

Work Permits & Eligibility to Work in the UK Policy

A) EU SETTLEMENT SCHEME

Except where exemptions apply, EU citizens who arrived in the UK on or before 30 December 2020 were required to obtain status under the EU Settlement Scheme (EUSS) in order to obtain clearance to remain in the UK after 30 June 2021.

Under the Scheme, eligible employees received either settled status or pre-settled status. Settled status provides the indefinite right to live and work in the UK. Pre-settled status provides the right to stay in the UK until the recipient has acquired five years' residency at which point settled status must be obtained.

Failure to apply for status under the EU Settlement Scheme may result in illegal employment, in which circumstance English Speaking Board (International) Ltd. (ESB International) will have no option but to terminate employment. Employees will be required to evidence their status under the Scheme. Those who received pre-settled status will be, at the relevant time, required to provide evidence of settled status.

The deadline for making an application under the EU Settlement Scheme was 30 June 2021.

Until 30 December 2021, the Company followed the 6 steps set out below in respect of any employees who it identified had not applied by 30 June 2021:

- 1) Advise the individual they must make an application to the EUSS within 28 days and provide the Company with a Certificate of Application (CoA). If they do not make an application to the EUSS within 28 days, the Company must take steps to cease their employment in line with right to work legislation.
- 2) Once the individual has been provided with a CoA, the Company must then contact the Home Office Employer Checking Service (ECS) to confirm the individual has applied. When contacting the ECS, the Company may be asked to provide evidence of the start date of the individual's employment (such as a copy of the initial right to work check).
- 3) Where an application has been made, the ECS will give the Company a Positive Verification Notice (PVN). Retaining the PVN and a copy of the individual's CoA will then provide the Company with a statutory excuse against a civil penalty for six months. This allows sufficient time for the application to be concluded and enables the individual to maintain their employment with the Company during that time.
- 4) Before the PVN expires, the Company must do a follow-up check with the ECS in order to maintain its statutory excuse against a civil penalty. If the individual has been granted status before the PVN expiry date, they can prove their right to work to the Company using the Home Office right to work online service.
- 5) If the follow-up check confirms that the application is pending, the Company will be given a further PVN for six months and would then repeat step 4 until such time as the application has been finally determined. If the follow-up check confirms the application has been finally determined and refused, then the Company will not be issued with a PVN and the Company must take steps to cease the individual's employment

6) The Company will record and maintain accurate records of checks and actions taken in regard to this Policy in the same way in which evidence is retained to demonstrate a statutory excuse.

B) POINTS-BASED SCHEME

All non-UK and Irish nationals who are unable to demonstrate their right to work through another means will enter the UK to work via the Points-Based system. ESB International will ensure that all of our Home Office obligations in that regard are satisfied.

C) PERMISSION TO WORK IN THE UK

ESB International will be in breach of asylum and immigration legislation if it employs those who are subject to immigration control and have no entitlement to live and work in the UK, or if they have reasonable cause to believe the individual does not have the right to work in the UK. It is also essential that, in ensuring compliance with the legislation, ESB International does not discriminate against people because of their race, colour or ethnic or national origin. Therefore the same checking procedures are applied equally to all.

D) PROCESS

To comply with legislation and also to ensure ESB International does not discriminate against people because of their race, colour, ethnic or national origin, the **HR Manager** will ensure that all applicants, irrespective of their national or racial origin, produce one of the documents (or specified combinations of documents) included in List A or List B before commencing employment.

Those involved in the recruitment of the organisation's employees will ensure job applicants are aware of the need to evidence their eligibility to work in the UK at interview stage; and will ensure that these checks are made.

Successful applicants will be informed that they must again produce the relevant documentation on their first day of employment which will be checked by the **HR Manager**.

E) REQUIRED DOCUMENTATION

If the documents checked are from List A (shown below), ESB International will establish a continuous statutory excuse i.e. the person's eligibility need never be checked again.

If the documents checked are from Group 1 of List B (shown below), follow up checks will be made by the **HR Manager** one month prior to the date that permission expires. The **HR Manager** must be satisfied that the employee has an outstanding application to extend their permission by the expiry date, whereby the statutory excuse will extend for 28 days. This extension is to allow the **HR Manager** to verify the progress of the application by contacting the Employer Checking Service to receive a Positive Verification Notice which confirms the employee has the right to continue working. If the **HR Manager** receives a Negative Verification Notice, the individual is not permitted to continue in the employment in question.

If the documents checked are from Group 2 of List B, or the employee/prospective employee is not able to present an acceptable document because of an outstanding application, the **HR Manager** will contact

the Employer Checking Service to receive a Positive Verification Notice to preserve the statutory excuse. The statutory excuse will last for 6 months, upon which a further check is required.

If in doubt, the **HR Manager** will contact UK Visas and Immigration for further advice (UKVI).

These procedures may be subject to review in accordance with amendments to immigration legislation.

F) CHECKS

Those who are responsible in the organisation for ensuring compliance with the prevention of illegal working will check that the documents provided are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work ESB International is offering. The following will be checked:

- 1) photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation;
- 2) expiry dates for permission to be in the UK have not passed;
- 3) any work restrictions to determine if the individual is allowed to do the type of work on offer;
- 4) the documents are genuine, have not been tampered with and belong to the holder; and
- 5) the reasons for any difference in names across documents (e.g. original marriage certificate, divorce decree absolute, deed poll).

G) TUPE TRANSFERS

Where employees are transferred to the Company in accordance with the legislation on the transfer of undertakings, the HR Manager will carry out the required checks of all the transferring employees within 60 days.

H) STUDENTS

ESB International will obtain a copy of academic and vacation times covering the duration of the period of study in the UK for which they will be employed for all students who have time-limited permission to work during term-time.

The **HR Manager** will also satisfy themselves that the employee/prospective employee is enlisted with the college/university/place of study.

I) GENERAL NOTES

ESB International will have a defence against the imposition of a civil penalty if the **HR Manager** has checked, copied and retained specified documents as above when checking these documents. Therefore it is imperative that the **HR Manager and all Senior Managers** comply with this procedure on every occasion.

ACCEPTABLE RIGHT TO WORK DOCUMENTS FOR MANUAL CHECKS FROM 6 APRIL 2022

List A – acceptable documents to establish a continuous statutory excuse

1	A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2	A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
5	A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
6	A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
7	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 1 – documents where a time-limited statutory excuse lasts until the expiry date of permission to enter or permission to stay

1	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
3	A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 2 – documents where a time-limited statutory excuse lasts for six months

1	A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3	An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
4	A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.
5	A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service. Additional document entered on list.

Revision No	Change to previous release	Reason for change
3	<p>Under 'A – EU Settlement Scheme' the following wording has been added:-</p> <p>The deadline for making an application under the EU Settlement Scheme was 30 June 2021.</p> <p>Until 30 December 2021, the Company followed the 6 steps set out below in respect of any employees who it identified had not applied by 30 June 2021:</p> <ol style="list-style-type: none"> 1) Advise the individual they must make an application to the EUSS within 28 days and provide the Company with a Certificate of Application (CoA). If they do not make an application to the EUSS within 28 days, the Company must take steps to cease their employment in line with right to work legislation. 2) Once the individual has been provided with a CoA, the Company must then contact the Home Office Employer Checking Service (ECS) to confirm the individual has applied. When contacting the ECS, the Company may be asked to provide evidence of the start date of the individual's employment (such as a copy of the initial right to work check). 3) Where an application has been made, the ECS will give the Company a Positive Verification Notice (PVN). Retaining the PVN and a copy of the individual's CoA will then provide the Company with a statutory excuse against a civil penalty for six months. This allows sufficient time for the application to be concluded and enables the individual to maintain their employment with the Company during that time. 4) Before the PVN expires, the Company must do a follow-up check with the ECS in order to maintain its statutory excuse against a civil penalty. If the individual has been granted status before the PVN expiry date, they can prove their right to work to the Company using the Home Office right to work online service. 5) If the follow-up check confirms that the application is pending, the Company will be given a further PVN for six months and would then repeat step 4 until such time as the application has been finally determined. If the follow-up check confirms the application has been finally determined and refused, then the Company will not be issued with a PVN and the Company must take steps to cease the individual's employment. 6) The Company will record and maintain accurate records of checks and actions taken in regard to this Policy in the same way in which evidence is retained to demonstrate a statutory excuse. 	<p>Review of Policy</p> <p>Recommended wording from Peninsula at review</p>