

Rt Hon Robert Jenrick MP
Minister of State for Immigration
Home Office
2 Marsham Street
London
SW1P 4DF

15 November 2022

Dear Minister,

Ongoing concerns about digital Right to Work

Congratulations on your appointment as Minister of State for Immigration. The [Recruitment & Employment Confederation](#) is keen to continue the excellent working relationship we have had with your department in the over the last couple of years, particularly around the introduction of digital right to work (RTW).

The implementation of digital RTW checks has been a much-needed step in the right direction, towards a more secure and effective identity checking service. However, we have several concerns about how the system is working in practice. We think it is important to bring to your immediate attention to these, given your new role and the focus of the Government on helping the UK's economy to grow.

The recruitment industry places one million temporary workers onto assignment with a range of different employers on any given day, and engages with millions more. When dealing with this volume of candidates, it is crucial that an efficient, fair and robust RTW system exists. Unfortunately, our members have highlighted a number of shortcomings with the new Identity Document Verification Technology (IDVT) system since its introduction in April.

Disparity between UK nationals and overseas candidates

Prior to the introduction of IDVT, we raised concerns that the new system creates a disparity between UK national and overseas jobseekers. Overseas candidates can use the free online checking service to verify their RTW, using a share code. UK nationals either have to use the new IDVT system, which incurs a non-trivial fee for each and every check, or use the manual in-person checking system. This takes much longer and disadvantages workers who have to pay - either for the check or for travel and time off work to do the check. Ultimately, it means it is taking longer to get UK candidates into work. We would like to see parity in the checking service available to UK and international candidates. This should start with Government working with the REC and others to reduce the costs of these checks. They are routine checks of status - with a million temporary workers in work every day, economies of scale should mean that they can be done for a few pence per check, not several pounds. We would ask the Home Office to improve competition in this space, and to consider other ways of simplifying and reducing the cost of the system to both employers and workers.

Disparity in the use of expired passports as a valid document for UK citizens

An expired passport has always been accepted as valid proof of the right to work of a UK citizen for manual RTW checks, yet it cannot be used for digital ones. Home Office guidance states, rightly, that an expired passport is still acceptable for the manual check, so excluding this from digital checks creates inconsistency. Recruiters are finding it also acts as a barrier to

work-seekers in some communities and amongst lower paid people, who cannot afford and don't need a new passport. Even where the cost is not an issue, the backlog in issuing new passports is causing some to experience delays of several months. Given labour shortages in the UK, this additional delay is hurting businesses that need staff urgently. Allowing IDVT providers to accept expired passports through their platforms would help to address this issue.

Quality and consistency of IDSPs

There is also a concern over the quality and consistency of some current digital technology providers. As the Home Office has not prescribed a mechanism for digital RTW, different providers are using different technologies and systems to conduct checks. This can cause confusion for employers who are trying to differentiate between providers and the services they offer. Additionally, there is no legal requirement for a provider to be certified, regardless of the Home Office having a list of certified providers. This leaves businesses, particularly SMEs, vulnerable to unscrupulous and uncertified providers offering non-compliant RTW checks. Requiring all providers to be accredited by the Home Office and working to reduce the cost of certified checks would help to address these concerns, and ensure recruiters know that all providers are meeting a certain standard. There is also a question of where liability sits in the event of a failure. Where an unaccredited IDVT provider verifies a work seeker's right to work in a way that is not sufficient to fulfil the employer's statutory excuse, it is still the recruiter that would be liable for Home Office fines of £20,000 per illegal worker. Introducing a level of liability for the company performing the check would help to alleviate these concerns, particularly where it is their error that has led to illegal working.

It would be great to have the opportunity to meet with you to discuss our concerns over the new system in more detail and understand how the REC can support you and the department at this critical time. Ellie (ellie.goddard@rec.uk.com) in my office would be happy to arrange a meeting at your convenience.

Yours sincerely,



Neil Carberry
Chief Executive
Recruitment & Employment Confederation