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UK Right to Work Changes

UK Immigration Compliance Solicitors

Aston Brooke Solicitors

- Aston Brooke Solicitors, a specialist law firm with extensive experience in **Corporate Immigration & Compliance Law**
- The firm is well-placed to support care providers navigating the complexities of UKVI immigration laws and sponsorship compliance.
- Aston Brooke offers an invaluable opportunity for clients to access **expert legal guidance**, ensuring their ongoing compliance and sustainability in an evolving regulatory landscape.

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Aston Brooke Solicitors

- Aston Brooke recognises the essential role international workers play in the care sector.
- With the Home Office intensifying post-licence visits and compliance checks, having the right legal expertise is crucial for care providers holding a sponsor licence.
- The firm is committed to equipping clients with the knowledge and tools they need to maintain compliance and retain their sponsor licences.

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SERVICES FOR PROVIDERS



Assist employers in applying for a sponsor licence



Legal representation on compliance audits



Pre-audit compliance checks & UKVI mock audits



Online case management solution



Training courses & webinars for providers



Skilled worker visa applications for the sector



Judicial review

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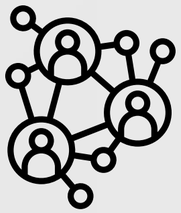
Bespoke Immigration Platform



A bespoke and cutting-edge online platform that streamlines the sponsorship and compliance process with real time updates on sponsored employees.



This system has been vetted and demonstrated to the UKVI who have confirmed that it complies with employer's sponsorship duties



The platform ensures compliance of all five areas of sponsorship obligations and avoid any pitfalls.

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UK Right to Work Changes

- What Changes on 1 October 2026?

Section 48 of the Border Security, Asylum and Immigration Act 2025:

- Expands who can be treated as an "employer"

Extends responsibility into certain labour supply arrangements

Clarifies who must conduct right to work checks

It does NOT change employment law definitions..

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Why These Changes Matter

- The Government is expanding the illegal working regime to reflect today's labour market.

- The legislation recognises that workers are increasingly engaged through:

- Contractors
- Subcontractors
- Labour suppliers
- Outsourcing arrangements
- Contingent workforce models

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Why These Changes Matter

- **Will a care provider using ordinary agency shift cover have any liability?**

- Prior to 1 October 2026, a care provider could generally rely on the agency, as the legal employer, to carry out the right to work checks.

- From 1 October 2026, the Home Office can look beyond the contractual employer and if the provider has ignored obvious warning signs, it may face enforcement action.

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Why These Changes Matter

- **Does the position change where services are commissioned by a Local Authority, ICB or another organisation?**

- The legislation is designed to capture current labour supply chains.

- If a care provider delivers commissioned services for the above, then the provider remains responsible for ensuring workers carrying out those services are legally entitled to work.

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Why These Changes Matter

- **Must providers repeat right to work checks, or can they rely on agency checks?**

- The Home Office has not imposed a mandotary requirement to repeat a full statutory right to work checks.

- However, provders should not rely blindly on an agency's assurance.

- Best practice will be to undertake a bi-monthly or annual check and obtain written confirmation that compliance checks have been completed.

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Why These Changes Matter

- **What contractual protections should providers obtain from agencies?**

Providers should review all agency agreements before 1 October 2026. Contracts should include:

- warranties confirming all right to work checks have been completed;
- warranties that follow-up checks will be completed where required;
- immediate notification if permission to work expires.

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Why These Changes Matter

- **What identity checks should providers carry out when an agency worker arrives?**

- Although providers may not need to repeat the statutory RTW check, they should verify that:

- the individual attending is the person supplied by the agency;
- photographic identification (passport)matches the worker;
- the booking details match the worker's identity;
- the worker is attending the correct placement.

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Why These Changes Matter

- **When could civil or criminal liability arise?**

- Civil Penalties:

- A provider may become liable where it employs or engages someone who does not have permission to work and cannot demonstrate appropriate compliance within the expanded framework.

- Civil penalties currently stand at £60,000 per illegal migrant worker and may also affect regulatory standing and contractual relationships.

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Why These Changes Matter

- **When could civil or criminal liability arise?**

- Criminal Liability:

- Criminal offences may arise where an organisation:

- knowingly employs or engages an illegal worker; or
- has reasonable cause to believe the individual is working illegally.

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Preparing Before 1 October 2026

Review:

✓ Agency agreements & Outsourcing contracts

✓ Procurement procedures

✓ HR processes

✓ Recruitment policies

✓ Sponsor licence compliance

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What Has NOT Changed?

The Home Office has not introduced:

❌ **Mandatory Digital Verification Service Providers (DVSPs)**

❌ **A separate legal category for agency workers**

❌ **Personal liability for directors**

❌ **New right to work checking methods**

Existing checking routes remain available.

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Immigration Compliance in the Care Sector

- It is now more **important** than ever for employers in the care sector to remain compliant with the immigration rules and uphold their sponsorship duties, as the Home Office continues to crack down on rogue employers in high-risk sectors.

- The firm's **UKVI mock audit service** provides and invaluable insight into the post licence UKVI inspections

- Providers are prepared for the visit and interview questions are provided

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Questions & Answers

Let’s continue the conversation

Compliance specific enquiries: *km@astonbrooke.co.uk*

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