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# OWLS Academy Trust

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## Prevention of Illegal Working: Guidance

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Original, based on Trust Policy 25.06.17

Reviewed annually

Approved by Jonathan Tedds, Chair of Governor

Policy developed by



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This document has been produced to assist in the prevention of employment of individuals who do not have the right to work in the UK. It applies to any employee or worker, or prospective employee or worker, in any school within the OWLS Academy Trust, including casual staff who work on an ad hoc / as and when basis.

The principles of this document also apply to any individuals who may be engaged by a school within the Trust, including contractors and consultants. If an individual is employed through an agency (e.g. employment agency) or another company (e.g. consultancy, contractors), then it is the responsibility of that agency / company to confirm the individual's right to work in the UK. However, schools should ensure that relevant checks detailed in this document have taken place and that they are properly satisfied of that person's entitlement to work in the UK.

In the case of volunteers, Head Teachers should ensure, before engaging an individual, that they have no restrictions on them volunteering within the school.

It is essential that recruiters and Head Teachers understand their responsibilities and comply with this guidance to ensure that all employees or workers within the Trust have the right to work in the UK, in order to prevent fines and damage to school and/or Trust reputation, and to prevent the possibility of criminal sanctions.



## Penalties for Failing to Undertake the Relevant Checks

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Failing to undertake relevant checks before engaging an employee or worker can give rise to significant penalties. The potential financial penalty the Academy Trust could face if it was found to be employing an illegal worker depends on a number of factors. However, the maximum penalty is £20,000 per worker. There is also a significant risk of damage to the school's and Trust's reputation, which should not be underestimated.

In some circumstances there is also the potential for individuals to face criminal sanctions which could include imprisonment and/or an unlimited fine. It is therefore imperative that the necessary checks are carried out in accordance with this guidance, to avoid any possible sanction on the school or the Head Teacher.

In the event that the Trust does incur a penalty for failure to undertake the relevant checks, the full costs will be passed to the recruiting school which failed to undertake the appropriate checks.



## How to Check Eligibility to Work in the UK

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Once a provisional offer of employment has been made, the successful candidate should be asked to bring in **original documents** confirming their entitlement to work in the UK. Acceptable documents for proving this entitlement are split into two lists:

- **List A** – See Appendix A. These documents show that the individual has a permanent right to work in the UK. If an applicant provides a single document or combination of documents specified in this list then they are entitled to work at the school for an indefinite period and there is no requirement to undertake any repeat checks of their documentation.

- List B – See Appendix B. These documents show that the individual has been granted leave to enter or remain in the UK for a limited period of time and/or has restrictions on their right to work. If an applicant provides a single document or combination of documents specified in this list then it is important that any time limits or restrictions are noted and adhered to. There is also a requirement for repeat document checks to be undertaken during the individual’s employment with the school. (See section titled “Continuation of Employment – Undertaking Repeat Checks”)

It is a legal requirement that all relevant documents have been checked and copied prior to the commencement of employment. Any offer of employment made prior to these checks must be made subject to the receipt of appropriate documentation to confirm an individual’s right to work in the UK. **A contract must not be issued nor the individual set up on the payroll system until this information has been received.**

When checking documents provided by the successful candidate, the following 3-step check should be undertaken:

### Step One

Ensure that any documents provided are originals and are either a single document or specified combination of documents from List A or List B (See Appendices A and B). **Photocopies of documents provided by the individual are not acceptable.**

Some of the documents detailed in List B require verification by the Home Office Employer Checking Service. Where this is specified the school should make an application to Home Office and advise the individual that this check is being undertaken. Details of how to make the application and the information required are available on the [gov.uk website](http://gov.uk). Support is available from LCC HR Services if required. Copies of the documents relating to this check and the **positive verification notice** received from the Employer Checking Service **must** be kept on the employee’s personal file along.

If a **negative verification notice** is received from the Employer Checking Service it will not be possible to progress the individual’s appointment as this notice confirms that they do not have permission to do the work in question. In these situations, advice should be sought from LCC

### Step Two

In the presence of the individual you must confirm the validity of each document by checking that:

- Any photographs are consistent across documents and with the appearance of the individual;
- Any dates of birth listed are consistent across documents and correspond with the appearance of the individual;
- The expiry dates of any limited leave to enter or remain in the UK have not passed;
- Any UK government endorsements (biometric residence permits, stamps, stickers, visas, etc) do not restrict the individual from being allowed to do the type of work being offered;
- The documents appear to be genuine (i.e. no typographical errors, etc), have not been tampered with, and belong to the individual

If the individual provides two documents that have different names, the school should ask for a further document to explain the reason for this. The further document could be, for example, a marriage certificate, a divorce decree absolute, a deed poll or statutory declaration.

If there is any suspicion that a document provided is not genuine or legitimate then advice should be sought from LCC HR Services as soon as possible, as it may be necessary to make further enquiries or to report the individual to the Home Office.

### Step Three

Take a photocopy of each document (including both sides of a Biometric Residence Permit). In the case of a passport, the following parts must be photocopied:

- Any page containing the individual’s personal details, in particularly any page that provides details of the nationality, photograph, date of birth, signature, expiry date or biometric details;
- Any page containing information indicating that the individual has permission to enter or remain in the UK and has the right to carry out the work in question.

The recruiting manager must sign each photocopy to confirm that the original document has been checked. These photocopies should then be kept on the employee’s personal file.



## Who Can Work in the UK Without Restriction?

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The following groups of people can be employed in the UK without any restrictions. However, the document checks detailed above must still be undertaken before the individual starts work:

- British citizens;
- Commonwealth citizens with the right of abode;
- Nationals from the Common Travel Area (i.e. the UK, the Channel Islands, the Isle of Man and Ireland);
- Nationals from Switzerland and the following European Economic Area (EEA) countries:

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

- Family members of adult nationals from EEA countries and Switzerland, providing the EEA/Swiss national is lawfully residing in the UK.



## Sponsoring Workers from Outside of the EEA

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In order to employ a worker from outside the European Economic Area (EEA) or Switzerland, the academy will need to act as their sponsor. Further information regarding how to become a sponsor is available on the [UKBA website](#).



## Employing Students from Outside of the EEA

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Students from outside of the European Economic Area (EEA) can work in the UK providing their conditions of entry into the UK allow this. Those who have a Tier 4 (general) or student visa (issued prior to the introduction of Tier 4) can work in the UK, subject to certain restrictions.

There are strict conditions on the type of work students can undertake and the number of hours they can work whilst studying in the UK. They must not:

- Work form more than 10 or 20 hours per week, depending on their course and when they made their application for a Tier 4 (General) or student visa (see the gov.uk website for more details);
- Work on a self-employed basis; or
- Seek to pursue their career by filling a permanent full-time vacancy.

“Student visitors” are not permitted to undertake employment or a paid or unpaid work placement as part of their course.

Recruiters should follow the three-step checking process set out in section 4 of this document.

Where documents are provided which indicate that the student has a limited right to work in the UK, the student **must** also provide evidence of their academic term and vacation dates for the duration of their studies in the UK, for which they will be employed by the school. This evidence should originate from the education institution which is sponsoring the student and may include:

- A printout from the student’s education institution’s website or other material published by the institution setting out its timetable for the student’s course or study;
- A copy of a letter or email addressed to the student from their education institution confirming term time dates for the student’s course; or
- A letter addressed to the school, from the education institution, confirming term time dates for the student’s course.

A copy of the evidence provided should be retained on the employee’s personal file.

Any offer of employment made prior to these checks must be made subject to the receipt of the appropriate documentation to confirm an individual’s right to work in the UK. **A contract must not be issued nor the individual set up on the payroll system until this information has been received.**



## **Employing Asylum Seekers, Refugees & those Granted Humanitarian Protection**

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An asylum seeker is an individual who has made an application to be recognised as a refugee under the Geneva Convention or has otherwise made an application for international protection. They do not normally have the right to work in the UK and can only be lawfully employed if these restrictions have been lifted.

If an asylum seeker is allowed to work they will hold a Home Office issued Application Registration Card which states:

- Allowed to Work;
- Employment Permitted;
- Work Restricted - SOL (i.e. Shortage Occupation List);
- Work Restricted - Student; or
- Work Restricted - Other.

If an asylum seeker's Application Registration Card states that work is restricted, the recruiter should ensure they do not employ them in breach of these restrictions. As well as checking and taking copies of the card stating that work is allowed, the recruiter will need to make an application to the Home Office Employer Checking Service for verification. The individual should be advised that this check is being undertaken. Details of how to make this application and the information required are available on the [gov.uk website](#). Support is available from HR Services if required. Copies of the documents relating to this check and the confirmation of right to work letter that the UK Border Agency provides **must** be kept on the employee's personal file.

An asylum seeker whose claim is successful is granted refugee status. Where a person does not qualify for protection under the Geneva Convention, they may be granted humanitarian protection instead, if there are substantial grounds for believing that if removed to their country of origin they would face a real risk of serious harm.

Refugees and those recognised as requiring humanitarian protection have no restrictions on the type of work they can do in the UK, as long as they continue to hold this qualifying status. A refugee will normally be able to provide proof of their status and their right to work in the UK with a combination of documents set out at [List B](#). Recruiters should follow the three step checking process set out in the '[How to check whether someone is eligible to work in the UK](#)' section.

Checks on an asylum seeker's or refugee's documentation should be carried out prior to the individual commencing in their role and once every 12 months thereafter. Any offer of employment made prior to these checks must be made subject to the receipt of the appropriate documentation to confirm an individual's right to work in the UK. **A contract must not be issued nor the individual set up on the payroll system until this information has been received.**

The academy does not need to sponsor an asylum seeker, refugee or individual with humanitarian protection (providing they have the right to work in the UK) in order to employ them.



## The Use of Volunteers

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The following groups of people are permitted to volunteer in the UK without any restrictions:

- Individuals with refugee status or those recognised as requiring humanitarian protection;
- Nationals of the countries listed below:

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

Citizens from other countries will need to confirm their entitlement to volunteer in the UK. It is the individual's responsibility to contact the UK Border Agency to check their visa or entry clearance conditions. Before accepting a volunteer, Head Teachers/Principals are advised to obtain confirmation of their entitlement to volunteer from the individual.

Asylum seekers are only allowed to volunteer with registered charities, voluntary organisations or bodies that raise funds for either. Individuals on a visitor or student visitor visa are not allowed to volunteer in the UK.



## Withdrawing and Offer of Employment

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If the successful candidate fails to provide appropriate documentary evidence within a specified timescale (**which must be before they start in the role AND before a contract of employment or contract for services is issued**) it may be justifiable to withdraw the offer of employment. Advice should be sought from HR Services before withdrawing an offer of employment for this reason.



## Continuation of Employment – Undertaking Repeat Checks

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Where documents only grant temporary permission to work in the UK, once employed, the Head Teacher/Principal is required to check that the individual's right to work in the UK continues during the whole period of their employment with the academy.

### **This check must be undertaken by the Head Teacher/ Principal:**

- Documents from List B (Group One) - a follow up check must be undertaken at the point when this document is due to expire;
- Documents from List B (Group Two) - a follow up check must be undertaken six months after the positive verification notice was received.

The three step checking process detailed in the earlier section [‘How to check whether someone is eligible to work in the UK’](#) must be followed.

The Head Teacher/Principal should complete the relevant [checklist](#) and place this on the employee's personal file along with a photocopy of the relevant document(s). Some of the documents detailed in [List B](#) require verification by the Home Office Employer Checking Service. Where this is specified, the Head Teacher/Principal must make an application and advise the individual that this check is being undertaken. Copies of the documents relating to this check and the **positive verification notice** received from the Employer Checking Service **must** be kept on the employee's personal file.

If, during the rechecking process, the employee provides a single document or combination of documents specified in List A then there is no requirement to undertake any further checks for the remaining duration of their employment with the academy.

If at the time of checking the employee has an outstanding application with the Home Office or an appeal to extend their leave in the UK, the Head Teacher/Principal must contact the [Home Office Employer Checking Service](#). This service will confirm whether the individual has the right to continue to work in the UK.

If a **negative verification notice** is received from the Employer Checking Service advises that the employee is not entitled to continue to work then the procedure set out in the [‘Failure to Maintain Right to Work’](#) section will be followed.

Failure to undertake these checks may result in the academy being liable to a penalty if the employee is found to be working illegally or potentially criminal sanctions being imposed.



Where the line management of an individual transfers to another manager, the original manager should detail in writing to the new manager the status of the individual's permission to work in the UK and their responsibilities in reference to this guidance. They should also set out any dates where such permission to work in the UK is due to expire and any restrictions that are in place (e.g. maximum working hours, etc).



## Failure to Maintain Right to Work

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If the school or Academy Trust becomes aware, either as part of the recheck process or from another source (e.g. the UK Visas and Immigration ), that an employee may no longer have the right to work in the UK then the following process should be followed:

- The Head Teacher/Principal should meet with the employee as soon as possible to ascertain whether they have the required documentation to evidence their continued right to work in the UK (see [Appendix A](#) and [Appendix B](#) for a list of acceptable documents).
- The employee should be given 48 hours to provide the required (original) documentary evidence.
- If the employee provides the required evidence, the Head Teacher/Principal should complete the [repeat checklist](#) and place it on the individual's personal file along with a photocopy of the relevant document(s).
- If the employee fails to provide the required evidence, the Head Teacher/Principal should consider whether suspension is necessary. This should be discussed with a representative from HR Services.
- If approved, the employee will be suspended from work, without pay, pending confirmation of their entitlement to work in the UK. The Head Teacher/Principal should confirm the reason for the suspension in writing to the employee as soon as possible (usually the next working day at the latest). A template letter is attached at [Appendix D](#).
- Periods of suspension will be kept as short as possible and Head Teachers/Principals are expected to undertake a weekly review of the case.
- During the process, the employee may advise that their case is currently being dealt with by the Home Office. In such cases the Head Teacher/Principals should make contact with the Home Office Employer Checking Service in order to verify this information.
- If the employee is subsequently able to provide evidence of their right to work in the UK, the suspension should be lifted and the employee's salary reinstated from the date of suspension. In some circumstances (e.g. repeated failure to provide relevant documents on request) it may be necessary to consider whether disciplinary action is appropriate.
- If the employee is unable to provide evidence of their right to work in the UK and enquiries with other agencies (e.g. the Home Office) do not confirm their entitlement, then a meeting should be arranged to consider the employee's continued employment. The employee should be advised in writing of the reason for the meeting and that a potential outcome is termination of their employment without notice. Where this is the case, the Head Teacher/Principal should also contact HR Services to discuss informing the Home Office of the situation.

Where it is necessary to consider the termination of an employee's employment then the following process should be followed. The outcomes of such a meeting will usually be that the employee's employment should be terminated without notice or payment in lieu of notice, that it should not be terminated, or that the employee should be given a further period to demonstrate that they have the right to work in the UK.

### The Meeting

- The meeting should be held with the person or panel who has been given delegated responsibility.
- It is recommended that a representative from HR Services is present at the meeting.

- The employee has a right to be accompanied by a work colleague or Trade Union representative.
- The employee must take all reasonable steps to attend the meeting. If the employee fails to attend the meeting, enquiries should be made as to the reason for their non-attendance. If the employee was unable to attend for a valid reason, then the meeting should be rearranged. If the employee fails to provide an acceptable reason or fails to attend the rearranged meeting, the meeting will go ahead in the employee's absence.
- The employee should be given the opportunity to present any evidence to prove their continued right to work in the UK.
- Notes should be taken of the meeting and a copy provided to the employee.
- At the end of the meeting the employee will be informed of the decision. This should be confirmed in writing within 5 working days.
- The employee has the right to appeal the decision.

## **Appeal**

- The appeal must be submitted to the delegated person / panel within 5 working days of receiving written notification of the outcome and set out the reasons for the appeal in full.
- The appeal will be heard by a panel of three Governors who were not involved in the original decision making process. It is recommended that a representative from HR Services is present at the meeting.
- The employee has a right to be accompanied by a work colleague or Trade Union representative.
- The employee must take all reasonable steps to attend the meeting. If the employee fails to attend the meeting, enquiries should be made as to the reason for their non-attendance. If the employee was unable to attend for a valid reason, then the meeting should be rearranged. If the employee fails to provide an acceptable reason or fails to attend the rearranged meeting, the meeting will go ahead in the employee's absence.
- The employee should be given the opportunity to present any evidence to prove their continued right to work in the UK.
- Notes should be taken of the meeting and a copy provided to the employee.
- After the meeting the employee must be informed of the final decision. This should be confirmed in writing within 5 working days.



## **Transfer of Undertakings**

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Employees who are TUPE transferred into the academy must have their documents checked within 60 days of the transfer taking place. Head Teachers/CEO should follow the three step checking process set out in the [‘How to check whether someone is eligible to work in the UK’](#) section.



## Appendix A – List A Documents Satisfying Continuous Right to Work

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- A passport showing that 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 that 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 which indicates that the person named in it 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, or the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination 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 **when produced in combination 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 certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination 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, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.



## Appendix B - List B Documents Satisfying Right to Work for up to 12 Months

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### Group One

- A **current** passport or endorsed to show that the holder is currently allowed to stay in the UK and is 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 person named in it 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;

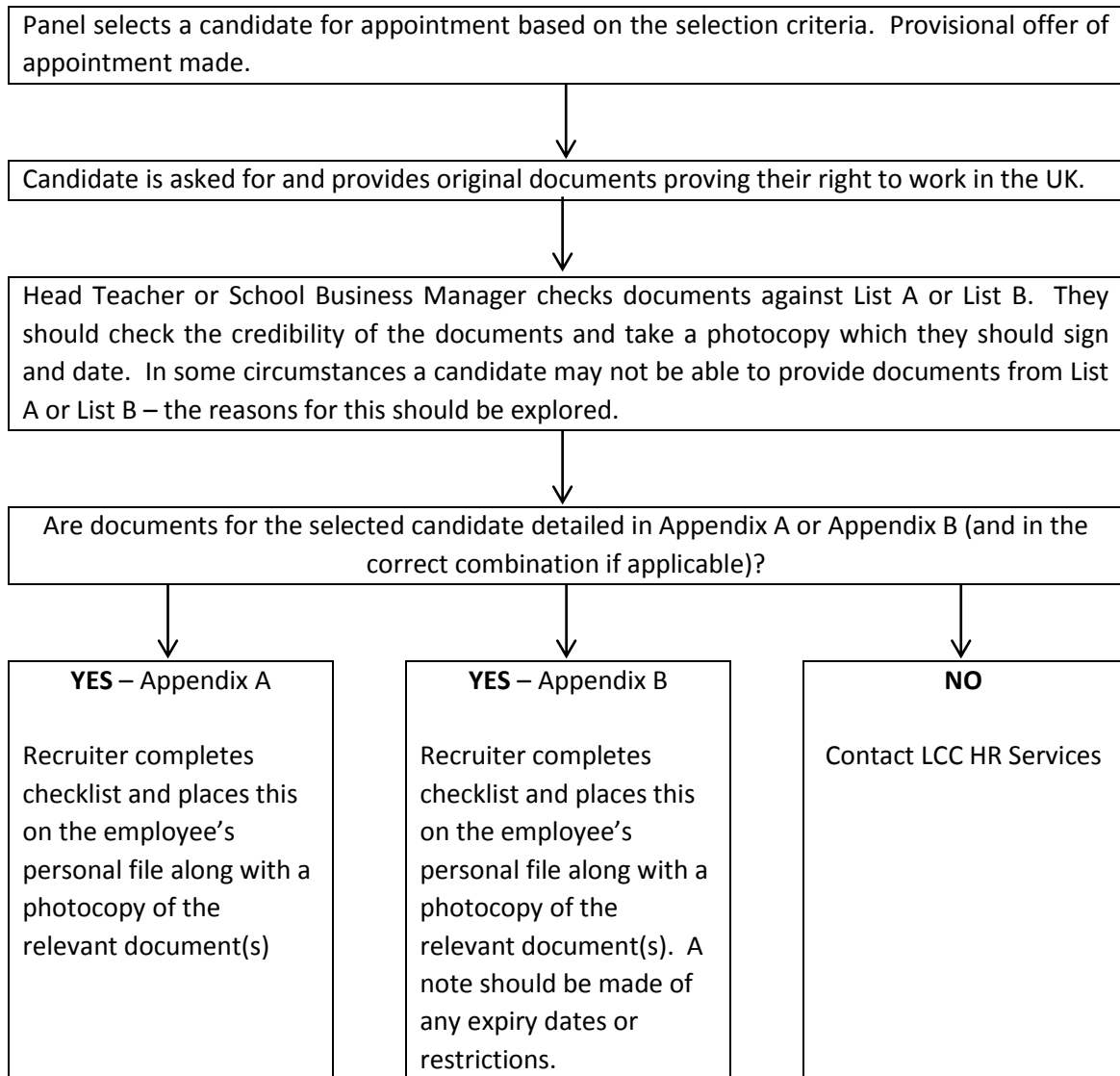
### Group Two

- A Certificate of Application which is less than 6 months old issued by the Home Office, or the UK Border Agency to or for a family member of a national of a European Economic Area country or Switzerland, stating that the holder is permitted to take employment **when produced in combination 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, **when produced in combination with** a positive evidence of 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.



## Appendix C – Checking Right to Work in the UK Flowchart

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## Appendix D – Letter Confirming Employee’s Suspension

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STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear

I am writing to confirm the outcome of our meeting on [date] during which you were advised that, as you have failed to provide evidence of your continued right to work in the UK, you were being suspended from work, without pay, with immediate effect.

Whilst on suspension you must be contactable at all times during your normal working hours and you will be required to make yourself available for meetings as appropriate. You have the right to be accompanied at any such meetings and this can be a work colleague or a Trade Union representative.

Please note that if you are unable to provide evidence of your right to work in the UK by [date] and enquiries with other agencies do not confirm your entitlement, then a meeting will be arranged to consider your continued employment with the academy.

If you are able to provide evidence of your right to work in the UK, the suspension will be lifted and your salary reinstated from the date of suspension. In some circumstances (e.g. repeated failure to provide relevant documents on request) it may be necessary to consider whether disciplinary action is appropriate.

During your suspension I will contact you on a weekly basis to confirm progress however in the meantime if you have any updates then please contact me immediately on [telephone number].

[I appreciate that this is a concerning time for you and would like to remind you that the services of the Wellbeing Service are available to you on (0116) 3056178.]

A copy of the Prevention of Illegal Working Guidance is enclosed for your information.

If you have any questions regarding the contents of this letter then please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name]

[Head Teacher]



## Appendix E – Letter Lifting Employee’s Suspension

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STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to advise that following my letter dated [date of suspension letter] I have reviewed your suspension.

As I am now in receipt of confirmation of your entitlement to work in the UK it has been decided that your suspension from work is to be lifted with effect from [date] and your salary reinstated from [date].

In order to assist you with your return to work, I would be grateful if you would attend a meeting with me at [time] on [date] in [location] to discuss how this could be best facilitated.

Please do not hesitate to contact me on [telephone number] if you have any questions regarding the contents of this letter.

Yours sincerely,

[Name]

[Head Teacher]



## Appendix F – Letter Inviting Employee to Meeting

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STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

Further to my letter dated [date] confirming your suspension from work, I am now writing to invite you to attend a meeting at [time] on [date] in [location]. Also in attendance will be [name] from HR Services and [name] to take notes. On arrival you should report to [location] and ask for [name].

The purpose of the meeting is to consider whether you are still entitled to work in the UK and therefore if your employment with the academy should continue. You may, if you wish, be accompanied at the meeting by a work colleague or Trade Union representative.

Please note that if you are unable to provide copies of the relevant documents confirming your entitlement to work in the UK then your employment with the academy will be terminated with immediate effect.

Enclosed is a copy of the documents that will be considered at the meeting. During the course of the meeting you will have the right to hear and question all of the evidence presented. You will also have the opportunity to present your case and to provide any evidence which confirms your entitlement to work in the UK.

I would be grateful if you would please confirm that you are able to attend the meeting. Please note that failure to attend without an acceptable reason may result in the meeting going ahead in your absence.

If you, or your representative, require any special arrangements in order to attend the meeting, please contact me as soon as possible so that I can facilitate these for you.

A copy of the Prevention of Illegal Working Guidance is enclosed for your information. Please do not hesitate to contact me if you have any questions regarding the contents of this letter.

Yours sincerely,

[Name of person who has been given delegated responsibility]

[Job Title]





## Appendix G – Letter Confirming Outcome of Meeting

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STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of our meeting on [date] which I conducted with support from [name] in HR Services. Also present were [name] as your representative and [name] as note-taker.

The purpose of the meeting was to consider your eligibility to still work in the UK and therefore if your employment with the academy should continue.

### Option One

*As you were able to provide copies of the required documentation showing your entitlement to work in the UK, I can confirm that your employment with the academy will continue as per your contract of employment.*

*Your suspension from work will be lifted with effect from [date] and your salary reinstated from [date].*

*It is a condition of your employment that you continue to maintain your entitlement to work in the UK throughout your employment with the academy and produce, when requested, copies of any original documentation confirming this entitlement. You must also notify the academy immediately if your entitlement ceases at any time during your employment.*

### Option Two

*As you failed to provide copies of the required documentation showing your entitlement to work in the UK, I have no other option but to terminate your employment with the academy with immediate effect. Your P45 will be forwarded to you shortly.*

*Please note that I will also be contacting the Home Office to make them aware of this decision.*

*You are required to return any property which is still in your possession and [name] will be in contact with you to arrange this.*

*You have the right to appeal against this decision and should submit this to me within 5 working days of receiving this letter, setting out the reasons for your appeal in full. Should you decide to appeal; the effect of the dismissal will still stand pending the outcome of the appeal meeting.*

A copy of the notes taken at the meeting is enclosed for your information.

Yours sincerely,

[Name of person who has been given delegated responsibility]

[Job Title]



## Appendix H – Invitation to Appeal Meeting

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STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

Following receipt of your appeal against the decision to terminate your employment for failing to provide confirmation of your continued right to work in the UK, I am writing to invite you to attend an appeal meeting.

Your appeal will be heard by [enter names of panel] with support from [name] in HR Services at [time] on [date] in [location]. [Name] will also be in attendance to take notes. On arrival you should report to [location] and ask for [name]. You may, if you wish, be accompanied at the meeting by a work colleague or Trade Union representative.

Enclosed for your attention is a copy of management's response to your appeal statement, along with supporting documents. I will be in attendance at the meeting to present the management case.

The outcome of the appeal hearing will be to either:

- Uphold the original decision taken (i.e. your dismissal will still stand);
- Overturn the original decision and reinstate your employment.

Please be advised that the decision of the appeal hearing will be final and there is no further right of appeal.

I would be grateful if you would please confirm that you are able to attend the meeting. Please note that failure to attend without an acceptable reason may result in the meeting going ahead in your absence.

If you, or your representative, require any special arrangements in order to attend the meeting, please contact me as soon as possible so that I can facilitate these for you.

If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name of Chair of Panel]

[Job Title]



## Appendix I – Outcome of Appeal Hearing

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STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the appeal meeting held on [date] which was heard by [enter names] with support from [name] in HR Services. Also present was [name] as your representative and [name] as note-taker.

You appealed against the decision to terminate your employment as a result of your failure to provide confirmation of your continued right to work in the UK. The reason for your appeal was [reason].

Having considered the evidence provided at the hearing, I have decided to [uphold the original decision to terminate your employment as you have still not provided the required documentation to confirm your entitlement to work in the UK] or [overturn the original decision to terminate your employment as you have now provided the required documentation to confirm your entitlement to work in the UK]. Include details of any additional actions/ recommendations and reasons for decision.]

The decision of the appeal hearing is final and there is no further right of appeal.

A copy of the notes taken at the meeting is enclosed for your information.

Yours sincerely,

[Name of Chair of Panel]

[Job Title]