



Prevention of Illegal Working Policy

Statement of Policy

The Company are committed to the compliance with terms of the Immigration, Asylum & Nationality Act 2006, which is designed to prevent illegal working in the UK.

Scope of application

This policy applies to any new employee, whether on salary, wages, fees or any other form of payment and irrespective of the length or duration of the work.

Application of Policy

All staff authorised to offer employment and engage employees in any form of employment must make basic checks on everyone they intend to employ. By checking and copying certain original documents belonging to the potential employee, Guardian can ensure a statutory defence against conviction for employing an illegal worker.

Employment is generally offered in one operational area:

Site work – to carry out core activities at client’s workplaces and premises.

In order to comply with the Act, all potential employees are asked to provide one of the original documents from the following list:

Lists of acceptable documents for right to work checks

The documents that are considered acceptable for establishing a statutory excuse when conducting a manual right to work check in the UK are set out in two lists, List A and List B.

Where a right to work check has been conducted using the Home Office online service, the information is provided in real-time, directly from Home Office systems and there is no requirement to see any or a combination of any of the documents listed below.

List A contains the range of documents which may be accepted for checking purposes for a person who has a permanent right to work in the UK (including British and Irish citizens). If you follow the prescribed right to work checks, you will establish a continuous statutory excuse for the duration of that person’s employment with you.

List B contains the range of documents which may be accepted for checking purposes for a person who has a temporary right to work in the UK. If you follow the prescribed right to work checks, you will establish a time-limited statutory excuse. You will be required to carry out a follow-up check as set out below.

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 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[footnote 2].
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 – Acceptable documents to establish a statutory excuse for a limited period of time

List B Group 1 – documents where a time-limited statutory excuse lasts until the expiry date of immigration leave

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 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.

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 6 months

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.

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.

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.

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.

Records

A copy of the appropriate document(s) is retained for at least 2 years in personnel records following the individual leaving the company together with the date inspected

Samuel Rayner

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Director – TNS CONTRACTORS LTD

Date – 07/09/2023