

Right to Work Check Audit

All employers in the UK have a duty to prevent illegal working.

To comply with this duty and provide a statutory excuse against any liability, you must conduct right to work checks in accordance with the guidance.

If you are found to be employing someone illegally, and right to work checks have not been carried out correctly as per the Home Office guidance, you will not have the benefit of the statutory excuse. Sanctions for illegal working can include a civil penalty of up to £60,000* per illegal worker and/or a criminal conviction carrying a prison sentence of up to 5 years and an unlimited fine, amongst others.

We can assess whether your checks comply with the guidance and improve your processes moving forward.



***£60,000 fine is for repeat offenders. Those committing a first offence will be fined up to £45,000 (per illegal worker).**

Changes as of:
13th February 2024



Current vs new fines

New legislative changes mean that fines, if your business is found to have illegal foreign workers, will triple compared to the previous rules.

It has been reported that 7 businesses in the Northeast have been fined a collective £145,000 for illegal working. Under the new regime, this would total approximately **£435,000**.

Collectively, 4 restaurants were fined approximately £75,000 for illegal working. Under the new regime, this would now equate to approximately **£240,000**.

18 businesses in the Northeast were fined a collective £320,000 for illegal working. Under the new regime, this would total approximately **£960,000**.



What can we help with?

Our immigration team will conduct an audit of your processes and documents, to include:

- examining your existing right to work processes
- reviewing a sample of up to 5 employees' right to work check documents to check compliance
- assessing your document retention processes
- reviewing your HR systems for employees who have visas with expiry dates
- providing you with a report after the audit, detailing our findings and any recommendations
- providing you with documents to help you streamline your right to work processes and ensure going forward right to work checks are carried out properly but as efficiently as possible.



Please reach out to our team for information on fees and guidance.

**Capital
Law**

