

ILLEGAL WORKING PREVENTION PROCEDURE

PROCEDURE — COMPANY FILE

Right to work controls for employees, agency, self-employed and subcontracted labour — before work starts

KD-PQ-IW-018 Rev A0

Immigration, Asylum and Nationality Act 2006 s.15: employing an adult subject to immigration control who has no permission to do the work can bring a civil penalty — up to £60,000 per illegal worker (Home Office employer's guide, 26 June 2025) — and the employer is excused only if it complied with the requirements the Immigration (Restrictions on Employment) Order 2007 prescribes, and not if it knew at any time during the employment that it was unlawful (s.15(3) and (4)). The checks must be made before the employment begins (art 5). Employing someone knowing, or having reasonable cause to believe, that they are disqualified by their immigration status is an offence (s.21). "Adult" means 16 or over (s.25). For a document check the employer takes all reasonable steps to check validity, records the date of the check, and keeps a clear copy securely for not less than two years after the employment ends (art 6(1)); an online check is kept for the same period (art 4B(1)(d)). FROM 1 OCTOBER 2026: sections 14A and 15A of the 2006 Act, inserted in 2025, bring engaging an individual under a worker's contract and engaging an individual sub-contractor into the scheme, and treat a business contracted to provide work as employing every individual who personally does any part of it through its chain of contracts, even with no contract with them and without knowing they are doing it (s.15A(4) and (5)); SI 2026/700 adds article 5B — the terms and systems that business needs to keep its excuse — replaces the digital identity route with right to work digital verification service providers registered under the Data (Use and Access) Act 2025, and brings into force on the same day two revised codes of practice: on preventing illegal working, and on avoiding unlawful discrimination while preventing illegal working (arts 11 and 12). The Home Office published a draft guide for that date on 11 September 2026: check the final version before relying on this sheet. The scheme applies across the UK. One person's check is recorded on KD-HR-RW-001, which holds no document copies; modern slavery requirements are KD-PQ-MS-004; the subcontractor's own answer is KD-SUB-PQ-001 question 7.1.

The 2006 Act, the Order and the Home Office guide in force on the day of a check govern — follow them wherever this procedure differs, and take advice where a penalty or a person's job is at stake.

Evidence for: CAS v5 Q55 — right to work checks. Also Q158 — declared immigration breaches.

What this procedure cannot supply: the evidence that checks are made — dated check records (KD-HR-RW-001), copies held securely, and the terms issued to subcontractors and labour suppliers. An assessor may sample them. A micro-business may use the written statement in section 6.

The question numbers are Build UK's; the topic tags are ours. This document records what the business does; the assessment body decides what it accepts. Version 6 of the question set is due on 1 November 2026 and is not yet published — check the numbers against the version you are assessed on.

1 THE BUSINESS

COMPANY LOGO add it in your PDF editor, or print and paste it here	BUSINESS NAME	COMPANY NO.	PEOPLE EMPLOYED	VERSION	
	REGISTERED / TRADING ADDRESS	RIGHT TO WORK LEAD (DAY TO DAY)			
	POLICY DATE	APPROVING DIRECTOR	POSITION	NEXT REVIEW DUE	

2 POLICY

Nobody works for this business, or on its sites through its supply chain, without the right to do that work in the UK. Everyone we employ is checked before they start, the same way whatever their nationality, and checked again before a time-limited permission ends; the labour suppliers and subcontractors we use are required to do the same, and held to it. We commit to:

- 1 No check, no start: the check is made and recorded before the first day of work, never afterwards.
- 2 Check everyone the same way, British and Irish citizens included; never decide who to check from a name, accent, colour or nationality, and record the nationality and permission the check shows — never an assumption.
- 3 Use only a check the Home Office guide in force allows: original documents from its lists checked with the person, the Home Office online check with a share code, a digital verification service provider for the documents it may check, or the Employer Checking Service where the guide directs. A National Insurance number is recorded for payroll; it is not a right to work check.
- 4 Keep a clear copy that cannot be altered, with a record of the date of the check, securely for the whole employment and two years after it ends, then destroy it securely.
- 5 Diary every time-limited permission, and check again on or before the day it ends.
- 6 Require subcontractors and labour suppliers, in writing, to check everyone they send, to let no one else supply the work without our written consent, to let us audit their checks and to cooperate with the Home Office; and make sure the person working is the person checked.
- 7 Never keep anyone working once we know, or have reasonable cause to believe, they have no right to do the work.

COMMITMENTS NOT ADOPTED — NUMBER AND REASON

3 CONTROLS — BY HOW THE PERSON WORKS FOR US

HOW THE PERSON WORKS FOR US — THE CONTROL	DONE BY	RECORD	IN PLACE?
Direct employees and apprentices Check before the first day by a prescribed route, record the date, keep the copy, diary any follow-up. The check may be made by our own staff or workers under our control — never by a recruitment agency or an adviser, a registered digital verification service provider being the one route the guide allows; the business stays liable			
Individuals engaged personally — self-employed labour-only, workers' contracts Until 30 September 2026 the excuse covers employees only, and the guide strongly encourages the same check. From 1 October 2026 an individual engaged under a worker's contract, or as an individual sub-contractor on work we are contracted to deliver, is treated as employed (s.14A): check them as employees before the engagement starts. The draft guide says a penalty can be imposed only where the engagement began on or after that date. Not needed where we are simply a customer of their own business			

HOW THE PERSON WORKS FOR US — THE CONTROL

DONE BY

RECORD

IN PLACE?

Agency and employment business workers

The employment business that engages them is responsible for their check (Home Office draft guide from 1 October 2026, examples 2 and 12). Obtain its written confirmation that it checks everyone it supplies, and match the person to its details at induction. The draft has no construction agency example; where outsourced delivery could be in scope (its example 10), take advice

Subcontractors and labour suppliers with their own people

The subcontractor checks its own people. From 1 October 2026, where we are contracted to deliver the work and let part of it, we are treated as employing each individual who does it (s.15A): before the work starts the article 5B terms are in the subcontract, and while they work we keep the identity controls in section 4

Their sub-subcontractors, and substitutes

No further sub-letting without our written consent, and the same check by whoever engages the individual. Where our own contract with an individual allows a substitute (article 5B(4)): we check the substitute, who may not start until that is done; the contract has enforcement provisions against the individual where either of us knows or has reason to believe the substitute is working illegally, or the substitute will not cooperate; and the check is never left to the individual doing the work (draft guide)

INDIVIDUALS ENGAGED BEFORE 1 OCTOBER 2026 — WILL WE CHECK THEM TOO, AND BY WHEN?

4 SUPPLY CHAIN TERMS AND IDENTITY AT THE GATE — FROM 1 OCTOBER 2026

Where this business is contracted to provide work and contracts another business (C) that engages the individual who does it, the written statement produced before the work starts requires the contract with C to include (article 5B(2)(a)): (i) C meets the excuse requirements for the individual and any substitute; (ii) C contracts nobody else to arrange the work through an individual unless we consent in writing and that person meets the excuse requirements for the individual; (iii) we may audit (i) and (ii) whenever we ask; (iv) enforcement provisions against C — for example suspension or termination — if it employs someone contrary to s.15 without an excuse; (v) C puts enforcement provisions into its own contract with the individual, for where C knows or has reasonable cause to believe the individual is working illegally; and (vi) C cooperates with any Secretary of State investigation by giving the make-up of the contract chain and the purpose of each contract in it, each party's official name, legal form, registered address or principal place of business and company number, and any other information the Secretary of State considers relevant. For the whole time the individual works, this business keeps systems that make sure the person doing the work is the person checked (article 5B(2)(b)). The draft guide says terms alone are not enough — the arrangements must work in practice — and recommends checking identity at least once in any 24-hour period or shift. The requirements apply to contractual arrangements entered into on or after 1 October 2026. KD-HR-RW-001 section 7 records them for each individual.

WHERE THE TERMS SIT

AUDIT OF SUBCONTRACTORS' CHECKS

IDENTITY AT THE GATE — HOW WE KNOW THE PERSON WORKING IS THE PERSON CHECKED

5 FOLLOW-UP CHECKS, FAILED CHECKS, DISCRIMINATION AND DATA

- Follow-up: a person with time-limited permission is checked again on or before the day it ends; a person whose check showed permission with no time limit is not re-checked. A follow-up that does not confirm the right does not always mean there is none — an in-time application may be pending: give the person a reasonable opportunity, use the Employer Checking Service, and where the guide's conditions are met the excuse continues for up to 28 days while a Positive Verification Notice is obtained.
- Before work starts: if the check does not show a right to work, the work does not start. The 28-day period does not apply before employment begins; the guide advises delaying the start until a prescribed check can be made or a six-month Positive Verification Notice is received.
- Illegal working found: keeping the person working ends the excuse. Stop the work, take advice on the employment, and report it to the Home Office — the guide gives 0300 790 6268, asking for a Unique Reference Number; check the number on gov.uk first. Treat the person with dignity.
- Discrimination: doubts about a document are raised with the person sensitively; nobody is refused a check or treated differently because of a protected characteristic under the Equality Act 2010 — follow the Home Office code of practice on avoiding unlawful discrimination while preventing illegal working.
- Data: copies are personal data under UK GDPR and the Data Protection Act 2018 — held apart from the site file, seen only by named people, recorded in the record of processing on KD-PQ-DP-006, and destroyed securely two years after the employment ends.

FOLLOW-UP DATES DIARISED IN

FOLLOW-UP OWNER

COPIES HELD AT — SEEN BY

6 SMALL-FIRM ROUTE — A WRITTEN STATEMENT INSTEAD

CAS v5 lets a micro-business give a written statement instead of a procedure for Q55. If this business uses that route, write the statement here and strike out sections 3 to 5; the commitments in section 2 still apply.

This business uses the statement below instead of the sections named above, and a director signs it in the last section

WRITTEN STATEMENT

ILLEGAL WORKING PREVENTION PROCEDURE

continued

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7 RESPONSIBILITY, COMMUNICATION AND MONITORING

ROLE	NAME	WHAT THEY DO UNDER THIS DOCUMENT
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☐ Briefing for everyone who recruits or checks

☐ Site managers briefed on identity at sign-in

☐ Induction explains that everyone is checked

☐ Terms issued with subcontract and labour orders

☐ Recruitment adverts say a check is made

☐ In the staff handbook or contract pack

HOW IT IS COMMUNICATED — THE DETAIL

Evidence that the document reached people: record each induction, briefing and issue on KD-CAS-PB-005 Policy Briefing and Acknowledgement Record — names, dates and signatures. Assessors ask for that record, dated within the last twelve months; only briefing people creates it.

LATEST BRIEFING RECORD — SHEET REF AND DATE

NEXT BRIEFING DUE

NEW STARTERS BRIEFED WITHIN

HOW IT IS MONITORED, AND WHAT TRIGGERS AN EARLY REVISION

8 SIGNED FOR THE BUSINESS

I adopt this illegal working prevention procedure for the business named in section 1, and I will make sure it is resourced, briefed and revised when the law or the guide changes.

SIGNED — PRINTED NAME

POSITION

SIGNATURE

DATE

NEXT REVIEW DUE

R REVISION HISTORY

Every revision of this document, and every review that found nothing to change. The revision on the front of this sheet is the one you are holding — check kubitdocs.com for the current one before use.

Rev	Date	Class	What changed	Authorised by
D0	2026-09-13	first-issue	First issue.	— not yet approved —
A0	2026-09-13	review	Approved for issue by the author. Content unchanged from the reviewed draft; the draft status strip is removed. No independent third-party review has been carried out.	Author — director, UK principal contractor, SMSTS. Not an independent review.

Class: first-issue · material (the law, a control, a field or the scope changed — past buyers are notified) · editorial (wording or layout only) · review (checked, nothing changed) · withdrawal. Revision prefix D = draft, not approved and not for sale; A = approved for issue by the person named, on the date shown.