



Co-op Right to Work in the UK

Checks – Follow-up Checks Process

Here at the Co-op, we take our responsibilities to prevent illegal working seriously. We don't make any assumptions about who can and who can't work in the UK, so we ask every person we employ to give us evidence that they're allowed to work in the UK and to do the work that we're offering. This includes carrying out follow-up checks when colleagues provide documents that have an expiry date.

There's some serious consequences for Co-op and our managers if we don't get these checks right. We face a £20,000 fine if we employ an illegal worker and haven't checked the documents required by the Home Office. It's also a criminal offence for our managers if they knowingly employ an illegal worker. That could result in up to 5 years in prison and an unlimited fine for them. So, it's important for everyone that we get this right.

If the colleague's right to work is time-limited, then managers need to do a follow-up check when their current right to work is due to expire. The steps below explain the process to follow.

If the Co-op already has got a Positive Verification Notice confirming that the colleague has the right to work, then managers should follow the Positive Verification Notice Expiry process towards the end of this document.

ETW1 – Email reminder

8 weeks before the colleague's right to work documents are due to expire, HR Services will send them an email to remind them that they need to take action. The email will ask them to speak to their manager within a week to let them know where things are up to.

Their manager will get a copy of this email as well, and need to make sure they speak to the colleague within the next week to find out what they're doing about renewing their right to work. We don't expect colleagues to have their new documents at this stage, but we need to know what they're planning to do about getting them. There's a Meeting Guide ETW2 to help.

Once they've talked to the colleague, managers need to update HR Services so they know what's happening. There's a webform ETW3 on the Intranet for this.

ETW4 – Invitation to investigation

If the colleague hasn't provided their new documents by the time there's 4 weeks to go before their current ones expire, HR Services will send their manager an email with an investigation letter attached – ETW4. Managers need to fill in the details for the investigation meeting and give the letter to the colleague. The investigation meeting should happen within a week of getting the letter – so with 3 weeks to go before the colleague's documents expire.

Investigation Meeting

The purpose of the investigation meeting is to find out what the colleague is doing to get documents that show a continued right to work in the UK. There's more information about holding an investigation meeting in the Disciplinary Process. If managers need more advice they can call ER Services.

After the investigation meeting managers need to update HR Services so they know what's happening. There's a webform ETW5 on the Intranet for this.

ETW6 – Invitation to disciplinary meeting

After the investigation meeting, if the colleague hasn't provided their new documents, their manager will need to invite them to a disciplinary meeting using letter ETW6 (ETW7 if it needs to be rescheduled). The disciplinary meeting should happen within a week of the investigation meeting – so with 2 weeks to go before the colleague's documents expire.

Disciplinary meeting

At the disciplinary meeting we should try to find out why the colleague hasn't provided the documents we've asked for, and what they're doing to get them. There's more information about holding a disciplinary meeting in the Disciplinary Process. If managers need more advice they can call ER Services.

If the colleague hasn't provided the documents we've asked for, managers can serve them with notice of conditional dismissal. This means that their employment with Co-op will end on the date their current documents expire, unless they give us documents that show their right to work in the UK will continue.

ETW8 – Disciplinary outcome

The outcome of the disciplinary meeting needs to be confirmed to the colleague in a letter. ETW8 confirms that we've decided to serve them with notice of conditional dismissal and the date this will happen if they don't provide the documents we've asked for.

EITHER ETW9 – Confirmation of dismissal

On the date that the colleague's current right to work expires, if they haven't provided the documents we've asked for then managers should give them letter ETW9. This confirms that their employment with Co-op has ended on the grounds that they have failed to provide evidence that they have the right to work in the UK. They won't get any further notice or pay in lieu of notice. The letter explains their right of appeal.

Managers should then contact HR Services to ensure that the colleague is processed as a leaver.

OR ETW10/ETW11 – Confirmation of continuing employment

If at any time between giving the colleague letter ETW8 and the date that their current documents expire, they provide the documents we've asked for, managers will need to carry out a check on those documents – see the Follow-up Checks section below.

If those documents confirm the colleague has made an in time application, appeal or administrative review, but not yet received the outcome then managers need to give the colleague letter ETW10 which confirms that we've received their documents and we now have 28 days to confirm the details with the Home Office Employer Checking Service.

If the manager receives a Positive Verification Notice from the Home Office, confirming the colleague's right to work in the UK, then managers need to give them letter ETW11 which confirms that their employment with Co-op will continue.

Follow-up Checks

If the colleague provides documents to show that their right to work in the UK will continue managers need to check those in the same way as when they were first hired.

Managers must check the original document(s), that they're genuine and belong to the colleague. Check that;

- photographs and the dates of birth are the same in all the documents and they seem right for the colleague
- expiry dates for permission to be in the UK haven't passed
- any work restrictions allow them to do the work we're offering. If the colleague is an international student with limited permission to work, managers must also obtain and copy details of their term time and vacation dates
- the documents look genuine, haven't been tampered with and belong to the colleague
- the reason for any difference in name across the documents are supporting by other documents – like an original marriage certificate, divorce decree absolute or deed poll. These must be copied as well.

Applications and appeals

If the colleague's made an application, appeal or administrative review, but hasn't received a decision from the Home Office yet, they can give us any of the following documents to show this;

- A copy of their application, appeal or administrative review and a proof of date of postage
- A dated confirmation letter from the Home Office that their application, appeal or administrative review has been submitted
- A Home Office or appeal tribunal reference number and a proof of date of postage

Just so it's clear, we don't accept letters from the colleague's solicitor any more.

Managers then need to send these documents to HR Services who will contact the Employer Checking Service to confirm that the colleague has made a valid application or appeal. Managers should not do this directly. We have 28 calendar days to do this and receive a

Positive Verification Notice from the Home Office. The colleague can continue working during this 28 days.

If at any point in the 28 calendar days HR Services receive a Negative or an Amber Verification Notice, they will contact the manager who will need to speak to ER Services urgently for advice – see the sections below on Negative and Amber Verification Notices.

Copy and send

When managers have checked the document(s) they must take a clear copy of each one and must write on each document “the date on which this right to work check was made: [DATE]”. Just writing the date on the document isn’t enough.

Managers must copy and keep:

- **Passports:** any page with the document expiry date, the person’s nationality, date of birth, signature, leave expiry date, biometric details, photograph and any page containing information indicating that the person has an entitlement to enter or remain in the UK and undertake the work in question. Just so it’s clear, we don’t need to copy the front cover of a passport.
- **All other documents:** the document in full, including both sides of a Biometric Residence Permit, Application Registration Card and Residence Card (biometric format)

Managers need to send the copies to HR Services, with the ETW Disclaimer form. Don’t keep the originals, give these back to the colleague.

- **By webform:** Complete this webform and attach the copies of the documents. This will then send them straight into HR Services
- **By email:** hrrservices@coop.co.uk with the subject heading ‘Visa Renewals’
- **By post:** Visa Renewals Team, HR Services, 7th Floor, 1 Angel Square, Manchester, M60 0AG. You must use recorded delivery and keep a record of the tracking number.

Positive Verification Notice Expiry

If Co-op have already got a Positive Verification Notice which confirms that the colleague has the right to work, this will be valid for 6 months.

When there are 5 weeks remaining on the Positive Verification Notice, HR Services will email managers to remind them to speak to the colleague to confirm that the reference number on the Positive Verification Notice hasn’t changed. Managers should then contact HR Services to let them know the reference number. HR Services will then contact the Home Office’s Employer Checking Service.

If the Home Office confirm that the colleague has a continuing right to work, they will send us another Positive Verification Notice. Managers should send the colleague letter ETW16 to

confirm. If the Home Office send a Negative or Amber Verification Notice, managers should follow the process below for Negative/Amber Verification Notices.

Negative Verification Notices

If we get a Negative Verification Notice back from the Home Office, this tells us that they don't have any records that the colleague has made a valid application or appeal.

Managers must contact ER Services for advice, and follow the Disciplinary Process. They should suspend the colleague and carry out an investigation (ETW12). Managers then need to invite the colleague to a disciplinary hearing (ETW13, ETW14 if you need to reschedule). If the manager decides to dismiss the colleague, this will be without notice or pay in lieu of notice (ETW15). All letter templates are available on the Intranet.

Amber Verification Notice

If we get an Amber Verification Notice back from the Home Office, this tells us that they can't confirm or deny whether the colleague currently has the right to work. The reason for this will be listed on the Notice.

Managers must contact ER Services for advice about what to do next.

Appendix – Lists of acceptable documents for right to work checks

List A
A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area* country or Switzerland.
A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area* country or Switzerland.
A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area* country or Switzerland.
A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
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.
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.
A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, 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.
A birth or adoption certification 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.
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

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.

A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.

A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area* national who is a family member of a national of a European Economic Area* country or Switzerland or who has a derivative right of residence.

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.

Group 2

A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months** old **together with a Positive Verification Notice** from the Home Office Employer Checking Service.

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.

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.

* Countries in the European Economic Area

Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.

Croatian Nationals

A **Blue Registration Certificate** which clearly states that the holder is not subject to work authorisation, giving them free access to the UK labour market and no restriction on who they can work for or the type of work they can do.

A **Yellow Registration Certificate** which clearly states that the holder is a student and authorised to work in line with the conditions attached to their work rights i.e. limited hours during term-time.

A **Purple Registration Certificate** which clearly states that the holder is authorised to work for the named employer and only in the job as stated.

A passport or other travel document endorsed before 1st July 2013 showing the holder has leave to enter or remain in the UK and the endorsement either has no restrictions on employment or states the holder can work for the employer.

An EEA Residence Card or Document Confirming Permanent Residence which confirms that the holder has permanent residence.

A passport, national identity card or travel document confirming the holder's exemption from the requirement to have work authorisation.

International students – from outside the European Economic Area* or Switzerland

A printout from their school, college or university's website or other material published by them setting out the timetable for the course of study

A copy of a letter or email addressed to the person from their school, college or university confirming term time dates for their course

A letter addressed to the Co-op from their school, college or university confirming the term time dates for their course