Where to find things.

Introduction ......................................................................................................................................................... 3

2. What evidence do I need to provide to prove my right to work in the UK? .............................................. 3

3. When will I be asked to show this evidence? ................................................................................................. 3

a. When you’re a candidate .................................................................................................................................. 3

b. You’ve provided us with a List 1 or List 2 document ......................................................................................... 3

c. You’ve provided us with a List 3 document ...................................................................................................... 3

4. I have never provided this information to Tesco – why have I not been asked? ........................................ 3

5. I have a visa which allows me to work in the UK – do I have any obligations to Tesco? .......................... 3

6. What should I do if my right to work documents are due to expire soon? .................................................. 4

7. What will happen if my right to work has ended? ........................................................................................... 4

8. Will Tesco help me gain permission to work in the UK? ............................................................................ 4

Policy info ............................................................................................................................................................... 5

Ownership and confidentiality ............................................................................................................................. 5

List 1: (Permanent Residency) ........................................................................................................................... 6
Introduction

We are an inclusive business and our aim is to recruit and retain individuals who are right for our roles without discriminating in any way.

The law requires us to ensure that everyone we employ has the right to work in the UK, and has provided documents to prove they have that right.

1. **Who's this policy for?**

This policy is applicable to all Tesco colleagues throughout their employment with Tesco.

2. **What evidence do I need to provide to prove my right to work in the UK?**

The Government decides what documents we can use to check your right to work in the UK, and this is detailed in the three lists within Appendix 1 of this policy.

We will see, check, and take a copy of your relevant documents.

3. **When will I be asked to show this evidence?**

   a. **When you're a candidate**

      If you’re applying to work in a store or distribution centre you will scan and upload documents (evidence) as part of your on-line application. You then need to bring your original documents with you to your interview so that the interviewing manager can visually check them.

      If you’re applying to work in the office you will be asked to bring your original documents with you to your interview.

      If you previously worked for us but you are a seasonal worker, or left to go on to a career break, you will need to provide your documents again before you can start working for us again.

   b. **You’ve provided us with a List 1 or List 2 document**

      If you have provided us with a List 1 or 2 document we may ask you to bring them in again for the following reasons:
      - If legislation changes;
      - If the Home Office ask us to;
      - If there is a query about the validity of your documents;
      - If we have not got a copy of the correct information for our records.

   c. **You’ve provided us with a List 3 document**

      A List 3 document shows you have limited permission or leave to stay and work in the UK, therefore we will ask you to bring in your original documents regularly throughout your employment so that we can check they are still valid. In particular we will ask to see new documents when your current documents are about to expire.

      If you refuse to provide documentation when we ask you to, this could lead to disciplinary action up to and including dismissal.

4. **I have never provided this information to Tesco – why have I not been asked?**

Our legal obligation is to follow the right to work legislation that was in force at the time that we employed you: the legislation has changed a lot over the years.

If you were employed before 27th January 1997, we did not legally need to check that you had the right to work in the UK.

Colleagues employed from 28th January 1997 until 30th April 2004 were only asked to prove they had a National Insurance number (in the form of a P45, National Insurance card etc.).

5. **I have a visa which allows me to work in the UK – do I have any obligations to Tesco?**

You need to keep your manager informed if your immigration status changes: for example, if you gain permanent or indefinite leave to remain in the UK, settlement, permanent residency, citizenship or naturalisation.

You also need to let us know if your visa has been curtailed, or you are an international student and your university or other educational establishment has lost its license.

Some visas, such as a Tier 4 international student visa or a Tier 2 skilled worker visa, have restrictions on the type of work you can do Please don’t break the terms of your visa, and let your manager know if you have a maximum number of hours you are allowed to work.

**Tier 4 international student**

If you’re an international student you will be restricted to working a maximum of 10 or 20 hours per week during term-time: the actual number will be shown on your visa. Don’t work any hours over what’s stated on your visa as this is a serious breach of our policy and may result in
your dismissal from the company. It is our policy not to pay you for any hours worked over your visa.

This maximum includes any ad-hoc overtime you work on top of your normal contracted hours, and also includes any work you do for another employer.

Some international students are able to work more hours if it’s part of a course-related work placement, although this can’t be for longer than one third of the total length of the course (so if the course is 3 years in length, the international student may work for a maximum of one year on a work placement).

You need to provide a letter from your educational establishment confirming that you’re a student along with your term dates each year.

**Tier 2 skilled worker**

If you are on a Tesco sponsored Tier 2 visa, the Government requires you to keep us informed of your address, telephone number, and email address at all times.

Under the terms of a Tier 2 visa we have to notify UK Visas and Immigration if you are absent from work for longer than 14 calendar days for any reason other than sickness, holiday, or maternity leave. This means that you are unable to take a Lifestyle Break or Career Break. Extended holiday leave for up to one month may be possible but this would need to be investigated further with UK Visas & Immigration before being agreed.

6. **What should I do if my right to work documents are due to expire soon?**

Well in advance of your current permission ending, make an application for further permission to stay and work in the UK.

Information about the various types of visa and settlement options available can be found on the following Government website: https://www.gov.uk/government/organisations/uk-visas-and-immigration

As long as your extension or new application is valid, and has been made before your current right to work end, your right to work will automatically be extended until you hear back from the Home Office. Please ensure that you keep copies or take screen prints of your application, and proof of postage if you have sent your application by post, as we may need to see evidence that you have made a valid application.

Once you have heard from the Home Office you must let your manager or People Manager know what the outcome is, and allow them to take a copy of the letter or documents informing you of the decision.

7. **What will happen if my right to work has ended?**

We can no longer legally employ you if your right to work has ended, and we will bring your employment to an end unless you can provide evidence that you have applied for new permission to work in the UK with the Home Office, before the date your current permission to work document expires.

Before we take this step, we’ll invite you to meet with us so we can understand your immigration status.

8. **Will Tesco help me gain permission to work in the UK?**

If you need a letter confirming your current employment details to support your application, then your manager will be happy to provide this for you – just let them know what information you need in the letter.

Likewise, if you need your manager to complete the Employer’s Declaration section of your application form your manager will be able to do so.

Some applications may require you to provide authenticated payslips as part of your supporting documentation: please print your payslip and your manager will sign it and provide a letter confirming it is authentic.

**Tier 2 skilled worker**

Tesco will sponsor a small number of people in jobs that require unique skills which are difficult to source from within the EEA. These jobs have to be listed on the Government’s ‘Shortage Occupation’ list. The only roles within stores that would qualify are pharmacists and opticians. Elsewhere in Tesco, some specialist IT, Finance, or Buying roles may qualify.

There are colleagues who work for Tesco in other countries who transfer to work in the UK for a period of time – these colleagues come to the UK on a Tier 2 intra-company transfer.
Related Reading:

- Guide to managing colleagues’ right to work in the UK
- People manager’s (and store managers in Express) guide to right to work in the UK
- Colleague responsibility letter
- Manager’s Declaration Form
- Common Questions & Answers
- Template letters for colleagues
- Tracker for colleagues with limited leave to remain in the UK

Policy info.

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<th>Date of change</th>
<th>Summary of change</th>
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<td>1</td>
<td>4&lt;sup&gt;th&lt;/sup&gt; April 2016</td>
<td>New policy</td>
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Policy owner: employment.policy@uk.tesco.com

Ownership and confidentiality

This document shouldn’t be shared with anyone externally without permission from your Director. This policy and any associated documentation remains the property of Tesco and should be returned if requested.
Appendix 1  \hspace{1cm} Documents providing evidence of right to work in the UK

You need to provide one of the original documents (not photocopies) from List 1 or two documents from List 2 or the relevant number of documents from List 3 (some require one document and some require two documents). The lists are detailed below.

List 1 and 2 documents show that a person has an ongoing entitlement to work in the UK. List 3 documents show that a person has limited leave to remain in the UK.

NB: We have simplified the lists for use within Tesco: In the official Home Office Guidance, List 1 and 2 relate to List A, and List 3 relates to List B.

List 1: (Permanent Residency)

- A Passport showing that the holder, or a person named in the passport as the child of the holder, is a British Citizen or a citizen of the UK and Colonies having the right of abode in the UK. NB: British Overseas Territories Citizens, British Dependant Territories Citizens, and British Overseas Citizens are not British Citizens.

- A Passport or National Identity Card showing that the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

- A Registration Certificate or Document certifying Permanent Residence, issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely has no time limit on their stay in the UK.

- A current Passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

NB: If you apply to work in the Isle of Man or the Channel Islands there are additional right to work requirements which you will have to meet. This is due to local laws which are in place to protect jobs for local people in the first instance.

Nationals from Croatia

If you are from Croatia, you will need authorisation to work from the Home Office before you can start working for us. We will need to see a copy of your Accession Worker Authorisation document or Accession Worker Card, or exemption certificate before we can offer you a job.

List 2: (Permanent Residency)

- An official document giving the person’s permanent National Insurance number and name (e.g. P45, P60, Wage Slip, National Insurance Card or a letter from a government agency) issued by a Government agency or previous employer.

and one of these…

- A full birth certificate issued in the UK, Channel Islands, Ireland or the Isle of Man (which includes the name(s) of at least one of the holder’s parents).

- A full adoption certificate issued in the UK, Channel Islands, Ireland or the Isle of Man (which includes the name(s) of at least one of the holder’s adoptive parents).

- A certificate of registration or naturalisation stating that the holder is a British Citizen.

- A current Immigration Status Document (ISD) issued by the Home Office to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay (e.g. permanent Residence Permit).
List 3: (Document showing holder has Limited Leave to Remain until expiry date of leave)

- A current or expired passport with an in-date endorsement showing that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.

- A current Residence Card (including Accession Residence Card of a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland, or who has a derivative right of residence.

- An official document giving the person’s permanent National Insurance number and name (e.g. P45, P60, National Insurance Card or a letter from a government agency) issued by a Government agency or previous colleague and a current Immigration Status Document (ISD) containing a photograph issued by the Home Office to the holder or to the employer, with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question.

List 3: (Document showing holder has Limited Leave to Remain lasting for six months only)

- A Certificate of Application (which is less than 6 months old) issued by the Home Office to a family member of a national from a European Economic Area country or Switzerland, stating the holder is permitted to take employment, and a Positive Verification Notice from the Home Office Employer Checking Service.

- An Application Registration Card (ARC) issued by the Home Office stating that the holder is permitted to take employment, and a Positive Verification Notice from the Home Office Employer Checking Service.

- A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question. (This would not be produced by an applicant but in response to a request by Tesco).

COUNTRIES IN THE EUROPEAN ECONOMIC AREA (EEA)

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<th>Austria</th>
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Switzerland is not in the EEA, but an international treaty means that from 1st June 2002 Swiss Nationals have a similar right to live in the UK as EEA nationals.

* Croatian nationals are able to live in the UK without permission, but need approval to work, or must hold an exemption certificate before they can be employed.