

Consultation on the prevention of illegal working: Extending the Right to Work Scheme to other working arrangements

Results of the public consultation

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Ministerial Foreword

Illegal working undermines the integrity of the UK's immigration system, fuels exploitation, and puts law-abiding businesses at a disadvantage. It is a key driver of illegal migration, and this government is clear that it will not be tolerated.

Since July 2024, the government has significantly increased activity as part of our wider commitment to restore order and fairness to the system. We have strengthened enforcement, increased penalties and worked more closely with partners across government, law enforcement and industry to close the gaps that allow illegal working to persist.

- Increased enforcement activity over the 18 months from July 2024 to December 2025 resulted in more than 17,400 visits have been undertaken, resulting in over 12,300 arrests. This has increased to the highest level in British history - an increase of around 77% in visits and 83% in arrests compared to the previous period.
- Stronger action against non-compliant employers saw us issue more than 2,400 civil penalties in 2025 with fines exceeding £130 million. These tougher penalties - now up to £60,000 per illegal worker - send a clear message that there are serious consequences for those who break the law and exploit vulnerable individuals.
- Targeted operational activity in high-risk sectors, including hospitality, construction, logistics and the gig economy, has been supported by ongoing engagement with online delivery platforms and other businesses to prevent abuse and improve compliance.

But enforcement alone is not sufficient. Illegal working continues to evolve, exploiting new business models and gaps in our current framework.

The government's [Border Security, Asylum and Immigration Act 2025](#) extends for the first time the Right to Work Scheme ("The Scheme") to businesses hiring gig economy and zero-hours workers in sectors like construction, food delivery, beauty salons, courier services and warehousing.

The government consulted with employers from October to December 2025 on how the measures will be operationalised. This report sets out the responses to that consultation. The 340 responses received have shaped the updated guidance and statutory codes of practice which underpin the Scheme, copies of which I have laid in Parliament today.

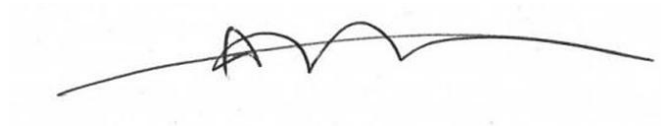
The Scheme will continue to evolve to reflect a more digital, flexible labour market. We are integrating digital identity solutions and continuously improving how checks operate in practice. Our aim will always be to ensure a system that is streamlined and accessible for employers whilst maintaining strong safeguards against illegal working and exploitation.

Our message is simple: the rules must be followed. We will continue to act decisively to ensure a fair labour market, protect vulnerable individuals and maintain confidence in the

integrity of an immigration system in which there are no rewards for breaking the rules and the system is fair, firm and consistently applied.

I am grateful to all those who took the time to respond. Your views have played a crucial role in shaping the next phase of our work to prevent illegal working.

Alex Norris MP

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

Minister for Border Security and Asylum

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1. About the consultation

- 1.1 The Home Office conducted a public consultation on '*The prevention of illegal working: Extending the Right to Work Scheme to other working arrangements*'. The consultation was open for six weeks from 29 October to 10 December 2025.
- 1.2 The consultation sought views on how the proposed changes to the Scheme should be operationalised and enforced and how processes could be simplified to enable compliant employers to fulfil their responsibilities.
- 1.3 It was intended to support the evaluation of the impact of the changes on illegal working and it served to provide businesses with an opportunity to inform Home Office guidance and statutory codes of practice that underpin the checks that employers will be required to carry out to ensure that any individual working for them has the right to work in the UK.
- 1.4 Under domestic legislation, access to work is reserved to those who are eligible and have lawful immigration status in the UK. All employers have an existing responsibility to prevent illegal working. Since 2008 employers have done this by conducting right to work checks before employing someone under a contract of employment to ensure the individual is not disqualified from carrying out the work in question by reason of their immigration status (the Right to Work Scheme). Completion of the check in the prescribed manner provides a statutory excuse against liability if individuals are found to be working illegally. The proposals extend the Scheme to businesses hiring gig economy and zero-hours workers in sectors like construction, food delivery, beauty salons, courier services and warehousing
- 1.5 The consultation was available online at:
<https://www.gov.uk/government/consultations/extending-the-right-to-work-scheme>.
- 1.6 Responses were received to an online questionnaire and direct to the Home Office via the email address:
RighttoRentandRighttoWork@homeoffice.gov.uk.
- 1.7 Aimed at the employment sector - including private and public sector employers, representative bodies, non-governmental organisations, trade unions and legal representatives - notification of the consultation was emailed to more than 27 external organisations registered with the Home Office, and to 7,129 email addresses who had signed up to receive updates about the Scheme.
- 1.8 Two webinar events took place in the week commencing 24 November 2025, one with a consortium panel of employment sector representatives, and one with an employers' advisory group which includes trade unions and legal representatives. These separate workshops were attended by a total of 30 individuals.
- 1.9 The consultation contained 28 questions on the proposals for broadening the scope of the Scheme. The consultation included a mixture of open and closed questions designed to gather evidence on respondent characteristics, types of working arrangements in scope, and existing right to work practices. Questions focused on anticipated operational and financial impacts of extending the Scheme, feasibility of

applying checks across different labour models, use of digital verification systems, liability and compliance arrangements within supply chains, adequacy of existing guidance and support, implementation and transition considerations, and potential equality, competition and other unintended impacts.

- 1.10 It should be noted that the consultation responses are from a self-selected sample and therefore may not be representative of the views of the public or organisations as a whole.
- 1.11 Responses to Questions 1-9 per the original consultation have been captured within Section 2.

2. About the respondents

- 2.1 In total, 340 usable responses were received, including 311 survey responses and 29 email responses. A further six email statements were also reviewed as appropriate.
- 2.2 The consultation responses were predominantly received from employers, particularly those operating in the private sector and from medium and large businesses. This was as expected. A smaller proportion of responses were received from individuals responding in a personal capacity, as well as representatives of employers, employees, and other stakeholders including legal professionals, trade unions, and compliance specialists. The government recognises that while this is weighted towards larger private sector employers, it also includes a range of perspectives from across different sectors and organisation types.
- 2.3 Responses indicated that businesses operate across a diverse range of employment models. Most respondents reported using individuals under contracts of employment, with significant proportions also engaging agency workers, self-employed individuals, freelancers, and those on more flexible or non-standard arrangements such as zero-hours contracts. The government notes that this reflects the complexity of the modern labour market and the importance of ensuring that right to work measures are effective across a variety of working arrangements and across a variety of different sized businesses.
- 2.4 A notable proportion of respondents indicated that their business model may be brought into scope of right to work checks as a result of the proposed legislative changes. Over half of respondents considered that they would be impacted in this way, and a similar proportion anticipated the need to invest in new systems, training, or staffing to comply with the expanded requirements. The government acknowledges these concerns, particularly in relation to implementation costs and operational adjustments.
- 2.5 Concerns were raised about how proposed checks would work in practice, particularly in relation to individuals who are not directly employed by a business, such as contractors or agency workers.
- 2.6 Views were mixed on the effectiveness of the proposed changes in reducing illegal working. While a similar proportion of respondents agreed and disagreed with the proposition, the government recognises that this reflects differing levels of confidence in how the measures will operate in practice across sectors.
- 2.7 In response to these findings, the government will take forward the following actions:
- **Proportionate implementation:** It will be ensured that the extension of checks under the Scheme is implemented in a proportionate manner, recognising the diversity of business models and sectors affected.
 - **Clear scope and definitions:** Further clarity will be provided on which business models fall within scope of the legislation.

- **Support for businesses:** Support will be available to businesses in transitioning to the new requirements, including through guidance and workshops.
- **Consideration of impacts across sectors:** Engagement will continue with stakeholders across different sectors, including the private, public, charity, and gig economy to ensure that sector-specific challenges are understood and addressed.
- **Monitoring and evaluation:** The impact of the changes on businesses and their effectiveness in tackling illegal working will be monitored, taking into account the mixed views expressed in the consultation.

2.8 Of the responses from employers and other organisations, 63% were from private sector organisations, 17% from the public sector, 7% from gig economy organisations and 7% from the voluntary and community sector. Of these organisations, most responding to the consultation were from the private sector (65%) and almost half were large businesses.

2.9 Of the usable responses, 317 respondents gave details of who they were responding on behalf of (See tables below).

Sector of responding organisations

Sector	Percentage (%)
Private sector	63%
Public sector	17%
Gig economy	7%
Voluntary and community sector	7%
Other	6%
Total respondents	310

Size of responding organisations (number of employees)

Organisation size	Employees	Percentage (%)
Micro	0–9 employees	16%
Small	10–49 employees	9%
Medium	50–249 employees	19%
Large	250+ employees	48%
Not applicable		8%
Total respondents		310

Types of workers used by organisations

Worker type	Percentage (%)
Individuals under a contract of employment	86%
Agency workers	41%
Self-employed workers	35%
Freelancers	26%
Individual subcontractors	25%
Individuals on zero-hours contracts	25%
Total respondents	308

Whether organisations match service providers to customers

Response	Percentage (%)
Yes	26%
No	74%
Total respondents	297

Capacity of respondents

Capacity	Percentage (%)
Employer	57%
Representative of employers	11%
Personal capacity	25%
Other	6%
Total respondents	317

3. Detailed analysis of responses

Findings on the main consultation questions

3.1 The responses to each of the main (qualitative) questions in the consultation are set out below.

Right to Work Checks

Question 10:

Do you already undertake right to work checks as part of your onboarding process? Select ONE answer from below:

- a) Yes, I undertake checks on my employees only.
- b) Yes, I undertake checks on employees and other types of workers that I use.
- c) No, checks not undertaken as not required.
- d) No, not aware of legal requirement prior to this point.
- e) Not applicable as not a business.

3.2 There were 145 total responses to this question. In total 93% of respondents stated that they conducted right to work checks on their workers. 48% undertook checks on employees and other types of workers, while 46% stated they only checked direct employees.

The government's response:

3.3 The government notes that the vast majority of respondents already undertake right to work checks as part of their onboarding processes, with well-established compliance for direct employees.

3.4 These findings reinforce the need for clearer and more consistent requirements where checks are extended to additional working arrangements, supported by guidance to ensure a proportionate and workable approach across different business models.

Question 11:

Do you conduct right to work checks for any of the following individuals? Select all that apply:

- a) Self-employed individuals working for your business.
- b) Freelancers.
- c) Service providers who you match with customers.
- d) Sub-contractors.
- e) Substitutes.

3.5 There were 84 responses to this question, the most common groups checked were self-employed workers (62%), followed by freelancers and subcontractors (both 27%).

Smaller proportions reported checks on service providers (17%) and substitutes (12%).

The government's response:

- 3.6 These findings demonstrate that many businesses already recognise the importance of verifying an individual's eligibility to work in the UK across a wider range of working arrangements than those currently covered by the Scheme.
- 3.7 Extending the Scheme to encompass a broader range of working arrangements would support consistency across the labour market, create a more level playing field for compliant businesses, and strengthen safeguards against illegal working. At the same time, the government recognises the need to ensure that any extension of the Scheme remains proportionate, clear, and straightforward for businesses to implement, particularly where arrangements involve self-employment models and substitute workers. Guidance and operational processes will therefore be developed to minimise burden on businesses while supporting effective compliance and enforcement measures.

Question 12:

Who conducts right to work checks for your business? Select all that apply:

- a) The business owner, Director or other partner.
- b) Human Resources team, or other specific internal team.
- c) Line managers.
- d) Regional/site managers.
- e) External recruitment or staffing agencies.
- f) Licensing Authority.
- g) Home Office.
- h) HMRC.
- i) Digital Verification Service Providers (DVSP)*.
- j) Other (please specify):
- k) Don't know.

** Digital Verification Service Providers (DVSP) are/is a service that enables people to digitally prove who they are, information about themselves or their eligibility to do something. Digital verification services can be used by employers to conduct digital right to work checks on holders of valid British and Irish passports (or Irish passport cards).*

The term DVSP is also used to describe Identity Service Providers (IDSPs) and Identity Document Validation Technology (IDVT).

IDVT are forms of technology operated for the purpose of verifying the identity of a person, where a digital copy of a physical document relating to that person is produced for verification of the document's validity, and where that person is the rightful holder of the document. The Home Office previously [published guidance on the use of IDVT for this purpose](#).

An IDSP is a provider of identity verification services using IDVT.

3.8 There was a total of 130 responses. The most common response was the human resources team or other specific internal team (71%), followed by line managers (29%) and digital verification services (28%).

The government's response:

3.9 The government notes that responsibility for conducting right to work checks currently sits across a range of functions within businesses.

3.10 It welcomes the use of digital verification service providers which can streamline checks and improve consistency for employers when used in accordance with prescribed Home Office guidance.

3.11 It is important that the Scheme remains sufficiently flexible to support a range of delivery approaches, including checks undertaken centrally by HR teams, operational managers, or trusted third-part providers acting on behalf of employers.

3.12 The responses also highlight the role of technology in supporting compliance. The government will continue to work with employers, digital verification service providers, and other stakeholders to improve the accessibility, reliability, and security of digital checking services, while ensuring that employers continue to understand their responsibilities and retain accountability for conducting compliant right to work checks.

Question 13:

If applicable, what challenges would your business face in carrying out right to work checks?

3.13 In total, 70 responses were received to this open question. The responses received related to themes of:

Resource implications including cost and administrative burden:

Increase in costs

3.14 Respondents expressed concerns that the proposal would lead to increased costs for businesses. While some responses noted this in general terms, others provided more detailed explanations, identifying the anticipated rise in the volume of checks as the primary cost driver. In particular, extending checks to agency workers, self-employed contractors, and other non-contracted employees was seen as likely to significantly increase financial burdens. The scale of impact was expected to vary depending on business size and reliance on non-employed labour.

3.15 Some respondents highlighted additional costs associated with the use or expansion of digital verification services, either due to existing reliance on such providers or the need to adopt them to manage higher volumes. Beyond the number of checks, respondents also identified wider operational costs, including process changes, new equipment, increased staffing, enhanced audit requirements, secure data storage, and staff training.

- 3.16 Concerns were raised about the impact on short-term and ad-hoc employment arrangements, particularly in sectors such as care, where additional checks could affect both costs and workforce flexibility. Overall, respondents linked the anticipated increase in costs to expanded responsibilities and liabilities associated with conducting checks on non-contracted employees.

Administrative burden

- 3.17 Respondents anticipated that the proposal would place a significant additional administrative burden on organisations. This was primarily attributed to the increased volume of checks, including both the completion of checks and the ongoing monitoring of non-contracted employees, in turn causing increased paperwork, particularly in the context of short-term or rapidly arranged contracts where onboarding processes must be completed quickly.
- 3.18 The potential for duplication of checks was also noted including in the licensed sector. Respondents raised further concerns about the capacity of HR functions to manage the increased workload, noting that impacts would vary depending on available resources and existing recruitment structures. In more complex business models, such as those involving centralised and localised recruitment or franchising arrangements, respondents highlighted risks of inconsistent practices and varying levels of capability, underlining the need for clear allocation of responsibilities.

Duplication

- 3.19 Several respondents noted that unclear responsibility for conducting checks could lead either to unnecessary duplication or, conversely, to gaps in compliance.

Other implementation challenges

- 3.20 While many implementation challenges related to resource implications, respondents also highlighted a number of broader concerns associated with the proposed extension of the Scheme. For some, the scale of the changes and the resulting increase in the volume of checks represented a significant operational challenge, particularly for larger businesses or those relying heavily on multiple contractors. Others pointed to unclear liability as a key issue.
- 3.21 Respondents emphasised the importance of clearly defining the boundaries of responsibility, for example, knowing where one business's obligations end and another's begin, to implement the changes effectively. Others asked for clarity around processes, such as how to conduct checks on non-contracted employees, and handling checks on short term visas, or where there were staff turnovers. Some also stressed the need to ensure that the new requirements did not conflict with existing contractual arrangements, urging that established contract precedence be respected. Others stressed the potential for legal conflicts and future challenges between businesses in relation to ownership of checks.

Specific groups impacted and keeping data safe:

Particular groups impacted:

- 3.22 Short-term contractors and seasonal workers were seen as especially vulnerable to negative impacts of this policy, as their recruitment often takes place under significant time pressure, where speed is essential. Concerns were raised about potential labour shortages and reduced flexibility as a result, which businesses may face when they need to recruit at short notice.
- 3.23 Similar time-sensitive pressures were noted in relation to care workers. Respondents reported that rapid access to emergency cover in residential care settings is essential and additional checks may delay this process. Respondents felt that the duplication of checks could disproportionately affect certain workers, such as private hire drivers. Remote and home-based workers were also identified as being potentially impacted. In-person verification can be more complicated for these workers, and establishing whether remote workers are physically based in the UK may present additional challenges. Some respondents also requested clarification on the requirements for carrying out checks on offshore workers.
- 3.24 The Creative Worker Visa Concession was highlighted as a particularly complex area, as right to work checks for these workers are not digital and must be carried out in person. This is further complicated by the short-term nature of creative work contracts and the fact that many creative workers frequently travel in and out of the UK as part of their international work.

General Data Protection Regulation (GDPR) concerns:

- 3.25 A key issue raised was of data protection. Respondents were unsure how to lawfully collect, process and share personal data for non-contracted employees, especially where that data is held by another business. Some felt that requesting this information could create perceived privacy risks. There were also practical challenges; businesses said it would be difficult to monitor workers across complex supply chains, keep track of staff changes, or carry out follow-up checks for short-term visa holders where there is no direct employment relationship.
- 3.26 Respondents further highlighted the risk of errors in conducting the checks. For example, a business may incorrectly assume someone has the right to work for them based on incomplete information, such as a Positive Verification Notice, when in fact, the individual is sponsored by another employer and not permitted to work for them. To reduce this risk, respondents suggested that clearer and more detailed information should be provided through digital status checks.
- 3.27 Overall, respondents emphasised that responsibility for these checks should remain with the business directly employing or engaging the worker, rather than being extended across the wider supply chain.

Recruitment challenges:

- 3.28 Overall, recruitment challenges, and the resulting risks of labour shortages, were highlighted. Respondents noted that the use of contractors is often driven by the

need for flexibility and the ability to source workers quickly. Concerns were expressed that extending right to work requirements would make this process more burdensome, slow down recruitment, and potentially reduce the likelihood of engaging these types of workers. Ultimately, respondents felt this could lead to delays in completing work.

Concerns relating to post-implementation:

3.29 Some respondents raised ongoing implementation challenges, such as the need for secure storage to ensure that the increased volume of personal data could be kept safely. Others noted difficulties in obtaining information from workers themselves, including misunderstandings about which documents were required, challenges for workers in accessing original documents, difficulties in requesting or supplying share codes, and complications in carrying out checks for remote workers. Respondents also asked that the Home Office provide extensive training and guidance to support the implementation of the changes. Additionally, requests for more effective guidance on visa rules, with particular reference to the frequency at which they are updated.

3.30 Other topics raised included:

- Requests for the Home Office to provide more resources or funding to support the changes.
- Clarity on timelines and to ensure businesses have enough time to implement and change their processes.
- A request to ensure that the changes would not be applied retrospectively.
- Some respondents noted that they did not consider the proposals to present any challenges.

The government's response:

3.31 The government acknowledges the concerns raised regarding the potential for additional burden on businesses particularly as it pertains to cost and administrative burden, and burdens specific to sectors with high levels of labour flexibility, seasonal demand, or rapid recruitment cycles, including industries reliant on short-term contractors.

3.32 The requirements of the new measures reflect existing practices that many businesses advise they already have in place. Since 1997, all employers have had the responsibility to prevent illegal working, and since 2008 they have done this by conducting right to work checks before employing someone under a contract of employment to make sure the individual is not disqualified from carrying out the work in question by reason of their immigration status. This is evidenced as most respondents conduct right to work checks, with 93% confirming they do so. Around half check both employees and other types of workers, while a similar proportion limit checks to direct employees only.

3.33 The legislative amendments will restrict the ability of rogue employers to take advantage of illegal workers and encourage businesses to provide work opportunities to those permitted to work in the UK. It will provide parity across industries and will set a level playing field for businesses to uphold their

responsibilities to prevent illegal working. Businesses acting lawfully should not be undercut on labour costs by those who exploit the system.

- 3.34 The government acknowledges the concerns regarding potential duplication of checks and will continue to consider ways in which processes can be streamlined, recognising the need for any future system to accommodate these operational realities, while maintaining effective safeguards against illegal working.
- 3.35 In terms of uncertainty around responsibility within complex labour supply chains and obligations involving agencies, umbrella companies, subcontractors, franchisees and labour providers, the responses to the consultation have shaped the statutory Codes of Practice and guidance that underpin the Scheme. These provide clarity on where responsibility for conducting a right to work check rests. The government is and continues to be committed to providing clear and comprehensive guidance for employers on how and when right to work checks in these circumstances should be conducted.
- 3.36 The concerns regarding recruitment impacts, including the potential for delays, reduced workforce flexibility, and labour shortages if checks become more burdensome or difficult to complete quickly is noted. It recognises the importance of ensuring that compliance measures do not create disproportionate barriers for legitimate businesses seeking to recruit workers lawfully and efficiently. The changes will be supported by detailed guidance, stakeholder engagement, and appropriate implementation periods to allow businesses sufficient time to adapt their systems and processes.
- 3.37 The government will continue to explore opportunities to improve the accessibility, clarity and reliability of digital right to work systems, while ensuring that employers remain able to conduct checks with confidence.
- 3.38 In relation to concerns about GDPR, employers will be expected to adhere to data protection responsibilities, and retain information only as prescribed in guidance and statutory codes of practice.

Question 14:

How many right to work checks did you conduct in 2024?

- 3.39 A total of 84 responses were received to this question. Answers to how many checks had been done in 2024 varied hugely, ranging from 1 to 1,000,000 checks. However, it was found that most conducted relatively few checks:
- 36% of respondents conducted 0-25 checks in 2024.
 - 27% conducted 26-100 checks.
 - 15% conducted 101-1,000 and
 - 21% conducted more than 1,000 checks.

The government's response:

- 3.40 The government notes that the volume of right to work checks undertaken by respondents in 2024 varied significantly, reflecting the wide range of business sizes, sectors and labour models represented within the consultation.
- 3.41 The responses demonstrate that the potential impact of extending the Scheme is likely to differ considerably depending on the scale and nature of business recruitment activity. Businesses undertaking high volumes of recruitment, or relying heavily on contractors, agency labour, seasonal workers or self-employed individuals, are likely to experience different operational pressures from those carrying out only occasional checks.
- 3.42 In developing proposals for extending the Scheme to other working arrangements, the government has sought to minimise unnecessary burdens on compliant businesses while strengthening safeguards against illegal working and labour market abuse.
- 3.43 Steps are being taken to modernise and simplify the right to work system through increased use of digital services and improvements to existing checking processes. The growing use of digital verification technology and online checking services provides opportunities to manage higher volumes of checks more efficiently, reduce administrative burdens, and improve consistency across sectors.
- 3.44 Ongoing engagement with employers, labour providers, sector representatives and digital verification service providers will continue to support the development of guidance that is practical, flexible and capable of supporting a wide range of recruitment and engagement models.

Question 15:

How many right to work checks did you conduct from 1 January - 31 August 2025?

- 3.45 A total of 84 responses were received to this question. It shows the number of checks conducted in the first six months of 2025 ranged from 1 to 625,000. With the pattern related to volume remaining similar to 2024:
- 36% of respondents conducted 0-25 checks in 2025.
 - 24% conducted 26-100 checks.
 - 19% conducted 101-1,000 and
 - 20% conducted more than 1000 checks.

The government's response:

- 3.46 The volume of right to work checks undertaken varies considerably depending on the nature of the business, workforce composition and recruitment practices. The responses indicate that many businesses are already familiar with carrying out right to work checks as part of existing onboarding and compliance processes, while others undertake checks less frequently due to perhaps lower recruitment volumes or smaller workforces.

- 3.47 The overall pattern of responses remains broadly consistent with findings in Question 14. Those responding to the consultation conduct similar numbers of right to work checks, suggesting it has remained stable across the labour market.
- 3.48 Work is ongoing to simplify and streamline right to work checking processes wherever possible, including through the continued expansion of digital checking service options.

Question 16:

**Where do you go for guidance and support to carry out right to work checks?
Select all that apply:**

- a) Employer's Guide to Right to Work Checks.**
- b) Illegal Working Penalties: Codes of Practice for Employers.**
- c) Internal guidance / Policy.**
- d) Do not know / Do not use the guidance.**

- 3.49 A total of 132 responses were received for this question. The most common source of guidance was the employer's guide to right to work checks, of which 80% of respondents used. 40% of respondents used internal guidance and/or policy, while 7% of respondents did not know what guidance they used, or didn't use any guidance.

The government's response:

- 3.50 This response indicates that employers continue to rely primarily on official Home Office guidance when carrying out right to work checks, while a small proportion of respondents indicated that they did not know which guidance they used or reported not using guidance at all. This highlights the importance of ensuring that guidance remains accessible, easy to navigate and proportionate for employers of all sizes and levels of experience. The government will continue to review and improve guidance to support employers in understanding and fulfilling their responsibilities effectively.

Question 17:

What additional support or guidance would help you comply with the extended requirements?

- 3.51 In total, 74 responses were received to this open question. Themes of the responses included:

Liability and responsibility:

- 3.52 Respondents requested further clarity on the processes that needed to be conducted after this policy change. Some respondents also asked for more detailed guidance on what a right to work check involved so that they could be sure they were conducting checks appropriately. Some respondents also reported that they would appreciate more information regarding what documents were permitted for a check. Many respondents were unsure of how any change in policy

would affect their working practices. The most common area of confusion expressed was related to short-term work and how long a worker would need to be working for a business for before a check would need to take place, and how often these checks would need to be repeated, with some respondents wondering if short-term workers needed to be checked each time they worked, or how time spent working would be quantified in more complex circumstances, such as when a worker was on call.

- 3.53 An issue raised by multiple respondents across sectors, was that of sub-contractor supply chains. Affected respondents felt they would benefit from guidance which stated who would be liable for a penalty if the illegal worker was a subcontractor and the company who had contracted out the services had no knowledge of their contractors' workers. Similarly, the small group of respondents working with self-employed contractors raised that they were not sure who should be checking substituted or agency workers.

Characteristics of current guidance and needed characteristics of future guidance:

- 3.54 Some respondents said they did not feel they needed any more guidance or support, as the current guidance provided all the required information. However, others referred to existing guidance as too lengthy and complex, and difficult to read and use. Many respondents felt that guidance needed to be written simply but also comprehensively, with information about different immigration statuses as well as how the checks should be carried out, by whom, and when. Liability information was suggested to be especially useful, particularly for off-site and short-term workers. It was also reported that some policy-related definitions could be clarified. The most common request was for a definition of contractor and subcontractor, though there were also requests for recruitment agency-related terms to be defined, as well as the word 'worker'.

Resources the Home Office could provide:

- 3.55 It was found that respondents would appreciate a long lead-in period before this policy was enforced, to allow them to learn how it should work in practice. Another group felt they would benefit from financial support from the Home Office, to ensure that the increased number of checks that would need to be conducted would not impact them in a negative way financially.
- 3.56 On communicating the changes, respondents asked for case study/scenario examples of how the policy would be implemented in different contexts and situations. Some also requested step-by-step instructions of how the checks should be carried out. Other respondents suggested that there should be advertising campaigns relating to this policy, aimed at both employers and workers, while some preferred guidance to be simply communicated by email or letter.
- 3.57 Respondents gave their perspectives on how information about the change could be communicated. The most popular view was that there should be live webinars communicating the policy to businesses, both before and after the policy was in force with a question-and-answer section that allowed them to seek clarification, and opportunities to ask further questions after these sessions were finished.

- 3.58 Some respondents requested broader right to work training, and others felt the training offer should be targeted by business size or type. A group of respondents reported that they would find it useful if there was provision of new resources that would support them in carrying out their obligations such as new digital tools which would allow them to conduct status and document verification checks. Others requested updated operating procedures and templates, while a third group asked for real-time contacts such as a helpline or inbox that they could use to clarify any issues they were having with the new policy as they arise.
- 3.59 A small group of respondents raised issues they had with checking different workers' right to work and felt this could be improved by enabling all workers, regardless of nationality to be checked using the same method. Those who specified what method they would prefer advised the use of DVSP or other digital-based services or applications.

Other repeated topics:

- 3.60 Some respondents raised questions about how to comply with the General Data Protection Regulations, particularly if biometric data would need to be collected as part of these checks. Another related concern was how long personal data would need to be kept for if working with self-employed workers. Guidance on how to detect fraud, information on how a digital identification process would work and information about the outcomes of reporting fraud to the Home Office were requested. Other topics mentioned included:
- Issues with existing Home Office checking services, including the employer checking service and view and prove.
 - Guidance on documents that could be used to check proof of address.
 - Guidance for people with limited technology access.
 - Clarity being needed so that businesses could quantify the policy's impact.
 - More guidance being needed about immigration status, student visas and work sponsorship.
 - That the policy should not apply to all workers, only those in sectors with high illegal working rate.
 - That the policy should not be introduced at all.
 - That it was not the responsibility of employers to enforce right to work legislation.
 - More frequent updates to skill shortage lists being needed.
 - Fewer documents should be required to prove time-limited right to work.

The government's response:

- 3.61 Respondents provided detailed feedback on the additional support and guidance that would assist with compliance with any extended right to work requirements. The responses reflected a wide range of operational models and varying levels of familiarity with right to work processes, with many respondents highlighting the importance of clear, practical and proportionate guidance to support implementation.
- 3.62 The government acknowledges the concerns raised by respondents about the need for clear, accessible and practical guidance to support compliance with any

extended right to work requirements. In response, updated and simplified guidance will be provided so that it is easy for businesses to understand what checks are required, when they must be carried out, and who is responsible in different labour models and supply chain arrangements. This will include clear definitions, practical examples and scenario-based guidance.

- 3.63 The government also recognises the importance of supporting implementation in practice. It will continue to engage with stakeholders as guidance is developed and will consider the most effective ways to communicate changes, including through targeted communications, webinars and other supporting materials, to help businesses prepare for and comply with the new requirements.
- 3.64 Ongoing engagement with a broad range of external stakeholders, including employer representatives, will support understanding of operational challenges and effective compliance with right to work requirements. Continued engagement will help ensure that guidance, communications and implementation arrangements are informed by stakeholder experience and remain practical and proportionate across different sectors and business models.

Question 18:

Do you think sufficient guidance/advice/support is available to ensure you are able to conduct right to work checks currently?

- 3.65 A total of 89 responses were received for this question of which around half of those who responded to this question, 51% said that the guidance was adequately clear, while 31% said it was not. Respondents with open text responses, praised the guidance for being helpful, clear and easy to understand, especially for employees for whom right to work checks are already compulsory. Issues raised with the guidance included that it was too complex, too long and hard to navigate. Respondents who did not feel they had enough support reported that the guidance changed often, making it difficult to remain well informed on the policy. Some respondents reported issues with the process of using the employer checking service, including its speed and accuracy, and lacking guidance on how to use it.

The government's response:

- 3.66 The government notes that responses to this question reflected a mixed view on the adequacy of the current right to work guidance and support available to employers. Guidance and operational activities will continue to be reviewed to identify opportunities for improvement, including simplifying content where appropriate, improving navigation and usability, and supporting employers to understand changes to right to work requirements.
- 3.67 Ongoing feedback received through regular engagement with external stakeholders helps to identify areas where additional clarification, communication or operational support may be beneficial. This engagement will continue as part of wider work to maintain an effective and proportionate system and future development of guidance.

Question 19:

How long does a right to work check take your organisation to complete on average?

3.68 There were 90 total responses to this question. The time it took to conduct a right to work check ranged from one minute to four weeks.

The government's response

3.69 The government notes that variation time taken to conduct a check is likely to reflect differences in the size of the business, recruitment processes, complexity of individual cases, and whether checks are conducted manually or through digital methods.

3.70 The importance of ensuring checks can be carried out efficiently while maintaining the integrity of the process and preventing illegal working is recognised. The findings from this question will help inform consideration of how existing processes and guidance may be further improved to support employers in conducting checks in a timely and proportionate manner.

Question 20:

What type of right to work check do you use the most? Select ONE from below:

- a) **A manual check of original, acceptable documents.**
- b) **A check using a DVSP.**
- c) **A Home Office online check.**

3.71 The most common response to this question was a manual check of original, acceptable documents, 46% of the total 104 responses.

The government's response

3.72 The responses demonstrate that manual checks of original acceptable documents remain the most commonly used method for conducting right to work checks. This indicates that many employers continue to rely on established document-based checking processes as part of their recruitment and onboarding compliance practices.

3.73 Employers use a range of checking methods depending on factors such as business size, recruitment models, workforce composition and familiarity with digital services. The continued use of manual checks reflects the importance of maintaining accessible checking routes for employers and workers across different sectors and circumstances.

3.74 The responses also demonstrate the role of digital checking methods, including Home Office online checks and checks conducted using DVSPs. The government remains committed to expanding and improving digital right to work services to provide employers with secure, efficient and user-friendly checking options, while maintaining the integrity of the system and safeguarding against fraud.

- 3.75 The government acknowledges that different employers may be at different stages of adopting digital solutions and will continue to support businesses through guidance, stakeholder engagement and service improvements.

Question 21:

Do you use a DVSP for right to work or onboarding checks?

- 3.76 Of the 89 responses to this question, 46 used a DVSP and 41 did not. In 2 cases it was unclear.

The government's response:

- 3.77 The responses to this question suggest that the use of DVSP is common within the respondents' onboarding and compliance processes, although adoption remains mixed. Just over half of respondents reported using a DVSP, while a similar proportion indicated that they do not currently rely on these services.
- 3.78 The government notes that this reflects the varying operational requirements, levels of digital awareness and recruitment practices across different sectors and business types. For some businesses, DVSP services form part of broader digital onboarding systems and can help streamline identity verification processes. For others, existing manual or online checking methods may continue to better suit their current operating needs.
- 3.79 The responses also demonstrate that there is no single approach used universally by businesses when conducting right to work checks. The government recognises the importance of maintaining flexibility within the checking framework, allowing the utilisation of checking methods most appropriate to the circumstances, while ensuring that checks remain robust and effective.
- 3.80 As digital identity technology continues to develop, the government will continue to engage with employers, service providers and other stakeholders to understand how digital services are being used in practice and where further support or clarification may be beneficial. This engagement will help inform future improvements to guidance, digital services and wider right to work processes.

Question 22:

Does a DVSP provide any benefits to onboarding of employees?

- 3.81 Of the 62 respondents to this question, 35 felt that using a DVSP provided benefits, 23 felt it did not and 4 gave mixed or unclear responses.
- 3.82 The key benefits mentioned of using a DVSP included speed, efficiency and simplicity of the check, noting that it could be done remotely, minimising worker travel, and the ability for the service to detect fraud and impostors. Some respondents mentioned that the service was more helpful for checking non-British nationals than British nationals.

The government's response:

- 3.83 The government recognises the potential benefits that DVSPs can offer to employers and workers, particularly in supporting more efficient and secure onboarding processes. At the same time, the responses demonstrate that experiences of using DVSP products vary across sectors and organisations. The government will continue to engage with employers, service providers and other stakeholders to understand how digital checking technologies are operating in practice and to support the development of accessible, effective and proportionate right to work checking arrangements.

Question 23:

How much does a DVSP check cost your organisation per employee/worker?

- 3.84 Of the 27 respondents to this question, the cost of a DVSP check per worker ranged from 72 pence to £41.36, with a median cost of £5.

The government's response:

- 3.85 The government notes that the variation in reported costs is likely to reflect a range of factors, including the type of service used, the volume of checks conducted, existing commercial arrangements and whether DVSP checks form part of wider onboarding or identity verification packages.
- 3.86 It is recognised that cost considerations may influence how employers choose to conduct right to work checks, particularly for organisations with large recruitment volumes or those operating in sectors with temporary, seasonal or high-turnover workforces. The government will continue to monitor the development and use of DVSP and engage with stakeholders to better understand the practical impacts of these services on employers and workers. This will help ensure that future right to work arrangements remain proportionate, effective and workable across a range of sectors and business types.

Question 24:

Are there further services that the DVSP provides, that supports your businesses right to work checks?

- 3.87 Of the respondents that answered this question, 29 said it did not provide extra services that supported right to work obligations, 18 said it did and 4 were unsure. The main services mentioned were DBS checks and identity checks.

The government's response:

- 3.88 The government notes that while manual checking remains the most commonly used method, there is increasing use of DVSPs. The government recognises that digital services can play an important role in supporting compliance but acknowledges that adoption must be proportionate, affordable and supported by clear guidance.

- 3.89 The government will continue to consider the role of digital solutions in simplifying right to work checks while taking account of cost, accessibility and the needs of different business sizes and sectors.

Question 25:

Will the legislation change require your business to conduct right to work checks in circumstances not previously required?

- 3.90 Of the 83 responses to this question, 46 participants responded yes and 26 responded no. A further 11 were unclear about their responsibilities or gave unclear responses, with some expressing that they did not understand whether they would be in scope or not. Some felt that they would have to check their workers' employment statuses before they could address the question.
- 3.91 Of those who responded 'yes', the most common write-in response was that they would now need to check agency workers, though self-employed workers and sub-contractors were also mentioned multiple times. A small group of those who responded 'no' to the question, did so because they already did checks without being required to do so.

The government's response:

- 3.92 It is expected that the level of interest from businesses in the consultation not currently in scope of the Scheme could potentially be the reason for a number of respondents feeling they would be required to conduct checks following the change. The government notes the need therefore for clear, concise guidance to ensure those not used to operating under the Scheme will be able to do so.

Question 26:

How do you ensure that you establish or retain a statutory excuse?

- 3.93 In total, 73 responses were received to this open question. Most respondents were explicit about the fact they carried out right to work checks to establish a statutory excuse, in a way that they believed met legal requirements. Many respondents mentioned that they kept records of evidence of right to work. This included recording on HR systems, keeping digital records, photocopies, keeping check information in a worker's file, using digital tools to collect evidence and ensure compliance, and verifying checks undertaken by third parties.
- 3.94 A small group of respondents mentioned steps they took to make sure checks were stored securely, with some reporting different locations for internal and external staff, and others responded to the question by giving information about how long they kept this evidence for.
- 3.95 The most common guidance cited was the Employer's Guide to Right to Work Checks, but the Right to Work Checklist, Immigration Rules, the right to work training provided by their organisation, support from staff who specialised in right

to work, immigration law support and sector-specific guidance from outside of government were also referred to.

- 3.96 Another key theme of responses was having evidence available in case of audits. Some respondents kept records of their documents in case of future audits, while others mentioned having undertaken mock audits, internal audits or external audits. Multiple respondents reported retaining a statutory excuse by making sure follow-up checks were conducted when an individual's existing right to work expired. Many businesses did this themselves, with some describing automated systems they used to help them with this, that would inform companies well in advance of an individual's immigration permission expiring. However, private hire companies reported that follow-up right to work checks were the responsibility of the local authority.
- 3.97 Multiple respondents reported conducting checks before the potential worker started work. Some did this at the interview stage and others conducted checks after a job offer had been given, so that they knew the person was eligible and qualified for the job before they started work. A small group also mentioned having direct contact with workers before checks were conducted, to prompt them to bring/share all needed documents and therefore ensure the efficiency of the check.
- 3.98 Other topics mentioned included:
- The use of a DVSP to conduct checks.
 - The use of identity verification checks to make sure that the person working was the same person who had passed the checks.
 - Integrating right to work checks into internal onboarding checklists.
 - Challenges with conducting right to work checks for those not under a contract of employment.
 - Issues with the accuracy of migrants' immigration statuses provided by the Home Office.
 - Secondary legislation needing to be updated to allow gig economy companies and companies with remote workers a statutory excuse.
 - The use of different checking processes and document retention periods for British and Irish nationals, and other nationalities.
 - The use of internal software and technology to support the undertaking of check.
 - In-house agreements encouraging checks for all.

The government's response:

- 3.99 These findings reinforce the need for clarity on scope, responsibilities and evidencing compliance. The government recognises the importance of ensuring that businesses clearly understand when a statutory excuse applies and what steps are required to establish and retain it across different working arrangements.

Question 27:

Do you agree that the Home Office should determine liability within a supply chain or where there is a chain of contracts for the provision of work or services, by focusing on the point of failure that has allowed illegal working to take place?

Please share your views on:

- **What impact this would have on your business?**
- **How do you ensure that individuals working in your supply chain or providing work or services in your name via another business have the right to work in the UK?**
- **What steps do you already take to ensure compliance where you are the primary contractor or the sub-contractor in a supply chain?**

3.100 In total, 70 responses were received to this question. 34 disagreed with the consultation question, often because it was felt that liability should be clarified upfront by the Home Office. 20 agreed, including some that did so in principle, pending additional assurances. Agreement tended to relate specifically to identifying a point of failure. There was little mention of the role of the Home Office in the responses. 16 respondents were neutral, or their views were unclear.

3.101 The quantification was based on individuals answering 'yes' or 'no' upfront, but in some cases, responses were interpreted as a 'yes' or 'no' based on the content of the answer. Similarly, neutral or unclear responses were based on the analysis. The key themes identified in the analysis were:

Liability:

3.102 Respondents consistently identified uncertainty around liability as a central issue, particularly in relation to the scope and application of checks. There was a strong preference for the Home Office to provide clear, upfront guidance on liability, rather than determining responsibility retrospectively following non-compliance. Respondents considered this essential to enable effective implementation, understand the impact of the policy change, ensure proportionate checks, and avoid gaps in compliance processes.

3.103 Concerns were also raised about the complexity of checking supply chains, with respondents highlighting challenges in identifying where responsibility for checks begins and ends, particularly in multi-layered contracting arrangements. This complexity was seen as increasing the risk of both disproportionate responsibility in certain parts of the chain and difficulty in detecting non-compliance further along the chain. Sector-specific issues further illustrated this challenge, with differing operating models across industries such as agencies, private hire, and the care sector creating additional ambiguity around responsibility for checks.

3.104 Larger businesses emphasised the scale of implementation challenges across extensive contractor networks, while respondents also raised questions regarding

liability for self-employed individuals and substitutes. Unclear liability was seen as increasing the likelihood of duplicated checks, particularly where individuals work across multiple clients, as well as the potential for gaps in coverage.

- 3.105 Overall, respondents called for detailed, practical guidance to clearly define liability and support consistent implementation. Some suggested that guidance alone may be insufficient, advocating for secondary legislation, alongside training and tools to assist businesses in determining responsibilities. A minority of respondents also questioned whether a single point of liability appropriately reflects the complexity of modern supply chains and highlighted the need to align any approach with existing statutory frameworks, including the role of licensing authorities.

Implementation:

- 3.106 Respondents raised concerns regarding the capacity of organisations to implement the proposed changes, particularly in light of uncertainty around liability and the potential expansion in the scope of checks. Many anticipated an increased administrative burden, which could lead to delays in recruitment and, in some cases, discourage businesses from engaging certain categories of workers. This was seen as creating disproportionate risk, especially where organisations have limited oversight of individuals not directly employed by them, including contractors and workers engaged through third parties. The scale of burden was considered to increase in line with the complexity of supply chains and the size of the organisation.
- 3.107 Increased costs were also a key concern, including those associated with establishing new processes, conducting checks, and ongoing compliance monitoring. Respondents noted that these costs would vary depending on organisational scale and the extent of liability, with some highlighting that smaller organisations and charities may face particular challenges in meeting additional requirements. While greater clarity on liability was seen as a means to mitigate some of these impacts, questions remained regarding the overall feasibility of implementing extended requirements, particularly in complex or multi-layered labour arrangements.
- 3.108 Practical challenges were identified in monitoring compliance across supply chains, including managing checks for individuals with time-limited permissions, responding to workforce changes during live contracts, and overseeing subcontracted or substitute workers. Respondents also raised concerns regarding access to, use of, and storage of personal data for individuals not directly employed by them and sought further guidance on ensuring compliance with data protection requirements.
- 3.109 More broadly, respondents highlighted capacity constraints, particularly for smaller businesses, alongside challenges in understanding and applying the requirements in practice. There were calls for clear, practical guidance, as well as sufficient implementation time to allow organisations to adapt. Some respondents also suggested a phased approach to implementation. Despite these concerns, a

minority expressed support for extending checks and applying a consistent framework across all worker types.

Hirer responsibility:

3.110 In conjunction with raising issues around liability, many of the respondents argued that it was already clear who should be responsible for checks – the hirer of the worker, and/or the person paying the worker. It was stressed that contractual agreements set out responsibilities and those arrangements should be sufficient to determine liability. Many respondents confirmed that this is how they already worked.

3.111 Business arrangements, and sector realities at times influenced how respondents identified responsibility. For example, those using agencies felt they tended to be liable, others highlighted that the business making a payment to the worker should be responsible for checks in delivery driving. Others pointed out that they are the client in their supply chain and not the contractor.

Alternatives and current practice:

3.112 Some respondents suggested alternatives to the legislative proposal. This included suggestions such as regular auditing of contractors or close contract or sub-contract management. Some also suggested that the Home Office should focus on tackling exploitation and encourage reporting rather than enforcement. The alternative practices proposed closely resembled practices already in place among some respondents. Those who responded highlighted the following practices:

- Clarifying responsibilities with contractors and suppliers and ensuring responsibilities are included in relevant contracts.
- Ensuring robust procurement and contract management practices to prevent any issues by identifying reliable partners upfront.
- Conducting audits, inspections and random spot checks and period review of key documents.

3.113 Some respondents also operated specific rules for their suppliers and/or ensured they had supplier declarations to confirm compliance, while other had dedicated supplier compliance and monitoring teams, and some tackled impersonation risks via biometric selfie verifications at regular intervals.

Other:

3.114 A diverse range of additional comments were also made:

- Some felt that illegal working was for the government to solve.
- Some raised the high value of penalties as an issue, and that attempted compliance should be considered when fines were issued.
- Calls for asylum seekers to have the right to work.
- Critique of gig economy businesses and support for the legislation.

- Speculation as to whether this was an attempt to introduce digital ID through other means.

The government's response:

- 3.115 The government welcomes the high level of engagement from respondents and notes that the majority of responding businesses already undertake checks as part of their onboarding processes.
- 3.116 Responses suggest that compliance is well established for direct employees, with a significant proportion of organisations also extending checks to wider categories of workers such as the self-employed, freelancers and subcontractors. However, responses highlight variation in current practice and a lack of consistency in how checks are applied beyond traditional employment relationships.
- 3.117 Extending the right to work requirements to non-employed workers would represent a substantive change for many organisations. While some businesses already conduct such checks voluntarily, others indicated that they would need to introduce new processes, particularly in relation to agency workers, contractors and subcontractors.
- 3.118 A key theme across responses was concern regarding increased costs and administrative burden. The government acknowledges these concerns and the need to ensure that any changes are proportionate and manageable.
- 3.119 Concerns are also acknowledged regarding data protection and information sharing, particularly where businesses are asked to verify the status of individuals not directly employed by them.
- 3.120 Respondents also identified operational and recruitment challenges, including potential delays to hiring, reduced flexibility in engaging short-term or seasonal workers, and risks of labour shortages in time-sensitive sectors such as social care. There were also specific challenges identified for remote workers and those with complex or short-term immigration statuses.
- 3.121 In light of the consultation responses, the government will:
- Provide clear and comprehensive guidance to support employers, to include:
 - The definitions of worker types and scope.
 - The responsibility and liability across different business models and supply chains.
 - Clear guidance on repeat checks, short-term work, and complex arrangements.
 - Clarify liability arrangements upfront, including how responsibilities apply within supply chains.
 - Ensure a proportionate approach to implementation.
 - Support businesses through communication and engagement, including updated guidance.

- Allow sufficient time before any new requirements come into force, enabling organisations to adapt their processes and systems.
- Explore the role of digital solutions, including DVSP, to streamline checks, reduce administrative burden, and improve consistency, while considering cost and accessibility.
- Ensure alignment with existing guidance and sector practices, recognising the diversity of business models and contractual arrangements.

Equality

Question 28:

What, if any, unintended consequences or unfair impacts do you think this legislation change could have on particular businesses or groups of workers?

3.122 In total, 66 responses were received to this open question. A range of different issues were raised from implementation challenges to enforcement, and a range of workers were highlighted as potentially at risk. In many cases there were cross overs between ethnic minority background and likelihood of working in a specific area which led to respondents highlighting potential indirect discrimination risks.

Specific groups at risk

3.123 39 respondents raised specific groups they felt may be adversely impacted and, in some cases, risking indirect discrimination. There were concerns around the capacity of small and medium businesses (SMEs) to comply with the policy. It was felt that the burden on SMEs was disproportionate and that there may also be a risk of them discriminating as a result of not having sufficient capacity to implement the changes. The high representation of ethnic minority owned businesses in sectors with more enforcement was also raised as a concern.

Other groups

3.124 The following other groups included:

- Those in precarious work may face challenges of multiple checks and delays in accessing work. This included gig workers, casual workers.
- Others felt that students, young people or older people lacking digital skills might be adversely affected, and that checks could impose barriers to recruitment.
- Other groups unintendedly impacted could be workers in remote places, such as island or rural areas as well as offshore workers.
- Those on temporary visas or with complex immigration status may also be impacted disproportionately.
- It was also noted that some workers would be subject to many more checks than others for example agency workers and the self-employed despite having the legal right to work in the UK and that this could become problematic.
- Another group mentioned was British nationals without a passport; legal migrants without adequate paperwork or those who otherwise might struggle to prove their Right to Work.

- 3.125 Respondents detailed an underlying concern that there were cross-overs between certain types of work or sectors where ethnic minorities were more likely to work and hence there were real risks of indirect discrimination. For example: gig workers and third-party contractors were often of ethnic minority backgrounds. Others had concerns that this would simply push some workers with unlawful status further into the hidden economy.
- 3.126 There were however also some respondents that did not feel there were any unintended consequences and welcomed that checks would be applied to all workers consistently.

Other areas of concern

- 3.127 A variety of issues raised elsewhere in the consultation responses were also repeated here. These included broader unintended consequences such as:
- Increase in administrative burden and costs.
 - Delays in recruitment and a reduction in flexibility to recruit.
 - Concerns about the ability and capacity of organisations to comply correctly with the changes, with risks that the increased volume of checks could lead to more errors.
 - Duplication of checks, often arising from unclear liability for conducting them.
 - Potential disputes between hirers related to unclear liability.
- 3.128 Some respondents specifically highlighted enforcement challenges. These included concerns about disproportionately high penalties where errors were the root cause of non-compliance, and situations where penalties could be issued for matters outside the employer's control, potentially leading to 'phoenixing' (when the same business or directors trade successfully through a series of companies which liquidate or dissolve leaving debts unpaid) or the use of sham contracts to mitigate against penalties. Others felt that strict enforcement could discourage the reporting of unacceptable working conditions and blur the distinction between enforcement activity and the assurances provided by digital verification systems.
- 3.129 Concerns were also raised about British nationals without passports and others who may face barriers in evidencing their right to work. The government recognises the importance of ensuring that any changes do not create unnecessary barriers to lawful work or result in differential treatment.

The government's response:

- 3.130 The government has carefully considered the range of issues raised and is committed to continuing to provide comprehensive and updated guidance on avoiding unlawful discrimination when conducting right to work checks. There will continue to be an assessment and monitoring of the equalities impacts of these measures, including the risk of any indirect discrimination, and will ensure that the Equalities Impact Assessment remains current. Please see below.

Impacts on people with protected characteristics

Equalities Impact Assessment (Annex A)

- 3.131 The Public Sector Equality Duty (PSED) is set out in section 149 of the Equality Act 2010 and requires public authorities, in the exercise of their functions, to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the 2010 Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - foster good relations between people who share a protected characteristic and those who do not.
- 3.128 This involves having due regard to the need to:
- remove or minimise disadvantages suffered by people due to their protected characteristics; and
 - take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- 3.132 The equality duty covers the nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (gender), and sexual orientation.
- 3.133 Stakeholder engagement and informal consultation have supported the government in identifying any potential risk of adverse impacts in relation to the protected characteristics. Such stakeholder engagement includes engagement with fire sector employer and employee representatives, other government departments, and devolved administrations. The associated Equality Impact Assessment reflecting the measures is published alongside this response.
- 3.134 The Department has considered the impact of the changes in the context of the PSED in the Equality Impact Assessment. The PSED is an ongoing duty, and the Home Office will continue to consider and amend this assessment. More information on the PSED can be found here: [Public Sector Equality Duty: guidance for public authorities - GOV.UK](#).

4. Conclusion and next steps

- 4.1 The government is grateful to all those who responded to this consultation. The views and evidence submitted have been carefully considered and have informed the government's final policy position.
- 4.2 Consideration has been given to the quantitative responses to the consultation along with the qualitative responses provided online, by email and during discussion with stakeholders. The government has set out its views on the proposals, including where there is intention to adopt them or where they already exist.
- 4.3 The government will continue to explore appropriate measures in relation to directors and partners of limited liability businesses in the event that businesses evade payment of civil penalties for the employment of illegal migrant workers.
- 4.4 The government will work to ensure processes are clear, streamlined and robust with guidance for employers alongside additional support for employers implementing right to work checks as a result of the changes.

5. Annex A: Equality Impact Assessment



Home Office

Equality Impact Assessment [EIA]

Prevention of illegal working and extension of the prohibition on employment (the Right to Work Scheme) to other working arrangements

Section 1: Outline of issue under consideration

This Equality Impact Assessment (EIA) updates the assessment titled ‘Prevention of Illegal Working’ completed in May 2007 prior to the introduction of right to work checks. The assessment additionally includes consideration of the equality impacts of legislative amendments introduced to extend the scope of employers required to carry out right to work checks. Extending the scope of the measures to include those who engage individuals to carry out work or provide services in other working arrangements. This will mean that those who engage individuals under a worker’s contract, those who engage individual sub-contractors, and online matching services that provide details of service providers to potential clients or customers for remuneration, will be required to carry out right to work checks; making applicable the associated civil and criminal sanctions for non-compliance.

Legislation setting out employer responsibilities to prevent illegal working has been in place since 1997. Since 2008, they have done this by conducting manual or digital right to work checks (the type of check conducted by employers will depend upon the individual’s nationality, what kind of permission they have to work in the UK and, where appropriate, the individual’s preference) before employing someone of any nationality, including British citizens, ensuring the individual is not disqualified from carrying out the work in question by reason of their immigration status.

The Right to Work Scheme (“the Scheme”) was introduced to ensure that only those who are legally entitled to work in the UK can access employment. The Scheme therefore aims to tackle and deter irregular migration, to secure compliance with and help to enforce UK immigration laws and to support efforts to tackle those who exploit vulnerable migrants.

The existing scheme only applies to individuals classified as an “employee”. This means that employers who use “workers” or “self-employed” individuals do not have a legal responsibility to carry out right to work checks to ascertain if the individual is eligible to work in the UK.

This long-standing, narrow scope has been brought into sharp focus by developments in the modern labour market, including increased usage of agency workers and casual contract arrangements where employers exchange money for labour, commonly referred

to as the gig economy. These models, although lawful when engaging individuals with right to work, have brought changes to the working environment and introduced new risks to illegal working.

In other sectors such as construction, the lack of oversight takes the form of sub-contracting, while in areas like care or hospitality, it is linked to the use of intermediaries. The common factor is the use of self-employment. This means there are whole sectors of the labour market where businesses can engage workers without the responsibility to ensure individuals are permitted to work in the UK and complete right to work checks.

The amendments will restrict the ability to take advantage of illegal workers and encourage businesses to provide work opportunities to those permitted to work in the UK. It will provide parity across industries and will set a level playing field for businesses to uphold their responsibilities to prevent illegal working in the UK.

By so doing, the Government aims to eliminate any financial gain or benefit from non-compliance; to tackle the harm caused by regulatory non-compliance, where appropriate; and to deter future non-compliance.

Section 2: Consideration of aim 1 of the duty: eliminate unlawful discrimination, harassment, victimisation, and any other conduct prohibited by the Equality Act 2010.

Direct discrimination

Protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation were carefully considered in this section for both the amendments to the Right to Work Scheme and to the Scheme as a whole. The proposal to extend the scheme does not subject any person to less favourable treatment than any other person as the Scheme applies to everyone regardless of any protected characteristic and therefore no direct discrimination arises.

Age

There were 33.9 million workers in the UK in early 2025, consisting of 29.3 million employees and 4.4 million self-employed.¹

The most common age groups in the employed population, as of 2023 are 25–34-year-olds, making up 23% of those who are employed². However, 35-44- and 45–54-year-olds also make up 22% of the employed population each. This means that there is potential for any changes in employment legislation to affect 25-54 year olds more than

¹Office for National Statistics - Summary of labour market statistics:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/summaryoflabourmarketstatistics>

² Employment by detailed occupation and industry, by sex, age group and country, 2020 to 2023.

Reference number 2316 (Annual Population Survey, ONS. 2024):

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/adhocs/2316employmentbydetailedoccupationandindustrybysexagegroupandcountry2020to2023>

others. Older age groups are also more likely to find digital checks difficult, with data suggesting that 95% of 55-64 year-olds had accessed the internet in the previous three months, compared to 100% of 16-24 and 25-34 year olds³.

The age profile of the UK gig economy is largely representative of the UK workforce as a whole. Manual personal services and desk-based services have a slightly younger age profile compared with the transportation forms of gig economy work, apart from private hire drivers. Couriers stand out as having the oldest workforce, with 43% of UK gig economy workers in this role aged 50 or above.

Direct Discrimination

There is a direct impact on people according to their age. Section 13(2) of the Equality Act 2010 provides that for the protected characteristic of age, there is no direct discrimination if it can be shown that differential treatment due to age is a proportionate means of achieving a legitimate aim.

Businesses may be liable to penalties if they employ an adult contrary to the legislation, therefore, right to work checks only apply to those aged 16 or over. As such, the Scheme subjects individuals aged 16 or over, similarly to the requirements on national insurance contributions, to less favourable treatment than children because of the protected characteristic of age. However, this is a proportionate means of achieving the legitimate aims of ensuring the protection and welfare of children and that access to the labour market is reserved to those who are eligible and with lawful immigration status in the UK. Children can only start full-time work once they have reached the minimum school leaving age and are eligible for employment rights and rules at age 18.

Indirect Discrimination

There may be indirect impacts on protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, in relation to the amendments to the Scheme and Scheme as a whole. These are outlined below.

The Scheme applies to those working under a contract of employment and will include the working arrangements as outlined in Section 1. This means the Scheme will apply to those individuals working in the gig economy. Casual, temporary work as seen in the gig economy has an overrepresentation of young people who may be students, recent graduates, or those looking for flexible working options. Gig workers often hold multiple jobs often working on multiple platforms. This could result in those with the protected characteristic of age being subject to right to work checks more frequently than others. However, there are a range of ways in which an individual can evidence their right to work which include both manual and digital options.

Notwithstanding the particular disadvantages identified above, it is considered that any potential indirect discrimination that may arise is justified as a proportionate means of

³ Internet users, Office for National Statistics, 2021, 1b:
<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/datasets/internetusers>

achieving the legitimate policy aims: to tackle and deter irregular migration, to secure compliance with and help to enforce UK immigration laws and to support efforts to tackle those who exploit vulnerable migrants.

Disability

Those with a disability working in the gig economy are more likely to say it is their main source of income (29%) than those without a disability (19%)⁴.

Direct Discrimination

The Scheme does not subject any person to less favourable treatment on the basis of disability and therefore no direct discrimination arises.

Indirect Discrimination

According to the 2022 Annual Population Survey, 16% of those in the employed population (5.2 million) were disabled, with the remaining 84% not disabled (equating to 26.9 million people⁵).

In the UK, disabled people face lower employment rates and higher unemployment compared to their non-disabled counterparts. While the disability employment rate has increased, the gap between disabled and non-disabled employment remains significant. In terms of labour market participation: non-disabled adults are more than twice as likely to be in employment, as 64.7% of non-disabled adults were in employment compared to 27.3% of disabled adults⁶.

The Scheme applies to every individual irrespective of any characteristic. However, with the potential size of the population who are disabled in mind, it is recognised that there could result in an indirect differential impact in respect of the protected characteristic of disability.

Some disabled individuals may experience difficulties accessing necessary documentation for right to work checks, or undertaking the steps required to prove their right to work to an employer or conduct a right to work check as an employer. For example, there is a requirement to use computers for online checks or attending a workplace in person where the manual checking of documents is necessary. Evidence suggests that some disabled people may experience barriers to using technology, with the Office for National Statistics finding that 81% of disabled people had used the internet

⁴ The gig economy: What does it really look like? Report 8453, Chartered Institute of Professional Development:

<https://www.cipd.org/globalassets/media/knowledge/knowledge-hub/reports/2023-pdfs/2023-cipd-gig-economy-report-8453.pdf>

⁵ Reference number 15222 (Annual Population Survey, ONS. 2022):

[Economic activity status and sector of workers, by ethnicity, disability, marital status and religion, UK: 2021 to 2022,](https://www.ons.gov.uk/economicactivity/statusandsectorofworkers/byethnicitydisabilitymaritalstatusandreligionuk2021to2022)
<https://www.ons.gov.uk/economicactivity/statusandsectorofworkers/byethnicitydisabilitymaritalstatusandreligionuk2021to2022>

⁶ Diversity in the labour market, England and Wales: Census 2021:

<https://www.ons.gov.uk/economicactivity/statusandsectorofworkers/byethnicitydisabilitymaritalstatusandreligionuk2021to2022>

in the last three months, compared to 96% of non-disabled people⁷. Disabled people are also less likely to have basic digital skills than non-disabled people⁸.

The Equality Act 2010 requires employers to make reasonable adjustments for disabled people and this may lead to discrimination. The Home Office also acknowledges that some individuals who are disabled experience discrimination in everyday life more regularly than those who are not. For example, those with a disability may be subject to loss of employment or housing more frequently. However, the Home Office considers this is outweighed by the legitimate aims of the Scheme to ensure access to the labour market is reserved to those who are eligible and with lawful immigration status in the UK.

The Home Office has dedicated support to help those with disabilities navigate the checks. Home Office guidance and statutory codes of practice provide detailed information on the circumstances in which a right to work check is required, why the check is needed, how to carry out the check, and which documents can be used to evidence eligibility to work in the UK, making clear that checks on eligibility to access work, benefits and services as part of the UK's immigration system must be carried out in a non-discriminatory manner. Furthermore, the Employer Checking Service (ECS) is available for employers to ask the Home Office to check an employee's or potential employee's immigration status if they cannot show their documents or online immigration status, in certain circumstances. If an employer or employee needs help accessing or using the digital immigration status information, they can contact the UKVI Resolution Centre. The service also includes a helpline specifically for employers, who need help accessing or using the online immigration status services.

Gender Reassignment

Direct Discrimination

The Scheme does not subject any person to less favourable treatment on the basis of gender reassignment and therefore no direct discrimination arises.

Indirect Discrimination

The Home Office does not routinely collect or process data in respect of this protected characteristic for immigration purposes. As such, the Home Office has been unable to conduct any internal analysis to explore how the protected characteristic of gender reassignment may be impacted. However, there have been representations made to the department previously regarding issues of gender reassignment and the need to check documents against an individual's physical appearance. These were considered and incorporated into policy, where appropriate. Therefore, while the Scheme applies to everyone, indirect disadvantages may occur for those with the protected characteristic of gender reassignment.

⁷ Internet users, Office for National Statistics, 2021, 3b:
<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/outcomesfordisabledpeopleintheuk/2021>

⁸ UK Consumer Digital Index, (Lloyds, 2024):
<https://www.lloydsbank.com/consumer-digital-index.html>

To mitigate against any potential discrimination, harassment or victimisation, the Secretary of State has issued a code of practice specifying what an employer should or should not do to ensure that, while avoiding liability to a penalty, and the commission of an offence under the above provisions, the employer also avoids contravening the Equality Act 2010 (c 15) as it pertains to gender reassignment. A 'Code of practice for employers: Avoiding unlawful discrimination while preventing illegal working' was brought into force on 6 April 2022 by SI 2007/3290, art 12 (substituted by SI 2022/242).

Marriage and Civil Partnership

Direct Discrimination

The Scheme does not subject any person to less favourable treatment on the basis of marriage or civil partnership therefore no direct discrimination arises.

Indirect Discrimination

No particular disadvantage has been identified in relation to the protected characteristic of marriage and civil partnership.

Pregnancy and Maternity

Drawing on the 2022 Annual Population Survey for data on ethnicity in the employed population, 86% of those in employment (28.0 million people) were from white ethnic groups, 7% (2.4 million) were Asian, 3% (1 million) were black, 1% (0.5 million) had mixed ethnicity, and 2% (0.6 million) were from the 'other' ethnic group.⁹

In general, the proportion of employment overall was similar across ethnic groups (57.2%), although there were variations for 'White Other' (74.4%).¹⁰ However, jobs by occupation and skills level varied substantially by ethnicity¹¹; Indian nationals tended to have very high rates of employment in 'professional' occupations, while 13.2% of black workers and 12.4% of workers from the white other ethnic group were in 'elementary' jobs.¹² Similarly, the nationality make-up by sector also varies with health and social care and retail having particularly high rates of non-UK workers.¹³

⁹ Reference number 15222 (Annual Population Survey, ONS. 2022):
[Economic activity status and sector of workers, by ethnicity, disability, marital status and religion, UK: 2021 to 2022](https://www.ons.gov.uk/economicactivity/statusandsectorofworkers/byethnicity/disability/maritalstatusandreligion/uk/2021to2022),
<https://www.ons.gov.uk/economicactivity/statusandsectorofworkers/byethnicity/disability/maritalstatusandreligion/uk/2021to2022>

¹⁰ Diversity in the labour market, England and Wales: Census 2021:
<https://www.ons.gov.uk/economicactivity/statusandsectorofworkers/byethnicity/disability/maritalstatusandreligion/uk/2021to2022>

¹¹ Employment by occupation:
<https://www.ethnicity-facts-figures.service.gov.uk/work-pay-and-benefits/employment/employment-by-occupation/latest/#by-ethnicity-and-type-of-occupation>

¹² <https://www.ethnicity-facts-figures.service.gov.uk/work-pay-and-benefits/employment/employment-by-occupation/latest/#by-ethnicity-and-type-of-occupation>

¹³ <https://www.gov.uk/government/statistics/uk-payrolled-employments-by-nationality-region-and-industry/uk-payrolled-employments-by-nationality-region-industry-age-and-sex-from-july-2014-to-december-2023#main-points>

Direct Discrimination

The Scheme does not subject any person to less favourable treatment on the basis of pregnancy and maternity therefore no direct discrimination arises.

Indirect Discrimination

No particular disadvantage has been identified in relation to the protected characteristic of pregnancy and maternity.

Race (including Nationality, Ethnic or National Origins, Colour)

Private hire drivers are the most ethnically diverse group in the UK gig economy, with 38% having an ethnic minority background. Other transportation workers are also very ethnically diverse. Two-thirds (34%) of food delivery riders and 30% of couriers have an ethnic minority background. Comparatively, fewer than one in 10 (8%) providing manual personal services are an ethnic minority¹⁴.

Direct Discrimination

The Scheme does not subject any person to less favourable treatment on the basis of race therefore no direct discrimination arises.

Indirect Discrimination

The Home Office has not identified anything which would have an adverse impact on particular racial groups if the guidance is followed as prescribed to employers. However, it will be important to ensure, in establishing the entitlement of individuals to work in the UK, that the selection process does not automatically disadvantage people from any particular ethnic group.

Third country nationals with limited permission in the UK will be subject to a requirement for follow-up checks. These checks will not apply to individuals that do not have a limited right to remain. The requirement for repeat checks will cover a wide range of nationalities.

Needing to conduct digital right to work checks may differentially impact people with different ethnicities. An Office for National Statistics survey found that those who identified as Bangladeshi were least likely of all ethnic groups to say they had accessed the internet in the last three months, with 88% of respondents saying they had. In contrast, 99% of those in the mixed/multiple ethnic group had done so. Therefore, while there is an expectation that digital right to work checks are conducted for those whose immigration status can be checked online, for example - foreign nationals who can use their eVisa to evidence their right to work, manual right to work checks may be undertaken on this cohort in certain circumstances.

¹⁴ The gig economy: What does it really look like? Report 8453, Chartered Institute of Professional Development:
<https://www.cipd.org/globalassets/media/knowledge/knowledge-hub/reports/2023-pdfs/2023-cipd-gig-economy-report-8453.pdf>

Although the area is complex and limited by available data, the Home Office consideration thus far may suggest that non-white ethnic groups and in particular those identifying as part of the black ethnic group, may more frequently interact with aspects of the Scheme.

Therefore, while the Scheme applies to individuals of all nationalities including British or Irish citizens, it is considered that this directly differential impact is the result of the broader way in which immigration control in the UK is managed and is not directly as a result of the Scheme itself.

It should be noted that nationality alone would not be the reason why an individual is affected by the Scheme. Decisions to prevent access to work are taken on the basis of someone's immigration status in the UK; primarily whether they have permission to be in the UK or not, and whether any permission provides them the appropriate right to work. Thus, although there is a link between nationality and immigration status, the Home Office does not consider this to have directly differential impact in respect of this protected characteristic.

To mitigate against any potential discrimination, harassment or victimisation, the Secretary of State has issued a code of practice specifying what an employer should or should not do to ensure that, while avoiding liability to a penalty, and the commission of an offence under the above provisions, the employer also avoids contravening the Equality Act 2010 (c 15), so far as relating to race. A 'Code of practice for employers: Avoiding unlawful discrimination while preventing illegal working' was brought into force on 6 April 2022 by SI 2007/3290, art 12 (substituted by SI 2022/242).

Religion or Belief

Those with no religion make up the largest proportion of the employed population (49%, 15.4 million people), followed by Christians (42%, 13.4 million people) and Muslims (6%, 1.2 million people¹⁵).

Data also shows that ethnicities and religions intersect, suggesting that people of different religions may be affected at different rates. Of the 2,706,066 Muslims in England and Wales, the vast majority (2,495,446) identified as Asian, Black or mixed, multiple ethnicities. This means that 210,620 identified as White. Of the 816,633 Hindus in England and Wales, 804,607 identified as Asian, Black or mixed, multiple ethnicities. This means that 12,026 Hindus identified as White. Of the 423,158 Sikhs in England and Wales, 415,698 Sikhs identified as Asian, Black or mixed, multiple ethnicities. This means that 7,460 identified as White. Without better understanding of how these ethnicity and religious affiliations link to migrants in the UK, it is hard to draw any firm conclusions from this data¹⁶.

¹⁵Reference number 15222 (Annual Population Survey, ONS. 2022):
[Economic activity status and sector of workers, by ethnicity, disability, marital status and religion, UK: 2021 to 2022,](https://www.ons.gov.uk/economicactivity/statusandsectorofworkers/byethnicitydisabilitymaritalstatusandreligion/uk/2021to2022)
<https://www.ons.gov.uk/economicactivity/statusandsectorofworkers/byethnicitydisabilitymaritalstatusandreligion/uk/2021to2022>

¹⁶ Religion in England and Wales 2011:
<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/articles/religioninenglandandwales2011/2012-12-11>

Direct Discrimination

The Scheme does not subject any person to less favourable treatment on the basis of religion or belief therefore no direct discrimination arises.

Indirect Discrimination

No particular disadvantage has been identified in relation to the protected characteristic of religion or belief.

Sex

All transportation gig economy roles in the UK are overrepresented by men. More than seven in 10 private hire drivers (75%), food delivery riders (71%) and couriers (79%) are male. Those working in desk-based services in the gig economy are also predominantly male (62%)¹⁷.

Direct Discrimination

The scheme does not subject any person to less favourable treatment on the basis of sex therefore no direct discrimination arises.

Indirect Discrimination

The Scheme does not have an adverse impact on the protected characteristic of sex as it applies to everyone equally, however current data suggests that the employed population is majority male, with 52% of those employed being men and 48% being women. Therefore, it is possible employment policy will indirectly affect men more than women.¹⁸

The gender split of those working in the gig economy is similar to overall labour market trends with men being slightly more likely to work in the sector.¹⁹ It is acknowledged that there will be indirect discrimination here because men are more likely to participate in work.

Although the operation of the scheme may result in an indirect differential impact in respect of the protected characteristic of sex, the Home Office considers this is

¹⁷ The gig economy: What does it really look like? Report 8453, Chartered Institute of Professional Development
<https://www.cipd.org/globalassets/media/knowledge/knowledge-hub/reports/2023-pdfs/2023-cipd-gig-economy-report-8453.pdf>

¹⁸ Employment by detailed occupation and industry, by sex, age group and country, 2020 to 2023. Reference number 2316 (Annual Population Survey, ONS. 2024):
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/adhocs/2316employmentbydetailedoccupationandindustrybysexagegroupandcountry2020to2023>

¹⁹ The Characteristics Of Those In The Gig Economy (Department for Business, Energy and Industrial Strategy, 2017):
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/687553/The_characteristics_of_those_in_the_gig_economy.pdf

outweighed by the legitimate aims of the Scheme. Namely, of operating and enforcing a fair immigration system; protecting taxpayer funded services; and protecting vulnerable migrants from exploitation and is therefore justifiable as a proportionate means of achieving multiple legitimate aims.

Sexual Orientation

93.6% aged over 16 in the UK in 2023 identified as heterosexual, 2.0% identified as gay or lesbian, 1.8% identified as bisexual and 0.7% identified in some other way²⁰. A higher percentage of individuals identifying as lesbian, gay, bisexual, or another minority sexual orientation (LGB+) adults are employed (63.8%) than straight or heterosexual adults (57.8%); the higher percentage in LGB+ adults was largely driven by gay or lesbian people, where 7 in 10 (70.3%) were employed.²¹

The Scheme however applies to all individuals, regardless of their sexual orientation.

Direct Discrimination

The Scheme does not subject any person to less favourable treatment on the basis of sexual orientation, therefore no direct discrimination arises.

Indirect Discrimination

No particular disadvantage has been identified in relation to the protected characteristic of sexual orientation.

Section 3: Consideration of aim 2 of the duty: Advancing equality of opportunity between people who share a protected characteristic and people who do not share it.

The scheme does not deliver a less-better outcome for those with a particular protected characteristic as compared to others as it applies to the working population as a whole. The scheme as it is designed to distinguish between those who are present in the UK with lawful status versus those who are here irregularly; and ensure where an individual holds lawful status, it affords them the right to access work. The Scheme therefore neither promotes nor diminishes equality of opportunity for individuals.

However, the Home Office recognises it is possible that individuals with some protected characteristics may experience indirect discrimination.

The Home Office is aware of its obligations under the Equality Act 2010 with regards to each protected characteristic and as such, a code of practice specifying what an employer should or should not do to ensure that the employer also avoids contravening

²⁰ Sexual orientation, UK: 2023 (Office for National Statistics, 2025)
<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2023#sexual-orientation-in-the-uk>

²¹ Diversity in the labour market, England and Wales: Census 2021:
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/diversityinthelabourmarketenglandandwales/census2021> To note younger age groups were more likely to identify as LGB+

the Equality Act 2010 has been issued, and the Home Office will continue to comply with non-discrimination provisions.

Age – All individuals, regardless of age, will be considered equally under this scheme, on the basis of them having the right to work in the UK.

Disability – All individuals, regardless of disability, will be considered equally under this scheme, on the basis of them having the right to work in the UK.

Gender Reassignment – All individuals, regardless of gender reassignment, will be considered equally under this scheme, on the basis of them having the right to work in the UK.

Maternity and Pregnancy – All individuals, regardless of maternity and pregnancy, will be considered equally under this scheme, on the basis of them having the right to work in the UK.

Race – All individuals, regardless of race, will be considered equally under this scheme, on the basis of them having the right to work in the UK.

Religion or Belief – All individuals, regardless of religion or belief, will be considered equally under this scheme, on the basis of them having the right to work in the UK.

Sex – All individuals, regardless of sex, will be considered equally under this scheme on the basis of them having the right to work in the UK.

Sexual Orientation – All individuals, regardless of sexual orientation, will be considered equally under this scheme, on the basis of them having the right to work in the UK.

Section 4: Consideration of aim 3 of the duty: Fostering good relations between people who share a protected characteristic and persons who do not share it.

By implementing this scheme, it will build confidence in the right to work scheme as a whole and in aiding employers to further prevent illegal working. However, it is possible that the scheme could result in some negative impact on good relations.

Nonetheless, the scheme treats all individuals equally and considers that any such impact is proportionate to this legitimate aim.

Age

All individuals, who have the right to work, regardless of age, will be treated equally. As this scheme applies to everyone equally regardless of age, it is not assessed to have an impact on relations between people with this characteristic and those who do not share it.

There is no distinction between people who share this protected characteristic and persons who do not share it. Right to work checks only apply to those who are aged 16 or over.

Disability

All individuals who have the right to work, regardless of disability, will be treated equally. As this scheme applies to everyone equally regardless of disability, it is not assessed to have a great impact overall on relations between people with this characteristic and those who do not share it.

The Home Office however acknowledges that individuals who are disabled may experience discrimination in everyday life more regularly than those who are not; for example, those with a disability may be subject to loss of employment more frequently.

It can be noted that where wider discrimination occurs between people who share the protected characteristic of disability, and those who do not, good relations will be difficult to foster. Compounded by the scheme this may affect relations between those who share the protected characteristic of disability and those who do not.

Gender Reassignment

All individuals who have the right to work, regardless of gender reassignment, will be treated equally. As the scheme applies to everyone equally regardless of gender reassignment, it is not assessed to have an impact on relations between people with this characteristic and those who do not share it.

Maternity and Pregnancy

All individuals who have the right to work, regardless of maternity and pregnancy, will be treated equally. As the scheme applies to everyone equally regardless of maternity and pregnancy, it is not assessed to have an impact on relations between people with this characteristic and those who do not share it.

Race

All individuals who have the right to work, regardless of race, will be treated equally. The scheme applies to all individuals including British and Irish Citizens regardless of race.

As the scheme applies to everyone equally regardless of race, it is not assessed to have an impact on relations between people with this characteristic and those who do not share it. However, as noted previously above, statistics show that some aspects of the scheme may disproportionately impact on people of colour.

Nonetheless, the scheme treats all individuals equally and considers that any such impact is proportionate to this legitimate aim.

Religion or Belief

All individuals who have the right to work, regardless of religion or belief, will be treated equally. As the scheme applies to everyone equally regardless of religion or belief, it is not assessed to have an impact on relations between people with this characteristic and those who do not share it.

Sex

All individuals who have the right to work, regardless of sex, will be treated equally. As the scheme applies to everyone equally regardless of sex, it is not assessed to have a significant impact overall on relations between people with this characteristic and those who do not share it.

However, it is recognised that the indirect differential impact identified above, whereby men appear to interact with or be affected by the scheme more so than women, may impact the obligation to foster good relations.

Sexual Orientation

All individuals who have the right to work, regardless of sexual orientation, will be treated equally. As the scheme applies to everyone equally regardless of sexual orientation, it is not assessed to have a significant impact overall on relations between people with this characteristic and those who do not share it.

Section 5: Ongoing compliance with the PSED

When the scheme is implemented, the Home Office will collect data recording incidents of non-compliance. This data will be reviewed six months after the scheme has come into force in order to consider whether the scheme is beginning to have the desired effect, whether the legitimate aim continues to justify any indirect discrimination identified above, and whether the scheme is having any disproportionate impact on other protected characteristics which is unforeseen.

This will include both quantitative data, such as the protected characteristics of the person who failed to comply, and qualitative data, recording reasons individuals were non-compliant.

This will result in a more accurate data on those affected by this scheme and a review of this EIA will be undertaken within 12 months to ensure we have the most up-to-date understanding of impacts on those with protected characteristics.

Employers are already advised to provide individuals with reasonable opportunity to demonstrate their right to work, and they should not discriminate on the basis of nationality or any of the other protected characteristics therefore the scheme will continue compliance with PSED.

Section 6: Section 55 duty (for immigration, asylum, and nationality considerations only).

The section 55 duty to safeguard and promote the welfare of children in the UK has been considered.

Although the Scheme is designed to impact on adults, there will be circumstances, however, where it could have an indirect impact upon children. For example, migrant parents of children could be impacted where parents or guardians are restricted from employment due to the conditions attached to their immigration status.

Section 7: Risks to vulnerable individuals and other groups

The Home Office does not consider the Scheme to have any adverse impacts on vulnerable individuals and other groups. However, there may be risks for vulnerable individuals or other vulnerable groups listed in Article 14 of the European Convention Human Rights (ECHR), such as creating or exacerbating vulnerability in some populations.

For example, if an individual has been found to be working illegally and can no longer provide for their families, there is a chance that this could lead to homelessness therefore creating vulnerability.

There is also risk that irregular migrants could be driven into exploitative work environments or destitution due to the increased restriction in gaining access to work in legitimate business due to the scheme. This could materialise through the restriction to access income through (illegal) work and an inability or unwillingness to leave the UK, thus exacerbating their vulnerability.

Vulnerability may be exacerbated in children through its potential to have an indirect impact upon them where migrant parents or guardians are restricted from employment due to the conditions attached to their immigration status.

Declaration and sign off:

I have read the available evidence, and I am satisfied that this demonstrates compliance, where relevant, with section 149 of the Equality Act 2010 and that due regard has been had to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

This EIA will be reviewed on: 30/06/2027

SCS Name & Title: [REDACTED]

Directorate/Unit: Access, Compliance, Removals and Enforcement

Lead contact: [REDACTED]

Date: 30/06/2026