

## PERSONNEL COMMITTEE - TUESDAY, 13 JUNE 2023

### Report of the Director Finance, Governance and Contracts

#### Part A

#### PREVENTION OF ILLEGAL WORKING GUIDANCE

##### Purpose of Report

Personnel Committee to agree the proposed amendments to the Prevention of Illegal Working Guidance.

##### Recommendation

That Personnel Committee agree the proposed amendment to the Prevention of Illegal Working Guidance to reflect necessary legislative changes.

##### Reason

To accurately reflect the necessary legislative updates required as part of the Council's right to work checks.

##### Policy Justification and Previous Decisions

The Prevention of Illegal Working Guidance was last updated with those amendments agreed at Personnel Committee on 5th October 2021. The proposed amendments to the policy have been agreed at SLT and JMTUM, prior to submission to Personnel Committee.

##### Implementation Timetable including Future Decisions

The decision will come into effect immediately following agreement at Personnel Committee and be published on the Council's intranet.

##### Report Implications

##### ***Financial Implications***

There are no financial implications associated with this decision.

##### ***Risk Management***

There are no specific risks associated with this decision.

##### ***Equality and Diversity***

None identified.

##### **Climate Change and Carbon Impact**

None identified.

### ***Crime and Disorder***

None identified.

### **Wards Affected**

None identified.

### **Publicity Arrangements**

Not applicable.

### ***Consultations***

Not applicable.

### **Links to the Corporate Strategy**

Caring for the Environment	No
Healthy Communities	No
A Thriving Economy	No
Your Council	No

Key Decision: No

Background Papers: Prevention of Illegal Working Guidance

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## Part B

### Background

The UK's withdrawal from the EU and the gradual lifting of the lockdown restrictions have led to additional changes in the right to work legislation. These changes have been reflected in the guidance provided within Annex A.

### Current HR Policies or Procedures

The current Prevention of Illegal Working Guidance makes references to a number of checks that are no longer regarded as valid or compliant; as a result, any references to these checks or documents have been updated or deleted as necessary.

### Background

Please find below an overview of the major revisions to the proposed guidance.

- A Biometric Residence Permit (BRP) – physical copies can no longer be accepted as proof of right to work;
- A Biometric Residence Card (BRC) – physical copies can no longer be accepted as proof of right to work;
- Status issued under the EU Settlement Scheme – since 1st July 2021 EU passport or ID can no longer be accepted as proof of right to work; or
- An eVisa – individuals issued with an electronic visa can only use the online service as proof of right to work.
- Frontier Workers Permit (FWP) – physical copies can no longer be accepted as proof of right to work;
- Online check share codes now are valid for 90 days instead of 30 days.
- The guidance has been updated to advise recruiting managers that they no longer have to see physical documents when carrying out online checks.
- Examples illustrated through images of online checks have been updated as a point of reference for recruiting managers.
- The Settled Status or Pre-Settled Status section of the guidance has been renamed EU Settlement Scheme (EUSS), and it now includes details about what will be applicable if an EU citizen applies for a job after 30th June 2021 but has not yet submitted an EUSS application by the 30th June 2021 deadline.
- For recruiting managers, a new section “Employment of Ukrainian Nationals” has been added to the updated Guidance.
- To reflect the changes in acceptable documents for determining statutory right to work in the UK, Appendix A and B of the guidance have been updated.

## Annexes

Annex A – Prevention of Illegal Working Guidance.