Right to Work Checks: An Employer's Guide

How to check permission to work, keep the correct evidence and manage repeat checks across a multi-site workforce.

1 Why right to work checks matter

Before someone starts work, the business responsible for the check must confirm that they are permitted to do the work offered. A compliant check creates a "statutory excuse": protection against a civil penalty if it later emerges that the individual was not entitled to work, provided the prescribed process was followed.

Right to work checks apply to British and Irish citizens as well as people with immigration permission. Use a consistent process for everybody; asking only people who appear to be from overseas creates a separate discrimination risk.

From 1 October 2026, the checking framework also covers certain engagements under worker contracts, individual subcontractors and online matching services. Employers should therefore review not only direct employees, but also the contractual arrangements used for casual workers and individual subcontractors.

2 Which checking method should the employer use?

Checking route	When it is typically used	What the employer needs to keep
Manual document check	Acceptable original documents, including qualifying British or Irish passport evidence.	Clear copies of the required pages/documents and the actual check date.
Home Office online check	Individuals whose immigration status is verified through the Home Office service, normally using a share code and date of birth.	The employer-facing result/profile showing photograph, work conditions and the check date.
Registered digital verification service	Eligible British or Irish identity documents checked using a registered provider.	The required provider output, identity comparison where used and relevant dates.
Employer Checking Service	Specified unresolved applications or status cases where a normal prescribed check cannot be completed.	A Positive Verification Notice where issued and any relevant follow-up date.

A share code alone is not proof that a check has been completed. The employer must use the official checking service, inspect the result and retain the required evidence. Likewise, simply receiving a photograph of a passport by email is not automatically a compliant manual check.

Official basis: Home Office Employer's Guide and Employers' Right to Work Checklist, updated 1 October 2026.

3 What a correct check looks like

Stage	Employer action	Practical record
Before the start	Choose the prescribed route; check the person, permission, permitted work and restrictions.	Checked by; actual date; result; worker or engagement reference.
Save the evidence	Retain the prescribed copy or online/digital output securely.	Document/profile copy associated with the individual.

Check the time limit	Where permission is time-limited, identify when the statutory excuse ends and arrange the required follow-up.	Permission details, follow-up owner and due date.
Retain and dispose	Keep the evidence for the engagement and two years afterwards, then securely destroy it.	Retention end date and appropriate access controls.

Example A | A new starter is due to begin work on Monday

An employer urgently needs an additional member of staff to begin on Monday morning. The applicant emails a photograph of their passport to the recruiting manager on Sunday. The manager must not assume that the photograph alone completes the prescribed check. The appropriate right-to-work check must be completed, the person and their permission confirmed, and the required evidence retained before they begin work.

The operational lesson is that the right-to-work step belongs before deployment to the site, not in a paperwork tidy-up after the first shift.

Example B | A worker provides a share code

An employee with an eVisa supplies a share code and date of birth. HR uses the Home Office employer checking service to view the person's status, photograph, any work restrictions and the result date. HR retains the employer-facing result and identifies whether a follow-up is required. The employee's own screenshot or the share code by itself is not the completed employer check.

4 Which workers and arrangements should be considered?

Contract labels are not enough on their own. An organisation may use employees, zero-hours workers, agency cover or individual subcontractors across different customer sites. The identity of the organisation responsible for the statutory check must be established for the actual engagement.

Arrangement	What to consider	Workplace example
Direct employee or apprentice	Prescribed check before employment starts.	New member of staff employed directly by the business.
Casual or zero-hours worker	Check whether the arrangement is a worker's contract within the extended regime.	Casual worker covering an occasional shift.
Individual subcontractor	Consider the rules applicable to individual subcontract engagements.	Self-employed individual providing services personally.
Labour supplied by an agency	Confirm each organisation's responsibilities and retain appropriate assurance; do not assume all agency relationships are identical.	Temporary cover provided by an employment business.
Online matching service	Special rules may apply where the organisation matches individuals with customers.	Platform matching individuals with customer requests.

For workers supplied through another legal employer, checking responsibilities depend on the arrangement. The employer should document who carries out the prescribed check and avoid assuming that a generic assurance from a supplier is equivalent to its own statutory excuse where the law requires its check.

Example C | A new individual subcontractor

A business engages an individual directly to provide occasional specialist services. Calling the worker "self-employed" does not by itself remove the need to review the October 2026 right-to-work requirements. The contracting team should classify the arrangement correctly, identify the applicable checking duty, complete the necessary steps and retain evidence before work begins.

5 Repeat checks, restrictions and recruitment decisions

Not everyone needs repeat checks. Where an initial check establishes an unlimited right to work, a repeat check will not normally be required simply because a passport later expires. Where the statutory excuse is time-limited, complete the appropriate follow-up before it ends.

Example D | Permission expires while the employee is working

A worker has permission to work until 30 June. HR should record the relevant date and arrange the correct follow-up in advance. If the person has an outstanding in-time application, the Home Office Employer Checking Service may provide a Positive Verification Notice. HR should not assume that the earlier check remains sufficient indefinitely or make an automatic dismissal decision without checking the circumstances.

Example E | A student has limits on working time

A student's immigration permission permits work subject to restrictions during term. The business schedules shifts across two sites. The employer must check the permitted hours and retain the required academic term and vacation dates; hours at both sites need to be considered together, not reviewed separately by each manager.

6 Common mistakes and the evidence that prevents them

Mistake	Safer practice
The person starts before HR checks their status.	Complete the prescribed check before the first working shift.
A passport scan is saved without verifying the individual.	Carry out the applicable manual or permitted digital process and record the check date.
The worker supplies a share code but nobody runs the employer service.	Save the actual Home Office employer result, not only the code.
Only workers perceived to be non-British are checked.	Apply a consistent, non-discriminatory process to all relevant engagements.
A time-limited status is filed with no follow-up date.	Maintain ownership and a timed review for every required recheck.
Right-to-work documents remain in uncontrolled folders.	Control access, retain required evidence and dispose of it after the applicable period.

Civil penalties for employing people without permission can be substantial: the current published maximum is £45,000 per worker for a first breach and £60,000 per worker for repeat breaches. The amount and liability depend on the circumstances and the applicable code of practice.

7 How Assyst helps employers manage right to work records

Assyst Workforce Management has a structured, step-by-step onboarding process designed to establish and record a new starter's right to work before their enrolment can be completed. The required information and supporting identity documents must be supplied before the individual can be created as an active member of staff and assigned to work at a site. This helps prevent recruitment paperwork being deferred until after someone has started.

Where a Home Office share code is supplied, Assyst provides a direct link to the government's employer checking service. The recruiter must complete the official check, examine the result and obtain the employer-facing evidence; Assyst then retains the resulting certificate or check record in the individual's electronic HR file alongside the other required identity documents. A share code on its own is not sufficient evidence of a completed check.

Where recruitment takes place online, copies of identification documents may be collected during the application process. However, before the individual can be completed as a new starter, the recruiter must confirm that the original identification documents have been seen in person, or that the identity documents have been verified by a trusted third-party provider. The in-person check can take place on the employee's first day, but it must be completed before they start work. Assyst records the recruiter's confirmation and the supporting evidence in the employee's electronic HR file. Until all required onboarding steps have been completed, the individual cannot be activated as a new starter, use the time and attendance system, be allocated work or shifts, or be included in workforce planning. These controls prevent a person from commencing work through Assyst before the required identity and right-to-work evidence has been confirmed.

Discuss your workforce requirements with Assyst

Assyst Workforce Management is designed for multi-site employers, combining HR and paperless onboarding, time and attendance, scheduling, payroll calculations, task management and a mobile staff app. It supports complex working arrangements and day-to-day workforce operations. To find out more or discuss how Assyst could support your business, visit www.assyst.uk and contact us through the website.

Useful official sources

GOV.UK — Right to work checks: an employer's guide (1 October 2026): https://www.gov.uk/government/publications/right-to-work-checks-employers-guide

GOV.UK — Employer's right to work checklist (1 October 2026): https://www.gov.uk/government/publications/right-to-work-checklist

GOV.UK — Check a job applicant's right to work: https://www.gov.uk/check-job-applicant-right-to-work

GOV.UK — Code of practice: avoiding discrimination while preventing illegal working: https://www.gov.uk/government/publications/right-to-work-checks-code-of-practice-on-avoiding-discrimination

This guide summarises general UK employer requirements as at November 2026. The correct checking route and responsibilities depend on the engagement and individual's circumstances; consult current Home Office guidance for the prescribed procedure.