

Policy: Illegal Immigration Policy

1. Summary

- 1.1. This policy defines WINNS Services Illegal Immigration Policy to ensure it meets requirements.
- 1.2. The Operations Director is responsible for the implementation and management of the Illegal Immigration Policy

Rev.	Date	Nature of Changes	Approved By
1	10/01/2023	Original issue.	C Stebbing
2	27/02/2023	Full review	Full Team

2. POLICY: Illegal Immigration Policy

3. Introduction

The Immigration, Asylum and Nationality Act (2006 Act) makes it illegal for WINNS Services to employ a person aged 16 or over who does not have the legal Right to Work in the UK.

This policy provides a consistent framework for establishing an individual's eligibility to work in the UK and ensuring that we fulfil our legal obligations set out in the 2006 Act.

This policy applies to all employees, self-employed individuals and agency workers (via their recruitment agency). All must supply relevant documents to confirm eligibility.

Before commencing employment at WINNS Services, applicants will be asked to provide documents to confirm that they are eligible to work in the UK.

List A sets out the documents required to confirm that prospective employees are not subject to immigration control and have no restrictions on their stay in the UK.

List B sets out the documents needed if leave to remain in the UK is limited.

WINNS are required to check documentation from either List A or B before employment to establish the statutory excuse.

WINNS will not employ an individual unless they have a legal Right to Work in the UK. All offers of employment will be subject to the candidate providing the required original documents or the organisation being able to carry out a satisfactory check on the Home Office online Right to Work checking service.

If a prospective employee's Right to Work in the UK is time-bound and supporting documents are from List B with an expiry date, WINNS will conduct a new check on continuing Right to Work when documents are due to expire. Alternatively, if applicable, WINNS will carry out a check via the Home Office online checking service, on or before the expiry date. We will retain the records and documents relating to the check on file.

If a successful job candidate is unable to provide evidence of their right to do the work in question, and a Home Office online check, if applicable, fails to confirm the right to do the work in question, we will withdraw the job offer. Under no circumstances will any employee be able to start work without confirmation that they have the Right to Work in the UK.

If it appears to us during employment, an employee does not have the Right to Work in the UK, we will investigate the circumstances. If it is established that they do not, or do not appear to, have the Right to Work in the UK, we may terminate their contract of employment. This is a clear requirement within the contract of employment.

Avoiding Race Discrimination

WINNS will do all that it can to avoid race discrimination in the workplace, and to ensure that no job applicant is excluded from a position because of their colour, race, nationality, or ethnic or national origins.

We will treat all job applicants in the same way at each stage of the recruitment process, and no assumptions will be made based on, for example, appearance or a foreign name. There will be no assumption that a foreign national or someone from an ethnic minority does not have the Right to Work in the UK.

The requirement to provide evidence of the Right to Work in the UK will apply to all appointees, regardless of their race, nationality or ethnic or national origins.

Anyone who cannot evidence their Right to Work in the UK in the role in question will be referred to the Citizens' Advice Bureau for further advice. However, we will not employ such an individual until the necessary checks have been carried out satisfactorily.

Agency Workers

We work with a preferred supplier list of recruitment and agency worker agencies and they are responsible for confirming the Right to Work of all workers that are supplied to us. As part of our engagement with the agency, we will carry out ad-hoc requests on the Right to Work documentation to ensure compliance. This is a key aspect of an agency's performance output and ongoing contract of engagement.

Data Protection

We will ensure that individuals' data, including information about racial or ethnic origin, collected to establish the Right to Work in the UK and to comply with other immigration requirements, are handled by the organisation's data protection policy including processing special categories of personal data.

All information collected is retained in compliance with the Government's guidance on Right to Work checks, which is for the duration of employment and a further two years. Review and Update

This policy is kept under constant review and in line with employment legislation and is the responsibility of the Board of Directors.

RIGHT TO WORK CHECKLIST PROCEDURES

When carrying out a manual Right to Work check, you must obtain original documents from either List A or B of acceptable documents.

List A

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 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 is 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

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 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

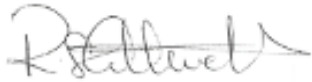
1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A Certificate of Application (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.
3. 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 Rules (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.
4. 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.
5. 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.

Exceptions

If we have correctly carried out the above steps we will have a statutory excuse against liability for a civil penalty if the prospective or existing employee is found working for WINNS illegally. However, we need to be aware of the type of excuse we have as this determines how long it lasts for, and if, and when we are required to do a follow- up check.

If the documents that you have checked and copied are from:

- List A: You will establish a continuous statutory excuse for the duration of that person's employment with you if you have conducted the Right to Work checks correctly before employment begins. You do not have to conduct any further checks on this individual.
- List B group 1: You will establish a time-limited statutory excuse which expires when check the person's permission to be in the UK expires. You should carry out a follow-up when the document evidencing their permission to work expires.
- List B group 2: You have a time-limited statutory excuse which expires six months from the date specified in your Positive Verification Notice. This means that you should carry out a follow-up check when this notice expires.

A handwritten signature in black ink, appearing to read 'R. Allwell', is positioned above a faint, light-colored rectangular stamp.

Signed Date: 27/02/2023

Managing Director