



Changes to Right to Work checks for Covid-19 – bulletin intelligence report

The ADVP is a trade association representing companies that provide electronic validation of identity documents in the UK. The wide range of technology solutions are used across the public and private sectors to check millions of identity documents every year for a multitude of purposes, including Right to Work checks. In addition to identity document validation, some members also provide a full Right to Work managed service. Those members involved in Right to Work check the identity documents of hundreds of thousands of new employees per month on behalf of their clients.

In response to the Covid-19 crisis, the Home Office announced temporary changes to the Right to Work checks on 30 March 2020. The main change was removing the requirement for the employer to see the original identity document, although video technology is required to be used to see the candidate with the physical identity document. The original identity document must be checked once the temporary Covid-19 change is revoked.

Prior to the Covid-19 crisis, there already existed pressure from some employers to remove the need to see original identity documents as part of the recruitment process to increase speed to employment and reduce cost. This pressure has been supported by those keen to see the wider introduction of digital identity across all aspects of the economy. On the other side of the debate, the Home Office is clearly tasked with minimising the number of illegal workers in the UK and the use of Right to Work checks is an important part of its current strategy to deliver on that task.

In producing this bulletin intelligence report, the ADVP is not endeavouring to influence either side of the debate regarding the pros and cons of seeing original identity documents as part of the Right to Work checking process. Rather, it hopes that the intelligence provided informs all parties interested in this subject as they consider whether the temporary measures allowed for Covid-19 could or should, in some way, be continued after the crisis.

The headline finding is that there has been no change in the detection of fake identity documentation detected by members of the ADVP operating in the Right to Work arena since the commencement of the new Covid-19 guidelines on 30 March. However, the following factors need to be considered in evaluating this statistical fact:

- The pre Covid 19 data used has been derived from January, February and March 2020 only as it was decided not to compare data from 2019 as that could be influenced by other factors, namely Brexit (for which a separate intelligence bulletin will be produced in due course)

- The Covid-19 data has been derived from April 2020 (a full month of the new guidelines) and only relates to documents detected as part of Right to Work checks
- Most of the data is derived from sectors that have a higher risk of illegal working and therefore tend to carry out more electronic validation of identity documents as part of their Right to Work checks, namely:
 - Construction
 - Healthcare recruitment
 - Umbrella
 - Facilities management

Although the hospitality sector would normally be included in this analysis as a sector at higher risk of illegal working, it has been omitted as the sector essentially stopped all recruitment in April.

As previously stated, all interested parties may draw their own conclusions from the statistical fact that there has been no change in the detection of fake identity documents in Right to Work checks during the temporary Covid-19 changes, but the ADVP would offer the following comments that have been derived from either its own analysis or discussion with clients of members:

- Many higher risk organisations (NHS, local authorities) have either not altered their Right to Work processes or consider the use of the temporary rules as a last resort and will most certainly revert to wanting to see original documents and carry out robust (scanner checks) on those documents as the checks are about other protections and not just Right to Work. However, many recruitment agencies and other employers in lower risk employment environments are content to use Cloud based solutions with lower levels of validation (which is still far more effective in detecting fake documents for illegal working than the visible inspection of the original document). These varied responses might lead to consideration of a risk-based approach to Right to Work checks dependent on sector and risk of illegal working (data is available to define the higher risk sectors in terms of detection of fake documentation)
- There has been no change in the use of remote (Cloud based) validation by existing clients – no client has seen the temporary changes as a lessening of the requirements to check the authenticity of identity documents presented for Right to Work
- The temporary changes have acted as a catalyst for organisations not currently using electronic validation to investigate remote validation as a new tool as they feel they may be at a greater risk of illegal working by virtue of not being able to see the original documents

- All the analysis must assume that an organisation using remote validation technology is complying with the requirement to see the identity in possession of the candidate via video to minimise imposters seeking work with documents belonging to other people
- It seems apparent that many companies would like to see the increased use of digital identification but not necessarily, digital identity, that brings with it a significantly increased number of other challenges such as standards of checking, interoperability, liability etc
- The necessity and value of facial recognition/liveness tests to help better facilitate remote checks has been raised by several clients but clearly does not currently comply with the amended regulations requiring the employer to see the candidate and original document via video link. Therefore, making use of such technology in any future risk-based approach to Right to Work checks may be worth active consideration