration document previously issued to certain non-UK nationals. BRCs have largely been replaced by digital immigration records and should only be accepted where permitted by current Home Office guidance.
Home Office Guidance	The latest legislation, Codes of Practice, employer guidance and published requirements issued by the Home Office relating to Right to Work checks, as amended from time to time.
HR Data Compliance Team	The Creative Support team responsible for overseeing Right to Work compliance, immigration compliance, record keeping, monitoring and internal assurance.
Application Registration Card (ARC)	A document issued by the Home Office to individuals who have made an asylum or certain human rights claims in the United Kingdom. An ARC does not, by itself, establish a Right to Work. Where applicable, an individual's Right to Work must be verified using the Home Office Employer Checking Service (ECS) in accordance with current Home Office guidance.

6. ABBREVIATIONS

6.1 The following abbreviations are used throughout this Policy.

Abbreviation	Meaning
ARC	Application Registration Card
BNO	British National (Overseas)
BRC	Biometric Residence Card
BRP	Biometric Residence Permit
CAS	Confirmation of Acceptance for Studies
CoA	Certificate of Application
CoS	Certificate of Sponsorship
CTA	Common Travel Area
DBS	Disclosure and Barring Service
DWP	Department for Work and Pensions
ECS	Employer Checking Service
ETA	Electronic Travel Authorisation
EU	European Union
EUSS	EU Settlement Scheme
HPI	High Potential Individual
HR	Human Resources
IDSP	Identity Service Provider
IDVT	Identity Document Validation Technology
ILE	Indefinite Leave to Enter
ILR	Indefinite Leave to Remain
NVN	Negative Verification Notice
PBS	Points-Based System
PVN	Positive Verification Notice
RTW	Right to Work
SMS	Sponsor Management System
SOC	Standard Occupational Classification
UK	United Kingdom
UKVI	UK Visas and Immigration

6.2 Unless otherwise stated, all references to legislation, Home Office guidance, prescribed checking methods, immigration routes and digital services shall include any amendments, replacements or successor arrangements issued by the UK Government.

6.3 Where there is any conflict between this Policy and current Home Office guidance, the Immigration Rules or legislation, the latter shall prevail.

7. EQUALITY, DIVERSITY AND NON-DISCRIMINATION

7.1 Creative Support is committed to providing equality of opportunity throughout the recruitment and employment process and will comply with the Equality Act 2010, the Home Office Code of Practice for Employers: Avoiding Unlawful Discrimination while Preventing Illegal Working and the organisation's Equality and Diversity Policy.

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- 7.2** All applicants and employees will be treated fairly and consistently. Right to Work checks will be completed using the same process for all individuals, regardless of nationality, race, colour, ethnic or national origin, or any other protected characteristic.
- 7.3** Creative Support will not make assumptions about an individual's Right to Work based on their appearance, name, accent, nationality, ethnic origin or perceived immigration status. All decisions will be based solely on evidence obtained through the prescribed Home Office Right to Work checking methods.
- 7.4** Every individual offered provisional employment, including British and Irish citizens, must demonstrate their Right to Work before employment commences. The requirement to complete a Right to Work check applies equally to all applicants.

8. ROLES AND RESPONSIBILITIES

8.1 Employees

- 8.2** Employees are responsible for ensuring they have the legal Right to Work in the United Kingdom before commencing employment and throughout their employment with Creative Support. Employees must provide all information and evidence reasonably requested by the HR Data Compliance Team to enable the organisation to complete and maintain compliant Right to Work checks.
- 8.3** Employees must immediately notify the HR Data Compliance Team of any change affecting their immigration status, permission to work or any condition attached to their Right to Work. Employees are responsible for complying with all conditions of their immigration permission, including any restrictions relating to working hours, occupation or supplementary employment, and must cooperate fully with any repeat Right to Work checks required by the organisation.
- 8.4** Employees must also notify the HR Data Compliance Team without undue delay of any change to their name or personal details where this may affect their immigration records, Home Office account or Right to Work evidence.
- 8.5** Employees must notify the HR Data Compliance Team without undue delay where they become aware of any circumstance which may affect their Right to Work or Creative Support's ability to maintain a statutory excuse against illegal working.

8.6 Line Managers

- 8.7** Line Managers are responsible for supporting compliance with this Policy by ensuring that employees only undertake work permitted by their immigration permission and any associated conditions. Where requested, Line Managers must assist the HR Data Compliance Team in obtaining updated Right to Work evidence and promptly report any concerns relating to an employee's immigration status or compliance with visa conditions.
- 8.8** Line Managers must take reasonable steps to ensure that work patterns, overtime, additional duties and any other working arrangements do not conflict with an employee's Right to Work or any restrictions imposed by their immigration permission.
- 8.9** Before approving any change to an employee's job role, contractual hours, salary, work location, contractual status or employment arrangements, Line Managers must ensure that the proposed change does not conflict with the employee's Right to Work or any conditions attached to their immigration permission and, where necessary, seek advice from the HR Data Compliance Team before the change is implemented.

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8.10 HR Data Compliance Team

- 8.11** The HR Data Compliance Team is responsible for establishing and maintaining Creative Support's statutory excuse against illegal working by completing, recording and retaining Right to Work checks in accordance with Home Office guidance.
- 8.12** The Team will maintain accurate Right to Work records, monitor employees with time-limited permission to work, complete repeat checks where required and provide advice and guidance to managers and employees on Right to Work compliance. The Team will also undertake compliance monitoring and audits and liaise with legal advisers, UK Visas and Immigration and other external organisations where appropriate to ensure continued compliance with immigration legislation and this Policy.
- 8.13** Where there is any uncertainty regarding an individual's Right to Work or the interpretation of any immigration condition, no employment, contractual change or change to working arrangements will be implemented until the HR Data Compliance Team has completed its assessment and confirmed that the proposed arrangements comply with the Immigration Rules.

9. RIGHT TO WORK BY IMMIGRATION STATUS

- 9.1** The method by which an individual demonstrates their Right to Work in the United Kingdom depends upon their nationality, immigration status and the evidence prescribed by the Home Office. Creative Support will complete all Right to Work checks using the prescribed Home Office checking methods in force at the time of the check to establish and maintain a statutory excuse against illegal working.
- 9.2** The examples below are intended as general guidance only and do not replace the Immigration Rules, current Home Office guidance or any prescribed Right to Work checking method in force at the time the check is undertaken.
- 9.3** The following sections summarise the principal immigration categories encountered by Creative Support and the corresponding Right to Work requirements. The examples provided are not exhaustive and Creative Support will always follow the current Home Office guidance where alternative prescribed evidence or checking methods apply.
- 9.4 British and Irish Nationals**
- 9.5** For the avoidance of doubt, references to British nationals within this Policy include individuals who hold British citizenship, regardless of whether they were born in England, Scotland, Wales or Northern Ireland. References to Irish nationals include individuals who hold Irish citizenship and who have an unrestricted Right to Work in the United Kingdom under the Common Travel Area (CTA) arrangements.
- 9.6** British and Irish nationals have an unrestricted Right to Work in the United Kingdom. Creative Support will complete a prescribed Right to Work check before employment commences in accordance with current Home Office guidance to establish a statutory excuse against illegal working.
- 9.7** British and Irish nationals may demonstrate their Right to Work using one of the prescribed Home Office checking methods, including:

Digital Identity Verification (IDSP)

- A valid British or Irish passport verified through an approved Identity Service Provider (IDSP), where eligible.

Manual Right to Work Check

- A current or expired British or Irish passport.

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- An Irish passport card.
- A British or Irish birth certificate or adoption certificate, or a British certificate of registration or naturalisation, together with official evidence of the individual's permanent National Insurance number, where required under current Home Office guidance.

9.8 The examples above are not exhaustive. Creative Support will accept any other evidence or prescribed Right to Work checking method recognised by the Home Office at the time the check is completed.

9.9 European Union (EU), European Economic Area (EEA) and Swiss Nationals

9.10 Following the United Kingdom's departure from the European Union and the end of free movement, citizens of the European Union (EU), European Economic Area (EEA) and Switzerland must demonstrate their Right to Work in the United Kingdom in accordance with current Home Office requirements. An EU, EEA or Swiss passport or national identity card alone does not establish a statutory excuse against illegal working.

9.11 For the purposes of this Policy, this section applies to nationals of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland.

9.12 Individuals who were resident in the United Kingdom before 31st December 2020 may hold immigration status under the EU Settlement Scheme (EUSS). Those arriving after this date will normally require an alternative form of immigration permission permitting work in the United Kingdom.

9.13 EU, EEA and Swiss nationals may demonstrate their Right to Work using one of the following prescribed Home Office checking methods:

Home Office Online Right to Work Check

- Settled Status under the EU Settlement Scheme.
- Pre-Settled Status under the EU Settlement Scheme.
- Other digital immigration permission permitting employment in the United Kingdom, verified using a valid Share Code.

Employer Checking Service (ECS)

- A valid Certificate of Application (CoA) or other circumstances where verification must be obtained directly from the Home Office. Employment will only commence where a Positive Verification Notice (PVN) has been received.

9.14 The examples above are not exhaustive. Creative Support will accept any other prescribed Right to Work evidence or checking method recognised by the Home Office at the time the check is completed.

9.15 Employees must immediately notify the HR Data Compliance Team of any change to their immigration status, conditions of stay or permission to work. Where an individual's Right to Work is time-limited, Creative Support will complete follow-up Right to Work checks in accordance with current Home Office guidance before their permission expires.

9.16 Indefinite Leave to Enter (ILE) and Indefinite Leave to Remain (ILR)

9.17 Individuals granted Indefinite Leave to Enter (ILE) or Indefinite Leave to Remain (ILR) have no time limit on their permission to live and work in the United Kingdom. Unless otherwise restricted by law, they have an unrestricted Right to Work and are not subject to immigration conditions limiting the type of work they may undertake, the number of hours they may work or the employer for whom they may work.

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9.18 Creative Support will establish a statutory excuse against illegal working before employment commences by completing one of the prescribed Home Office Right to Work checking methods.

9.19 Individuals with ILE or ILR may demonstrate their Right to Work using one of the following prescribed Home Office checking methods:

Home Office Online Right to Work Check

- Digital evidence of Indefinite Leave to Enter (ILE) or Indefinite Leave to Remain (ILR) verified using a valid Home Office Share Code.

9.20 Individuals with ILE or ILR may demonstrate their Right to Work using the prescribed Home Office online Right to Work service. Creative Support will establish a statutory excuse by completing an online Right to Work check using a valid Home Office Share Code. Creative Support will only accept where permitted manual Right to Work documents for this immigration route and will rely on the Home Office online checking service unless otherwise required by law or Home Office guidance.

9.21 Skilled Worker Route

9.22 Individuals granted permission under the Skilled Worker route have the right to work in the United Kingdom subject to the conditions attached to their immigration permission. Creative Support will establish a statutory excuse before employment commences by completing a Home Office online Right to Work check using a valid Share Code. As a matter of organisational policy, Creative Support does not accept manual Right to Work documents for individuals who are on a Skilled Worker route and will rely upon the Home Office online checking service for this immigration route.

9.23 The online Right to Work check will be reviewed to verify the individual's identity, the validity of their immigration permission, the type of work they are authorised to undertake, any restrictions attached to their permission to work and the date on which any follow-up Right to Work check is required.

9.24 Employees Sponsored by Creative Support

Employees sponsored by Creative Support must comply with all conditions attached to their Skilled Worker route together with the requirements set out within the Visa Sponsorship Policy.

9.25 Supplementary Employment (Employees Sponsored by Another Licensed Sponsor)

Creative Support may employ individuals sponsored by another licensed sponsor where the proposed employment constitutes permitted supplementary employment under the Immigration Rules in force at the time the work is undertaken.

9.26 Before any employment commences, Creative Support will establish a statutory excuse by completing a Home Office online Right to Work check using a valid Share Code. In addition, the HR Data Compliance Team will verify that the proposed employment satisfies the supplementary employment requirements under the Immigration Rules.

9.27 As part of this assessment, Creative Support may obtain and verify information including:

- Confirmation of the individual's current immigration permission and Skilled Worker status;
- A copy of the Certificate of Sponsorship (CoS), where required;
- Confirmation of the sponsoring employer;
- Recent Payslips
- Rotas and timesheets
- Contract of Employment
- The employee's primary job role and Standard Occupational Classification (SOC) code;

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- The employee's Primary work location;
- Contractual working hours with the sponsoring employer;
- Confirmation that the proposed supplementary employment is permitted under the Immigration Rules and does not exceed the maximum hours or breach any visa conditions; and
- Any other documentation reasonably required by the HR Data Compliance Team to establish or maintain a statutory excuse.

9.28 Creative Support will verify that the sponsoring employer continues to hold a valid Sponsor Licence and appears on the Home Office Register of Licensed Sponsors. Where considered necessary, Creative Support reserves the right to contact the sponsoring employer directly to verify information provided by the employee, confirm details of their sponsored employment or clarify any matter relevant to their eligibility to undertake supplementary employment. This may include confirming the employee's job role, SOC code, work location, contractual hours, continued employment or any other information necessary to establish or maintain a statutory excuse.

9.29 To ensure ongoing compliance, Creative Support may require evidence at least every three months confirming that the individual remains employed by their sponsoring employer. This will usually include recent payslips, although additional evidence may be requested where considered necessary. Creative Support also reserves the right to request updated evidence at any time where there is a change in circumstances or where this is required to maintain compliance with the Immigration Rules.

9.30 Individuals must immediately notify the HR Data Compliance Team if their sponsorship, immigration permission, primary employment, job role, SOC code, contractual hours or principal work location changes, or if their sponsoring employer loses, surrenders, has suspended or has revoked its Sponsor Licence.

9.31 The employee must declare that all information supplied is true and complete.

9.32 Creative Support reserves the right to refuse, suspend or withdraw supplementary employment where sufficient evidence cannot be obtained to establish or maintain a statutory excuse against illegal working, or where there is any uncertainty regarding the individual's eligibility to undertake supplementary employment under the Immigration Rules. Where appropriate, the individual will be instructed to cease work immediately while the matter is investigated.

9.33 Individuals undertaking supplementary employment with Creative Support are not permitted to undertake sleep-in duties. Sleep-in shifts may involve periods during which the employee is required to remain at the workplace, be available to respond to incidents or undertake duties where necessary. The duration and variable nature of these shifts create an increased risk that the individual may exceed the maximum supplementary working hours permitted by their immigration conditions. This restriction is therefore applied as an organisational compliance measure to protect the employee and Creative Support from a potential breach of the Immigration Rules.

9.34 Student Visa

9.35 Individuals granted permission under the student immigration route have a Right to Work in the United Kingdom subject to the conditions attached to their immigration permission. Creative Support will establish a statutory excuse before employment commences by completing a Home Office online Right to Work check using a valid Share Code. As a matter of organisational policy, Creative Support will rely on the Home Office online Right to Work service for individuals holding Student permission.

9.36 The online Right to Work check will be reviewed to verify the individual's identity, the validity of their immigration permission, any conditions attached to their Right to Work and the date on which any follow-up Right to Work check is required.

9.37 As part of the recruitment process, Creative Support may require a copy of the individual's Confirmation of Acceptance for Studies (CAS) together with evidence of their course, sponsoring education provider

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and expected course completion date. Where considered necessary, Creative Support reserves the right to contact the sponsoring education provider directly to verify information contained within the CAS, confirm the individual's official academic term dates, academic timetable or other evidence confirming teaching periods where required or any other information relevant to establishing or maintaining the individual's Right to Work.

- 9.38** Creative Support may retain copies of any documentation obtained as part of this verification process in accordance with the organisation's Record Retention Policy.
- 9.39** Creative Support may request updated evidence of enrolment, attendance, continued study, academic timetables or any other information during employment where this is considered necessary to establish or maintain the individual's Right to Work, verify compliance with working hour restrictions or ensure ongoing compliance with the Immigration Rules.
- 9.40** Students are normally restricted to a maximum of 20 hours' contracted employment per week during term time, or such other limit as prescribed by the Immigration Rules. Creative Support employees must not work in excess of their permitted working hours, whether through contracted hours, overtime, relief work or any combination of these. Creative Support will take reasonable steps to ensure these restrictions are not exceeded and reserves the right to restrict, amend or suspend working hours where necessary to maintain compliance with the Immigration Rules. As a matter of organisational policy, individuals holding Student permission must not undertake sleep-in duties whilst subject to these working hour restrictions.
- 9.41** Students must immediately notify the HR Data Compliance Team of any change to their course, sponsoring education provider, immigration permission, enrolment, attendance or study status, including where their studies are suspended, interrupted or withdrawn.
- 9.42** Where evidence of successful course completion is not provided, Creative Support will continue to apply the working restrictions associated with the student route. Any contractual hours, overtime or relief work exceeding the permitted working limit may be reduced, restricted or capped until satisfactory evidence has been received and the individual's Right to Work has been reassessed. This is to ensure compliance with the Immigration Rules and prevent illegal working.
- 9.43** Where applicable, Creative Support will obtain and retain evidence of academic term dates, holiday periods, attendance records and any other information reasonably required to monitor compliance with working hour restrictions.
- 9.44 Graduate Visa (Post-Study)**
- 9.45** Individuals granted permission under the Graduate immigration route have a time-limited Right to Work in the United Kingdom. Creative Support will establish a statutory excuse before employment commences by completing a Home Office online Right to Work check using a valid Share Code. As a matter of organisational policy, Creative Support will rely on the Home Office online Right to Work service for individuals holding Graduate permission.
- 9.46** The online Right to Work check will be reviewed to verify the individual's identity, the validity of their immigration permission, any conditions attached to their Right to Work and the date on which any follow-up Right to Work check is required.
- 9.47** Graduate visa holders may undertake employment in accordance with the conditions of their immigration permission. However, permission granted under the Graduate route is temporary and does not provide an automatic pathway to long-term employment with Creative Support.
- 9.48** Where a new employee accepts employment whilst holding Graduate permission and the role would require sponsorship following the expiry of that permission, Creative Support cannot guarantee that sponsorship will be offered at any stage during the individual's employment. Sponsorship remains

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entirely at the discretion of Creative Support and will only be considered where the individual and the role satisfy the requirements of the Immigration Rules, organisational business needs and the Visa Sponsorship Policy in force at the time.

- 9.49** Individuals accepting employment under the Graduate route are responsible for ensuring they maintain lawful permission to remain and work in the United Kingdom following the expiry of their Graduate permission. Employees should not assume that Creative Support will provide sponsorship.
- 9.50** Employees must immediately notify the HR Data Compliance Team of any change to their immigration permission or circumstances that may affect their Right to Work. Creative Support reserves the right to request updated evidence of an employee's immigration status at any time where this is considered necessary to establish or maintain a statutory excuse against illegal working.
- 9.51** Creative Support will complete a follow-up Right to Work check before the expiry of the individual's Graduate permission. Where satisfactory evidence of continued permission to work cannot be obtained before the expiry of the existing permission, employment may be suspended or terminated in accordance with current legislation, Home Office guidance and Creative Support policies to prevent illegal working.

9.52 Other Time-Limited Immigration Permission

- 9.53** Individuals granted permission to work in the United Kingdom under any other immigration route, including but not limited to Refugee Permission, Humanitarian Protection, Permission to Stay following an asylum claim, Dependant visas, Family visas, High Potential Individual (HPI), Global Talent, Scale-up, UK Ancestry, Youth Mobility Scheme, British National (Overseas) (BN(O)), Minister of Religion, or any other immigration route which provides permission to work, must demonstrate their Right to Work before employment commences.
- 9.54** Individuals who have made an asylum claim, human rights claim or other application which remains outstanding will only be permitted to work where the Home Office has expressly confirmed that employment is permitted and Creative Support has established a statutory excuse through a prescribed Right to Work checking method. This will normally require verification through the Employer Checking Service.
- 9.55** The existence of an asylum claim, Application Registration Card, Certificate of Application or pending immigration application does not, by itself, confirm that an individual has permission to undertake the proposed employment.
- 9.56** Creative Support will establish a statutory excuse by completing a Home Office online Right to Work check using a valid Share Code wherever this is the prescribed method. The online Right to Work check will be reviewed to verify the individual's identity, the validity of their immigration permission, any conditions attached to their Right to Work and the date on which any follow-up Right to Work check is required.
- 9.57** Employees must comply with any restrictions attached to their immigration permission at all times and must immediately notify the HR Data Compliance Team of any change to their immigration status, conditions of stay or circumstances that may affect their Right to Work.
- 9.58** Where permission to work is time-limited, Creative Support will complete follow-up Right to Work checks before the expiry of the individual's immigration permission to maintain a continuous statutory excuse against illegal working. Creative Support reserves the right to request updated evidence of an employee's immigration status at any time where this is considered necessary to establish or maintain a statutory excuse or ensure ongoing compliance with the Immigration Rules.

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9.59 Where satisfactory evidence of continued permission to work cannot be obtained, Creative Support reserves the right to restrict duties, suspend employment or terminate employment in accordance with current legislation, Home Office guidance and organisational policies to prevent illegal working.

10. EMPLOYER CHECKING SERVICE (ECS)

10.1 Where an individual cannot demonstrate their Right to Work using the prescribed Home Office online or manual checking methods, Creative Support may use the Home Office Employer Checking Service (ECS) where permitted by the Immigration Rules.

10.2 Where an Employer Checking Service request has been submitted and the outcome remains outstanding, Creative Support will consider whether the individual may commence or continue employment in accordance with current Home Office guidance. The submission of an Employer Checking Service request does not, by itself, establish a statutory excuse, extend immigration permission or remove any existing work restrictions.

10.3 Where Creative Support previously established a statutory excuse and is reasonably satisfied that an existing employee submitted an eligible application, appeal or administrative review before their previous permission expired, the statutory excuse may continue for the temporary period permitted by the Home Office while verification is obtained. This temporary provision does not apply to a prospective employee whose employment has not commenced.

10.4 Where a Positive Verification Notice is issued, Creative Support will retain the notice as evidence of its time-limited statutory excuse and comply with any restrictions or conditions identified within the notice or accompanying Home Office response.

10.5 A Positive Verification Notice will normally establish a statutory excuse for six months from the date of the notice, unless the Home Office specifies a different period. Where the individual remains employed and continued verification is required, Creative Support will submit a further Employer Checking Service request before the existing statutory excuse expires.

10.6 The issue of a Positive Verification Notice does not remove or replace any restriction attached to the individual's immigration permission. The individual must continue to comply with all applicable restrictions relating to their occupation, working hours, employer, supplementary employment or any other condition confirmed by the Home Office.

10.7 Where a Negative Verification Notice is issued, or the Home Office is otherwise unable to confirm the individual's Right to Work, employment will not commence or may be restricted, suspended or terminated following appropriate consideration of the circumstances and in accordance with current legislation, Home Office guidance and Creative Support policies.

11. SUSPECTED FRAUDULENT OR INVALID RIGHT TO WORK EVIDENCE

11.1 Where Creative Support has reasonable grounds to believe that any document, digital record, Share Code or other evidence relating to an individual's Right to Work may be false, altered, fraudulent or otherwise unreliable, employment shall not commence, or where employment has already commenced, the organisation may temporarily suspend the individual from work whilst further enquiries are undertaken.

11.2 The HR Data Compliance Team may request additional documentation, undertake further verification with the issuing authority, utilise the Home Office Employer Checking Service where appropriate or seek further guidance from UK Visas and Immigration before determining whether employment may commence or continue.

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- 11.3** Where fraud is identified or reasonably suspected, Creative Support reserves the right to withdraw any offer of employment, terminate employment where permitted by law, commence disciplinary proceedings and report the matter to the appropriate authorities where required.

12. IDENTITY VERIFICATION

- 12.1** As part of every prescribed Right to Work check, Creative Support will take reasonable steps to satisfy itself that the individual presenting the Right to Work evidence is the rightful holder of that evidence.
- 12.2** Identity verification will be carried out in accordance with the Identity Verification Policy and may include digital identity verification, Home Office online checks, manual document checks, face to face verification or live video verification, as appropriate.
- 12.3** Where appropriate, Creative Support may require additional photographic identification, updated documentation or further evidence to establish identity before employment commences or continues.
- 12.4** Where the organisation is unable to verify an individual's identity, or where there are discrepancies between the individual and the evidence presented, employment will not commence, or may be suspended or terminated, until the matter has been satisfactorily resolved.
- 12.5** Any suspected identity fraud, impersonation or document irregularities identified during the identity verification process will be investigated and, where appropriate, referred to the relevant authorities.

13. HOME OFFICE COMPLIANCE ACTIVITY

- 13.1** Creative Support will cooperate fully with any announced or unannounced compliance visit, audit or inspection undertaken by the Home Office or any other organisation acting on its behalf. Employees, managers and relevant departments must provide any information, documentation or assistance reasonably requested as part of such activity.
- 13.2** The HR Data Compliance Team will coordinate all compliance activity and may undertake internal reviews or audits before, during or following any inspection to ensure continued compliance with the Immigration Rules and associated Home Office guidance.

14. FOLLOW-UP RIGHT TO WORK CHECKS

- 14.1** Creative Support will complete follow-up Right to Work checks for all employees whose permission to work in the United Kingdom is time-limited. Follow-up checks will normally be completed before the expiry of the employee's current immigration permission or within any other period prescribed by the Home Office.
- 14.2** Employees are responsible for providing updated evidence of their continued Right to Work before their existing permission expires. Creative Support reserves the right to request updated documentation at any time where this is considered necessary to establish or maintain a statutory excuse against illegal working.
- 14.3** Employees whose immigration status is held digitally by the Home Office are responsible for maintaining access to their UKVI account and ensuring that any personal details required by the Home Office remain accurate where this may affect their Right to Work.
- 14.4** Where Creative Support's statutory excuse is based on a Positive Verification Notice, a further Employer Checking Service request will be submitted before the expiry of the statutory excuse, normally within six months of the date of the previous notice, unless a different period is specified by the Home Office.

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15. EMPLOYEES WITH TIME-LIMITED PERMISSION

- 15.1** Employees holding time-limited immigration permission must ensure they continue to hold valid permission to work throughout their employment with Creative Support.
- 15.2** Employees must immediately notify the HR Data Compliance Team of any change to their immigration permission, visa conditions, pending immigration application or any other circumstance that may affect their Right to Work. Creative Support reserves the right to request updated evidence of immigration status at any time and may restrict duties, working hours or work locations where necessary to ensure continued compliance with the Immigration Rules.
- 15.3** Employees must notify the HR Data Compliance Team immediately upon submitting any immigration application which may affect their Right to Work, including applications to extend, vary or change their immigration permission.
- 15.4** Where additional enquiries are required to establish an employee's continued Right to Work, Creative Support reserves the right to temporarily restrict duties, working hours or work locations while those enquiries are completed.
- 15.5** Employees must provide the HR Data Compliance Team with a complete copy of any immigration application submitted to UK Visas and Immigration that affects, or may affect, their Right to Work in the United Kingdom or their employment with Creative Support, including any supporting evidence requested. This includes, but is not limited to, applications to extend, vary or change immigration permission, applications requiring verification through the Employer Checking Service and any other application affecting an individual's immigration status.
- 15.6** The HR Data Compliance Team reserves the right to review the application to verify that the information is accurate, consistent with the organisation's records and compliant with the Immigration Rules. Failure to provide the requested documentation, or the provision of incomplete or inaccurate information, may result in the organisation being unable to verify an individual's Right to Work, continue employment or complete any process dependent upon the outstanding information.
- 15.7** Employees must not undertake employment with another employer where doing so would breach the conditions attached to their immigration permission.
- 15.8** The obligations contained within this section continue to apply during maternity leave, family-related leave, sickness absence, authorised unpaid leave, suspension or any other period in which the contract of employment remains in force.

16. EXPIRING PERMISSION TO WORK

- 16.1** Employees are responsible for ensuring that any application to extend or vary their immigration permission is submitted in sufficient time before their existing permission expires.
- 16.2** Where an employee's permission to work is due to expire, Creative Support may contact the employee in advance to request updated evidence of their continued Right to Work. Failure to provide satisfactory evidence before the expiry of the existing permission may result in suspension from work without pay, or termination of employment, where Creative Support is unable to establish or maintain a statutory excuse against illegal working.

17. FAILURE TO PROVIDE RIGHT TO WORK EVIDENCE

- 17.1** Employees must provide any documentation or information reasonably requested by Creative Support to establish or maintain their Right to Work.

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- 17.2** Where an employee fails to provide satisfactory evidence within the required timescales, Creative Support may restrict duties, suspend employment, withhold work or terminate employment where it is unable to establish or maintain a statutory excuse against illegal working. Any action taken will be in accordance with current legislation, Home Office guidance and Creative Support's policies and procedures.
- 17.3** Where Creative Support reasonably believes that any document, information or evidence relating to an individual's Right to Work has been altered, falsified or fraudulently obtained, the organisation reserves the right to verify the information with the issuing authority, undertake further enquiries and, where appropriate, report the matter to the relevant authorities.

18. ILLEGAL WORKING AND NON-COMPLIANCE

- 18.1** Creative Support is committed to preventing illegal working and maintaining full compliance with the Immigration Rules and associated Home Office guidance.
- 18.2** Where Creative Support becomes aware, or has reasonable grounds to believe, that an individual no longer has the legal Right to Work in the United Kingdom, or that continued employment may place the organisation in breach of its legal obligations, the individual may be instructed to cease work immediately while the matter is investigated. Where appropriate, employment may be suspended or terminated in accordance with current legislation and organisational policies.
- 18.3** An employee is required to maintain lawful immigration status and, where applicable, valid permission to undertake employment throughout the employment relationship. This requirement continues during any period of maternity leave, paternity leave, adoption leave, Shared Parental Leave, parental leave, parental bereavement leave, neonatal care leave, sickness absence, authorised unpaid leave, suspension or any other period during which the contract of employment remains in force.
- 18.4** Being absent from work or exercising a statutory employment right does not remove the requirement for the employee to maintain lawful immigration status or cooperate with any Right to Work verification reasonably required by Creative Support. Employees must notify the HR Data Compliance Team immediately of any change to their immigration status, pending application or permission to remain in the United Kingdom during such a period.
- 18.5** Where an employee's immigration permission expires, changes or cannot be verified during a period of protected leave, sickness absence or suspension, Creative Support will assess the circumstances individually and take any action reasonably necessary to comply with immigration legislation. This may include obtaining verification through the Employer Checking Service, requesting further evidence, restricting any return to work, continuing or reviewing a suspension, or considering whether employment can lawfully continue.
- 18.6** Creative Support will not assume that protected leave automatically ends, overrides or removes an employee's statutory employment rights. Any action will be considered in accordance with both immigration law and applicable employment legislation, including maternity, family-leave, equality and discrimination protections. Legal advice may be obtained before any decision to terminate employment is made.

19. RECORD KEEPING AND AUDIT

- 19.1** Creative Support will retain Right to Work records in accordance with the Immigration Rules, UK GDPR, the Data Protection Act 2018 and the organisation's Records Retention Policy.
- 19.2** Creative Support may retain copies of immigration documents, online Right to Work check outputs, Employer Checking Service responses, verification notices, correspondence and any other

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documentation reasonably required to demonstrate compliance with the Immigration Rules or respond to any Home Office audit, inspection or investigation.

- 19.3** Creative Support may undertake periodic audits of Right to Work records to monitor compliance, identify areas for improvement and ensure continued compliance with Home Office requirements. Employees and managers are expected to cooperate fully with any internal or external compliance audit.
- 19.4** Creative Support reserves the right to retain any additional documentation reasonably required to demonstrate compliance with the Immigration Rules or to respond to any Home Office audit, inspection or investigation.
- 19.5** Where any Right to Work check, record or supporting documentation is identified as incomplete, inaccurate or non-compliant, the HR Data Compliance Team will take appropriate corrective action. This may include undertaking retrospective reviews, obtaining updated evidence, completing any necessary follow-up checks and implementing measures to reduce the risk of recurrence.

20. INTERNAL COMPLIANCE AUDITS

- 20.1** Creative Support will undertake periodic internal audits of Right to Work records and associated compliance processes to ensure continued compliance with immigration legislation, Home Office guidance and this Policy.
- 20.2** Internal audits may include reviews of Right to Work records, immigration documentation, follow-up checks, digital records, audit trails, record retention arrangements and compliance with organisational procedures.
- 20.3** Findings arising from internal audits may result in corrective actions, additional training, amendments to organisational procedures or any other action considered necessary to strengthen compliance and reduce organisational risk.

21. ESCALATION OF COMPLEX IMMIGRATION CASES

- 21.1** Where there is any uncertainty regarding an individual's Right to Work, immigration status or the interpretation of the Immigration Rules, the matter must immediately be referred to the HR Data Compliance Team.
- 21.2** The HR Data Compliance Team may seek guidance from UK Visas and Immigration, utilise the Employer Checking Service, obtain independent legal advice or consult any other appropriate source before determining whether employment may commence or continue.
- 21.3** No manager or employee may authorise employment, changes to contractual arrangements or continued employment where uncertainty exists regarding an individual's Right to Work unless approval has first been obtained from the HR Data Compliance Team.

22. RIGHT TO WORK GOVERNANCE AND ASSURANCE

- 22.1** Creative Support is committed to maintaining effective governance arrangements to ensure ongoing compliance with the Immigration Rules, the Immigration, Asylum and Nationality Act 2006, Home Office guidance and all other legislation relating to Right to Work checks. The HR Data Compliance Team will oversee the organisation's Right to Work compliance framework through regular monitoring, quality assurance activities and periodic compliance audits to ensure statutory obligations continue to be met.
- 22.2** Where compliance reviews, internal audits, Home Office inspections or changes to legislation identify areas requiring improvement, Creative Support will take appropriate corrective action. This may include updating policies, procedures, systems, training or operational processes to strengthen compliance and reduce organisational risk.

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22.3 The HR Data Compliance Team may prepare compliance reports, audit findings and management information for senior management where appropriate to support organisational oversight, monitor compliance trends and promote the continuous improvement of Right to Work compliance across the organisation.

23. MONITORING AND REVIEW

23.1 The HR Data Compliance Team is responsible for monitoring compliance with this Policy and reviewing its effectiveness on an ongoing basis.

23.2 This Policy will normally be reviewed at least annually, or sooner where required due to changes in legislation, Home Office guidance, the Immigration Rules or organisational requirements.

23.3 Creative Support reserves the right to amend this Policy at any time to reflect changes in legal or operational requirements.

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