

Extension of Right to Work Scheme

From 1 October 2026 UK right to work checks and liability for failing to prevent illegal working expand beyond traditional employment relationships and is being extended to include subcontractors, agency workers, zero hours workers and those engaged through online or platform models.

Furthermore, If your business uses a digital identity provider for checks, from 1 October 2026 it must now be a registered “RtW DVSP” – a Right to Work Digital Verification Service provider registered on the Office for Digital Identities and Attributes (OfDIA) register, and specifically authorised for right to work checks.

The changes apply to engagements commencing on or after 1 October 2026. Working arrangements which started before that date are excluded (though contracts of employment remain subject to the existing rules as now).



Resources currently available

- Draft code of practice on preventing illegal working: right to work scheme for employers.
- Draft code of practice for employers avoiding unlawful discrimination while preventing illegal working.
- Draft employer’s guide to right to work checks.

What are the penalties for illegal working?

Where someone does not have the correct right to work and is employed or engaged by a business, the business can be fined by the Home Office with the starting fine for a first offence per illegal worker rising to £60,000, potential sponsor licence revocation for licensed sponsors, and where a business knew or had reasonable cause to believe a worker did not have the right to work, criminal liability can ensue.

What action should be taken now?

- Although the code remains in draft form just now, it is unlikely to change in any significant way. Therefore we recommend that Businesses start preparation now.
- Review current RTW processes to ensure they meet Home Office standards.
- Review engagements of workers, employees, agency staff, outsourced workers, subcontractors, seasonal and casual labour, zero-hours workers, platform and gig workers against the definitions in the new code and guidance.
- Update policies and onboarding practices now. Existing right to work policies will be out of date by 1 October 2026 and relying on them will expose the organisation to liability.
- Train all staff on the correct procedures to be followed and ensure all recruitment and engagement of contractors is done only through trained HR Teams.

Please get in touch to find out if we can help.



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We are already engaging with clients and businesses, undertaking audits of their workforce and helping with the redrafting of contracts and updating Right to Work policies and offering training.