

Right to work Policy

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1. Policy Statement

The Balcarras Trust is committed to complying fully with all UK immigration legislation and preventing illegal working across all schools and Trust operations.

The Trust will undertake robust and legally compliant Right to Work checks for all employees, workers, casual staff, apprentices, sponsored workers and any other individuals undertaking work on behalf of the Trust. The Trust will ensure that all Right to Work checks are completed in accordance with current Home Office guidance so as to establish and retain a statutory excuse against liability for a civil penalty in the event of illegal working.

The Trust recognises its obligations under UK immigration legislation, UK Visas & Immigration (UKVI) sponsor guidance, Keeping Children Safe in Education (KCSIE), the Equality Act 2010, UK GDPR and associated employment legislation.

2. Scope

This policy applies across all schools and central Trust functions and covers:

- Teaching staff
- Support staff
- Casual and temporary workers
- Apprentices
- Sponsored workers
- Agency workers, contractors and volunteers as applicable

3. Roles & Responsibilities

Trustees:	Overall governance responsibility
CEO:	Strategic oversight.
CFOO:	Payroll and financial controls.
HR Lead / Central HR:	HR Lead / Central HR: Right to Work compliance, visa monitoring, repeat checks, record retention and sponsor compliance.
Headteachers & Managers:	Recruitment compliance and escalation.
Employees:	Provide valid documentation and report immigration changes.

4. Right to Work Check Process

Prior to employment commencing, the Trust will:

1. Obtain original acceptable documents or valid share code
2. Verify documents using approved Home Office processes
3. Confirm that work restrictions permit the proposed role
4. Copy and securely retain evidence
5. Record the check within the central Right to Work tracker

6. Ensure that the check is completed before employment begins and in a manner that establishes a statutory excuse in accordance with Home Office requirements

No individual may commence work until satisfactory Right to Work checks have been completed.

5. Acceptable Documents and Verification Methods

The Trust will conduct Right to Work checks using the methods permitted by current Home Office guidance, including:

- Manual checks of original documents where permitted;
- The Home Office online Right to Work checking service using a valid share code; and
- Certified Identity Service Providers (IDSPs), where appropriate and legally permitted.

The Trust will accept documents and evidence specified by the Home Office from time to time.

Where online or digital verification is used, the Trust will ensure that the method used is lawful, appropriate to the category of worker, and properly recorded.

6. Time-Limited Permission to Work

Where an employee has time-limited permission to work:

- Repeat checks will be completed sufficiently in advance of expiry to maintain the Trust's statutory excuse and ensure continued compliance with Home Office requirements.
- HR Lead will maintain monitoring reminders
- Employees must provide updated evidence before expiry
- Appropriate action may be taken where evidence is not provided

7. Sponsored Workers

The Trust will maintain accurate sponsored worker records, monitor attendance and absences, maintain contact details, report relevant changes to UKVI via the Sponsor Management System (SMS) within the prescribed timescales.

8. Volunteers

Pure volunteers who give their time freely, receive no payment (other than reimbursement of genuine out-of-pocket expenses), and have no contractual obligation to provide services do not require a statutory Right to Work check.

Where an individual receives payment, honoraria, allowances beyond genuine expenses, benefits in kind, or undertakes work under a contract or agreement resembling employment or worker status, a Right to Work check must be completed before they commence their duties.

Regardless of Right to Work requirements, all volunteers must undergo the appropriate safeguarding, identity and suitability checks in accordance with:

- Keeping Children Safe in Education (KCSIE);
- The Trust's Safeguarding Policy; and
- The nature of the volunteer role being undertaken.

9. Agency Workers, Contractors and Third Parties

The Trust will obtain appropriate written assurances from agencies, contractors and third-party providers that all individuals supplied to the Trust have undergone the required Right to Work checks prior to commencing work.

10. Recruitment & Safeguarding Controls

All offers of employment are conditional upon satisfactory Right to Work checks, identity verification, DBS and safeguarding checks where applicable and compliance with safer recruitment requirements.

11. Equality & non-discrimination

Right to Work checks will be applied consistently to all employees regardless of nationality, ethnicity, race, religion or background.

Managers must not make assumptions about an individual's Right to Work based on appearance, accent, name, nationality or ethnic origin, and checks must be undertaken in a fair and consistent manner for all relevant individuals.

12. Data Protection & Record Retention

All Right to Work records will be securely stored and processed in accordance with UK GDPR and Data Protection legislation.

Copies of Right to Work evidence will be retained securely for the duration of employment and for a minimum of two years after employment ends, or such period as required by Home Office guidance.

13. Escalation and High-Risk Cases

Where there is any uncertainty, discrepancy or concern regarding an individual's Right to Work documentation or immigration status, the matter must be escalated immediately to the HR Lead before employment commences or continues.

The Trust may use the Home Office Employer Checking Service where appropriate.

Examples of cases requiring escalation include, but are not limited to:

- Inconsistent or unclear identity documents;
- Expired or time-limited permission where updated evidence is not provided;
- Suspected forged, altered or fraudulent documents;
- Uncertainty regarding work restrictions attached to a visa or immigration status;
- Cases involving sponsored workers or Home Office reporting obligations.

The HR Lead may seek further evidence, obtain specialist advice and/or use Home Office checking services before any decision is made.

14. Non-Compliance

Where the Trust becomes aware of potential illegal working, breaches of immigration conditions, or concerns regarding an individual's right to work, the matter will be investigated promptly by the HR Lead (or nominated manager) in conjunction with the relevant Headteacher and, where appropriate, external advisers. The individual will be given an opportunity to provide information or evidence before any decisions are made. Appropriate action will be taken in accordance with Trust policies, employment law and Home Office requirements, which may include suspension, reporting to the Home Office, withdrawal of an offer of employment, or termination of employment where there is no lawful right to work.

No manager may permit an individual to commence work or continue in work where satisfactory Right to Work evidence has not been obtained or where an unresolved concern remains following escalation.

15. Monitoring & Audit

The HR Lead will periodically audit completion of checks, visa monitoring, sponsor compliance arrangements and record retention processes.

16. Related Policies

This policy should be read alongside:

- Safer Recruitment Policy
- Recruitment & Selection Policy
- Data Protection Policy
- Sponsorship Compliance Procedures
- Staff Disciplinary Procedure
- KCSIE Guidance

17. Policy Review

This policy will be reviewed annually or earlier where legislative or UKVI guidance changes require amendments.