

Is a right to work check necessary?

Right to Work Scenarios

<p>Re-Hiring a previous casual worker</p>	<p>No if re-hired by same department and individual is a List A document holder and a check was made within the past year. Checks must meet the current RTW check and the original paperwork from the original check must have been retained.</p> <p>Yes if the individual is a List B document holder or if a List A document holder is being re-hired by a different department from that which hired them previously</p>
<p>Second jobs (as casual work)</p>	<p>No if a department employee is taking casual work with another department and is a List A document holder (check Immigration, Asylum and Nationality Act). A compliant RTW copy may be obtained from the other department. Must ensure copy is clear. Note that a department is not obliged to provide a copy. If department declines to provide a copy, a new RTW check must be completed.</p> <p>Yes if the individual is a List B document holder (check Immigration, Asylum and Nationality Act).</p>
<p>Volunteers</p>	<p>No if volunteer is only taking part in activities which are not essential to the function of the department.</p> <p>Yes if activity is essential for example if the volunteer is doing an activity that if not done by the volunteer, the department would pay someone to do instead-this would be classified as unpaid work and requires a RTW check</p>
<p>Work Experience</p>	<p>Yes in all cases (except where the individual is under the age of 16). Work Experience is classed as unpaid work and requires a RTW check</p>
<p>Agency Workers</p>	<p>No. Where a department is paying an agency and not the worker directly (in these circumstances the agency is responsible for checking RTW).</p>

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External Examiners	These groups may on occasions be paid as self-employed, existing staff or casuals depending on the circumstances. Where the examiners are paid as casuals RTW checks must be carried out
Self-employed individuals ***** Individuals who are self-employed are paid directly (usually on invoice) and are not paid via casual or main payroll	No , RTW checks are not required for self-employed individuals. *** note that Tier 4 student and Tier 2 visa holders cannot be self-employed so a right to work check must always be done for Tier 4 & Tier 2 visa holders engaged in work).
Re-Hiring a previous employee	Yes in all cases. A break in employment requires a new RTW check
Casual worker moving to employee status	Yes in all cases. This also applies to agency staff who are later taken on as on a permanent/fixed term basis.
Employee transfers	No for transfers between departments as HR do all the right to work checks for permanent or fixed term employees, given that the RTW check is done in one department (i.e. HR), no new RTW check is required. Care should be taken for List B document holders to ensure the visa permits work in the new post. HR Compliance will need to be notified where the document holder is a sponsored employee.
Secondary appointment (not casual)	No for department employees taking a second appointment with another department and the individual holds a List A document. Must seek a copy from the primary employing department and ensure copy is clear. Yes for department employees taking a second appointment with another department and the individual holds a List B document. HR Compliance will need to be notified where the document holder is a sponsored employee.
Academic and other visitors	No if the employee is a UK/EEA national.
Individuals invited to carry out occasional tasks for which they are unpaid but for which expenses may be reimbursed.	No .