

RIGHTS TO WORK CHECKS

The vetting process and in particularly the temporary staffing process has been given a slight lift of red paper due to the government's relaxation of the Right to Work checks. Timing wise this could be a massive help in the coming months as companies look to bring orders back in line and ramp up output to close the supply line short falls.



In the first instance the changes are temporary and come about due to the coronavirus and the effects it is having on interviewing face to face. The drive is now video calls which obviously means seeing and copying "hard" documents difficult.

The changes mean that during the coronavirus outbreak prospective workers are now able to submit scanned documents, rather than originals, to show they have a right to work.

However, the government added that checks continue to be necessary and it is an offence to knowingly employ or let property to anyone who does not have legal immigration status in the UK.

The change has gone as certain sectors such as food production and food resellers now need to hire people on the spot and get them onto the front line in record speed. With the old process the on boarding could take weeks with right to work checks and DBS checks out of recruiter's hands to a great extent. This said we must remember that the amendments are for checking documents via video and the reminder of the process is still the same.

Its great practice to currently hold video interviews and on boarding chats via video, and use the Employer Checking Service when possible and of course gain the potential employees permission to do these checks. If possible record any video chats, and certainly any on boarding process where the employee can hold up their right to work documentation which can be clearly seen and then record in their personal file that the check was made via video. Further back this up by photo copies that can be sent via email, sms or apps such as WhatsApp.

As these adjusted right to work checks are temporary, recruitment agencies and employers will need to make sure they conduct the normal full checks once the temporary measures come to an end. The end date is not known, but employers and recruitment agencies should continue to check the government website and guidance for this announcement.

Importantly, once the temporary Covid-19 measures end, employers and recruitment agencies will need to carry out full retrospective checks within eight weeks of the measures ending for all staff that were checked by the temporary right to work checks. Both the temporary adjustments and the full right to work checks should be kept for recruitment agencies and employers records.

The government guidance has also made clear that the Home Office will not take any enforcement action against any employer that carried out an adjusted check in line with the guidance and then followed up with a full retrospective check. If a recruitment agency or employer discover upon the retrospective full right to work check that the employee does not have permission to be in the UK then they absolutely must end their employment without delay.

With many employees being made redundant, furloughed or put on short-time working, even small steps to help employers take on new staff are important. This is particularly the case given that many employers who are in a position to take on new staff now will be doing so to help deal with coronavirus-related issues eg. the supermarkets hiring more shelf-stackers. Any steps the government can take to speed up this process will be welcome to hard-pressed employers in the current emergency.

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