

Introduction: The temporary adjustments to right to work checks implemented by the Home Office in March 2020 have become vital to protect jobs and support UK businesses during the pandemic. Employers have become increasingly concerned about the return to exclusive use of a physical in-person process from September 1st, 2021.

In response to this, the Better Hiring Institute (BHI) held an employer roundtable chaired by a member of the House of Lords. The Better Hiring Institute exists to transform the UK labour market by bringing in a revolution in the way the UK hires staff.

The roundtable, chaired by Lord Lucas on 12th August, 2021, heard from over 50 UK employers about the benefits of the adjusted right to work checks and the detrimental impact of reverting to face-to-face and physical document checks as the only hiring method from 1st September, 2021. Employers engaged included Aviva, Capita, Concentrix, Hays, KPMG, Nestle, Reed, Royal Mail, Sky Betting, University of West London, Webhelp, as well as smaller employers. The clear message was that this would bring an end to digital hiring in the UK and would undo the accrued benefits that have helped UK businesses during the recovery, the principle one of which is the ability to hire staff securely using digital means.

As requested, the BHI gathered evidence about the importance of continuing an online solution from 1st September. This included:

- the severe impact to the ability of UK business to function by adding considerably to the current staffing shortage crisis;
- that employment in deprived areas was boosted by the online solution;
- improved speed of hiring, leading to increased and earlier tax revenues;
- how, under current proposals, many UK businesses now working remotely will only be able to hire non-UK nationals digitally, meaning UK nationals could miss out; and
- how ID digital validation is more secure than physical checks.

The BHI recognises that the Home Office is conducting a long-term review of the use of digital technology in right to work checking for British and Irish nationals but understands this is unlikely to be implemented by 1st September. The clear message of the meeting was that UK businesses need a way to continue digital hiring to manage the risks they face.

Summary of recommendations:

1. **the Home Office should extend the temporary adjusted checks whilst it conducts a long-term review of the use of digital technology in right to work checking for British and Irish nationals and/or;**
2. **enhance the temporary adjusted checks to include the recommendations in ‘risks and mitigations’ section and/or;**
3. **a pilot with the Home Office to agree the conditions under which these technologies should be used.**

Background

The temporary adjusted checks implemented by the Home Office in March 2020 have been vital to protecting jobs and supporting businesses. Evidence given by many of the 50 employers during the meeting highlighted that at least 40,000 workers were hired during the pandemic via temporary adjusted checks. These workers would not have been otherwise hired prior to the implementation of adjusted checks. Evidence was also given to demonstrate the success of remote, or digital hiring, on supporting people from employment blackspots into work as employers were not limited to locations with physical offices where physical checks could be carried out.

The labour market that is coming out of the pandemic is very different from the one that existed before the first lockdown. The Office for National Statistics recently reported the highest level of vacancies since 2019 and in June 2021 UK vacancies were almost 10% up in terms of total job openings from pre-pandemic levels in January 2020.

The UK has fewer available workers, and the worst labour shortage since 1997. An estimated 1.3m non-UK workers have left during the pandemic and fewer EU workers are arriving into the UK. This has resulted in a situation where the UK has more vacancies and fewer work seekers available to fill those vacancies.

Employment rates in blackspot areas held level or even increased during the pandemic and employers firmly believe that part of that reason was due to the changes made by the Home Office to the right to work checks. This enabled employers to recruit remotely and from areas within the UK that previously were unavailable to them. This will cease should the UK move back solely to physical right to work checks as organisations will be limited to where physical offices are located.

Hays – ‘We are really concerned about going back to the old method, particularly as candidates are more likely to be reluctant to come into offices, whereas, if we can do things online it’s a much faster process all round. We have found it very beneficial to be able to do the online document checks in terms of flexing our workers and getting people into the right positions across the country much more quickly and easily.’

Due to digitisation and innovation during COVID-19 many UK businesses are reducing the requirement for employees to be onsite in favour of a remote or hybrid working strategy. This means that the use of physical workspaces is drastically reduced. In turn this causes great concern over how new hire documents will be verified in person if the only option is physical in-person checks.

Concentrix - ‘My concern is if we go to physical right to work checks and we expect people to work from home, but travel to a site then this puts them at risk and they’re not going to be willing to do it.’

A survey of 2,000 companies showed that as many as 2/3 organisations are employing hybrid working, 71% companies said home working has seen either a boost to productivity or little to no impact and therefore want to continue in this vein. As a consequence employees need to spend less time in a physical workplace. This has had a vast impact on people’s work-life balance with a **large retailer** noting ‘this means people can pick up their children, they can turn off for half an hour, go for

a walk, have mental health space. There are so many advantages to being able to work remotely that digital right to work supports and enables.'

Nestle - 'We are seeing tensions in terms of talent mobility around the Brexit piece, but similarly around the COVID tension that we've seen on a temporary basis. There is a lot of argument around the hassle of face to face right to work checks, but there is a bigger layer over this in terms of being a talent destination but also retaining talent within the UK. If we can make the mechanism around working in the UK more flexible and digital focused, then the scarce skills that we're definitely seeing in a post COVID world will bounce back.'

Realised benefits of temporary adjusted checks

Due to the excellent changes implemented by the Home Office, employers were unanimous in highlighting the benefits of remote, or digital, hiring during COVID. These included:

- Growth in the hiring of people from historic employment blackspots which has directly contributed to the levelling up agenda
- Increasing the speed of hiring, getting people into work more quickly and supporting build back better
- Efficiency and flexibility for organisations to work anywhere and design optimum ways of working and new organisational models built on technology
- Helping employers identify illegal working and fraud better than physical checks were able to
- Helping organisations compete internationally by enabling greater flexibility and innovation
- Digital hiring enabling more recruitment of a diverse workforce by removing traditional barriers in recruitment to underrepresented group such as those with disabilities, resulting in a more inclusive workforce
- The number of people who have been employed without the physical right to work checks, has generated an increased amount of tax revenue that is coming into the UK

The online method of hiring enables employers to reach groups that may not have been accessible prior to the temporary adjusted checks. This is because employers have no office in these communities but are happy to employ people remotely from them. Otherwise, they face great challenges entering the labour market which is by definition a local one. There will be people with COVID anxiety, and those that are immuno-compromised, that are fearful about travelling, particularly for something that could be seen as a bureaucratic process to get a job.

Webhelp - 'Since April 2020 almost 3,000 of our new hires come from locations across the UK where we do not have an office presence. If we had been required to meet face to face, we would have been unable to hire these 3000 remote workers, the majority of whom were unemployed at the time of hiring. We are continuing to hire at this level and this speed, but like all other UK employers we need the Home Office to provide us with a remote solution post 1st September. I'm hoping that we will be granted a short-term solution where employers can continue to do the temporary adjusted checks. Employment levels in the UK are at an all-time high – if employers are forced to off-shore roles, the UK economy will be negatively affected.'

Concentrix - 'We've seen significant growth in the last year, 50% growth across the UK, we've hired over 9,000 people, and 5,000 of those have been outside of where our sites are based.'

The University of West London - 'Through delivering our graduate scheme and internal student jobs service, we recruit up to 500 students and graduates each year and have witnessed the benefits of virtual right to work checks. These have been experienced both operationally in ensuring these numbers continued during the pandemic disruption, and from a diversity and inclusion perspective as a modern university hosting one of the most diverse student cohorts in the country. These benefits have also been communicated by many of our graduate recruitment partners who use our consultancy service. We support the Better Hiring Institute case, and agree there is a case to extend, and potentially continue permanently with these virtual right to work practises.'

A spokesperson for a **large retailer** commented 'I am neurodiverse myself, I am ADHD and autistic and the ability for digital checks removes the necessity of location from jobs, where location is not an essential piece of the job. This hugely opens the labour market for all and is increasingly inclusive. We have a huge challenge in terms of inclusion in the workplace and trying to think innovatively which comes from both physical and non-physical disability perspectives, all the way through to different cultures, sex, race, gender, it all becomes irrelevant.'

Fraud - Physical vs Digital

Digital technologies exist today that can demonstrably reduce the risk of identity fraud in comparison to the process to which we will revert on 1st September.

Webhelp stated that 'the process of digital right to work checks is a very secure method of protecting against potential fraud. It has brought about a change in the hiring process where recruiters are holding video meetings specifically for the purpose of checking documents, rather than the previous face to face process. In our experience, it has become easier to spot fake or doctored documents using the remote method.'

Furthermore, once a person's identity has been verified, the Online Checking Service (OCS) provides a means to establish the right to work for people who are not from the UK or Ireland. There is no means of categorically establishing the right to work for UK and Irish citizens whether the process happens remotely or face-to-face.

With more organisations working in a hybrid fashion using fewer physical office locations there is considerable concern that many job applicants will be forced into posting sensitive documents across the UK from 1st September. This will inevitably lead to greater identity fraud and illegal working as genuine UK and Irish documents are lost or intercepted.

The Online Checking Service, launched by Home Office in 2019, has driven out fraud for overseas workers which has traditionally been the main cause of illegal working. This will result in a new fraud risk for British and Irish documents to be forged by people who do not have the right to work. Furthermore, physical in-person checks are not the best way for employers to identify fraudulent documents.

David Rennie who works for **IDEMIA**, a leading provider of identity-related services, comments on the risk of in-person checks, 'human beings are not actually very good in many circumstances at doing facial recognition. If you are in a slightly stressed scenario, you're not necessarily going to be good at checking a document. People don't have ultraviolet vision so they can't see the UV markings on a document, so all this leads you to using technology.'

For example, there is a risk that when conducting an in-person check that a fraudulent passport or a genuine passport that has been altered may not be detected. Many people are not very good at facial recognition against a document photo, particularly for other ethnicities other than their own, or when the document is more than a few years old. The government has developed standards to describe risks in identity proofing and verification and how these risks should be mitigated.

When asked whether Hays Specialist Recruitment has seen an increase in illegal working and fraud in conducting digital right to work checks – they responded, 'No, not at all. We certainly haven't found any more instances of illegal working or fraudulent documents than we normally would. There is technology out there that can verify whether documents are genuine, this would be better than having people physically sitting in local offices and being reliant on those people being to recognise forgeries as some of them are so good these days, so for me technology is the way forward.'

A **large employer** commented - 'Personally I think it's a lot more secure the way we're doing it now, than the traditional method of an in-person check. With volume recruitment, someone's being asked to go into an organisation, to go to the front of house and hand in their documents to a person who possibly not trained in checking documentation.'

A large **UK bank** asserted that they have seen 'zero evidence that we've increased the risk to TSB' in conducting digital right to work checks. They comment 'we consistently have a level of bewilderment that new joiner can remotely get a product with us using the same documentation online and remotely, yet they can't necessarily go to work for it.'

Risks and mitigations

The Online Checking Service has successfully enabled digital hiring for visa holders, and more recently EU Settled Status workers, at the same time as driving down fraud and illegal working. The proposal for British and Irish nationals from 1st September relies entirely on employers viewing identity documents in-person, namely passports, driving licences, or birth certificates. Ahead of any long-term solution there are ways of further enhancing the temporary adjusted process to make it even more secure.

Whilst the Home Office work on a longer-term solution, employers should look to use remote checking services that are delivered in line with GPG45.

Employers can build on the robustness of the remote checking process through the following:

Passports:

Remote checking of passports including processes that check the passport is valid, or visible security features are genuine, or processes that check cryptographic security features are genuine. For

example, the Home Office is piloting a digital passport validation service, the Document Checking Service, that could be used alongside other checks to mitigate risks. This is presently not available to the market, and we would encourage the Home Office to facilitate it as soon as possible.

Driving Licences:

Remote checking of driving licences including processes that check the driving licence is valid, or visible security features are genuine. Prospective employees can, via a share code, provide evidence of a genuine driving licence. Where the person's nationality is British or Irish this would demonstrate proof of right to work for the employers.

Birth Certificates:

Employers can check an applicant's official record of birth against online databases from the GRO Index. In the instance of changes of name, employers would ask for marriage certificate, decree absolute or deed poll, as they do now.

Conclusion

In the roundtable, employers were not lobbying against the return of physical checks, they require a digital channel as an option as well as physical to ensure that there is no limitation on how employers hire people. Ensuring a multi-channel approach increases diversity, inclusion, employment levels in traditional employment blackspots, whilst reducing discrimination of British and Irish workers

Summary of recommendations:

- 1. the Home Office should extend the temporary adjusted checks whilst it conducts a long-term review of the use of digital technology in right to work checking for British and Irish nationals and/or;**
- 2. enhance the temporary adjusted checks to include the recommendations in 'risks and mitigations' section and/or;**
- 3. a pilot with the Home Office to agree the conditions under which these technologies should be used.**