



The Right to Work Compliance Guide

A practical checklist for recruitment agencies and
employers ahead of 1st October 2026

The Right to Work Compliance Guide

From 1st October 2026, changes to the UK's Right to Work scheme will affect how employers and organisations approach Right to Work checks, digital verification and certain working arrangements.

The updated Home Office guidance confirms that employers can establish a statutory excuse through a manual document check, a Home Office online check or, where applicable, a check using a registered and certified Right to Work digital verification service provider. The updated guidance also extends the application of the scheme to certain worker contracts, individual subcontractors and online matching services.

For businesses using recruitment agencies, these changes create an important question:

We use recruitment agencies, but how do we know they are doing what they should?

That question matters because a recruitment supplier can form a critical part of your workforce supply chain. If an agency is sourcing and onboarding workers on your behalf, you need confidence that its processes are understood, controlled, evidenced and regularly reviewed.

A recruitment supplier should be more than a supplier. It should be a trusted and demonstrably compliant part of your workforce supply chain.

This guide provides a practical framework for employers and recruitment agencies preparing for the 1st of October 2026 changes.

What is changing on 1st October 2026?

The Right to Work framework is becoming more relevant to a wider range of working arrangements.

The updated Home Office guidance states that the scheme applies not only to traditional employment relationships but also, in relevant circumstances, to individuals working under a worker's contract, individual subcontractors and online matching services. For these arrangements, civil penalty liability under the relevant provisions applies to employment commencing on or after 1st October 2026. The guidance also introduces requirements relating to certain contractual arrangements where extended liability may apply.

There are also important changes around digital verification.

From 1st October, where an employer chooses to use a digital verification service for Right to Work purposes, the service must be certified and registered against the relevant digital identity trust framework and supplementary code for the employer to obtain a statutory excuse. The updated arrangements also allow a wider range of evidence to be used through digital verification, including certain recently expired passports, and enable digital services to support re-verification over time.

For employers and recruitment agencies, this means that reviewing the process now is worthwhile.

The question is not simply whether your business carries out Right to Work checks.

It is whether your recruitment compliance processes are ready for the way the rules will operate from 1st October 2026.

01

Do you know who is legally responsible for the check?

One of the first questions employers should ask their recruitment suppliers is who is responsible for carrying out the Right to Work check.

The updated guidance makes clear that, with the exception of prescribed checks carried out by a Right to Work digital verification service provider, the employer remains responsible for carrying out the check required to establish a statutory excuse.

That makes contractual and operational clarity particularly important when recruitment agencies are involved.

An employer may have an agreement with an agency under which the agency conducts recruitment and onboarding activities. That does not mean the employer should automatically assume that the agency's processes remove or transfer the employer's own legal responsibilities. Where an umbrella company is the employer, for example, the umbrella company retains responsibility for ensuring that the required Right to Work check is completed and for obtaining the statutory excuse. An agency may assist with recruitment or onboarding activities, including facilitating or carrying out checks on the employer's behalf, but this does not in itself transfer the employer's legal responsibility. The employer should therefore ensure that the appropriate Right to Work process is completed and that the statutory excuse is properly obtained and retained.

You should understand exactly what your recruitment supplier does, what evidence it retains, what information is passed to you and where responsibility sits at each stage.

SUPPLIER CHECKLIST

- ☐ Is responsibility for Right to Work checks clearly defined?
- ☐ Does your contract with the recruitment agency reflect the actual process?
- ☐ Do you know who performs each stage of the check?
- ☐ Do you know what evidence the agency retains?
- ☐ Can the agency explain how it escalates issues?
- ☐ Does your internal team understand its own responsibilities?

Focus: make ownership, evidence and escalation clear.

02

Can your recruitment supplier demonstrate its process?

A supplier saying that it completes Right to Work checks is not the same as demonstrating that the process is effective.

This is where recruitment agency due diligence becomes particularly important.

Before relying on a recruitment supplier to support recruitment or onboarding, employers should understand how Right to Work checks are conducted, who is authorised to complete them, how records are retained and what quality assurance is undertaken. The employer should remain clear about its own legal responsibilities: where an agency or other supplier assists with the process, this does not generally transfer the employer's responsibility for ensuring that the required Right to Work check has been completed correctly and that the statutory excuse has been obtained and retained. In some circumstances, an HR provider or other third party engaged by the employer may carry out the check on the employer's behalf, but the underlying responsibility remains with the employer.

This does not need to mean creating unnecessary bureaucracy. It means asking sensible questions and obtaining enough evidence to support confidence in the supplier.

The important distinction is between supplier assurance and supplier evidence.

If the answers are unclear, that may be a sign that further due diligence is required.

SELF-CHECK

If your agency tells you that all workers are checked, can it demonstrate that through records and a controlled process?

Focus: test whether the process can be demonstrated from actual worker records.

03

Are your teams ready for the three recognised check routes?

From 1st October 2026, the updated guidance sets out three routes for establishing a statutory excuse: a manual document-based check, a Home Office online Right to Work check or, where applicable, a check using a Right to Work digital verification service provider.

The appropriate route depends on the individual's circumstances and the evidence available.

This means recruitment teams need to understand that there is not necessarily one universal process that can be applied to every candidate.

For example, where an individual has an eVisa, the employer must use the Home Office online service to establish the statutory excuse. Other workers may be able to demonstrate their status through another prescribed route.

Your recruitment supplier should therefore have a process that accounts for different circumstances rather than simply directing every candidate through the same route.

CHECKLIST

- ☐ Do recruitment staff understand the available check routes?
- ☐ Do they know when the Home Office online service should be used?
- ☐ Do they understand when a manual check may apply?
- ☐ Do they understand the role of certified digital verification services?
- ☐ Are exceptions and technical issues covered by the process?

Focus: ensure the worker file provides a complete and accessible audit trail.

04

If you use digital verification, do you know who is providing the service?

The expansion of digital verification creates another important area for recruitment supplier compliance.

If a recruitment agency or another intermediary uses a digital verification service as part of the Right to Work process, employers need to understand which provider is actually conducting the check.

From 1st October 2026, where a digital verification service is used for Right to Work purposes, the service must be certified and registered against the relevant trust framework and supplementary code in order for the employer to obtain a statutory excuse.

The updated guidance also makes clear that if an employer obtains a digital verification service through another organisation, such as a screening or referencing provider, that organisation must clearly identify the certified and registered provider carrying out the Right to Work check.

This creates a straightforward supplier due diligence question:

If the answer is no, you may not have enough visibility over an important part of your recruitment compliance process.

SELF-CHECK

Do you know which organisation is actually conducting the digital Right to Work check?

Focus: understand how pay, tax and employment-status controls are evidenced.

05

Are you prepared for wider digital evidence?

The changes also broaden the evidence that can be used through digital verification.

The new supplementary code allows digital verification services to use certain recently expired British and Irish passports and passport cards, subject to the applicable requirements, including chip reading. The updated arrangements also support digital re-verification of a worker's Right to Work over time.

For recruitment agencies, this means processes and systems may need to be reviewed.

Staff need to understand what evidence can be accepted, which checks are appropriate and how the resulting evidence should be recorded.

Employers should also understand what information their recruitment suppliers will provide to them and how that information will be retained.

The introduction of new digital routes does not remove the need for control.

It makes having a clearly documented and consistently applied process even more important.

Focus: understand every organisation involved between you and the worker.

06

Are follow-up checks properly controlled?

A Right to Work check may not always be the end of the process.

Where a worker's permission to work is time-limited, the updated guidance states that employers should conduct a follow-up check shortly before the permission is due to come to an end.

This is an area where recruitment agencies can provide valuable operational support, but employers should understand how the process works.

Ask your recruitment supplier how follow-up dates are identified, who monitors them and what happens when action is required.

You should also consider whether the process relies on manual reminders, automated systems or a combination of controls.

A missed follow-up check can create a very different risk profile from a process that identifies and manages the requirement proactively. Employers and labour providers should also consider appropriate identity-assurance measures to help ensure that the individual who attends the workplace is the person whose Right to Work was checked. Depending on the circumstances and the requirements of the relevant Home Office scheme or guidance, this may include repeat or ongoing identity checks, use of biometric information, identity or site-access badges, or other appropriate controls. Where a specific checking frequency is required, this should be clearly documented and monitored so that checks are completed when due.

CHECKLIST

- ☐ Are follow-up checks identified?
- ☐ Are dates recorded accurately?
- ☐ Are responsibilities clearly allocated?
- ☐ Are reminders generated in sufficient time?
- ☐ Are completed follow-up checks evidenced?
- ☐ Are exceptions escalated?

Focus: test supplier controls regularly rather than relying only on approval.

07

Are your recruitment processes designed to avoid discrimination?

Right to Work compliance and fair recruitment need to operate together.

The updated code of practice states that employers must not treat applicants more or less favourably because they have an eVisa or because of the type of Right to Work check used. It also makes clear that employers should not ask about immigration status because of race, nationality or ethnic or national origins.

This is particularly important where agencies are operating as part of the recruitment process.

Employers should understand how their recruitment suppliers apply Right to Work checks consistently across candidates and how they avoid introducing discriminatory practices.

For example, a business should not create an unnecessary preference for candidates who can use one particular checking route when another prescribed route is available.

SUPPLIER CHECKLIST

- Does the agency apply a consistent process?
- Are candidates given a reasonable opportunity to demonstrate their Right to Work?
- Do recruitment staff understand the discrimination risks?
- Are alternative routes handled appropriately?
- Are staff trained on both compliance and fair recruitment?

Focus: include worker treatment, safeguarding and escalation in oversight.

08

Does your recruitment supply chain extend beyond the traditional employee?

The 1st of October changes make it particularly important for organisations to understand their wider workforce arrangements.

The updated guidance applies, in relevant circumstances, to employment under a worker's contract, individual subcontractors and online matching services.

This means organisations should not necessarily limit their review to traditional employees supplied through a recruitment agency.

If your workforce includes contractors, subcontractors, contingent workers or other arrangements, ask whether the new requirements could apply.

The answer will depend on the specific working arrangement, so businesses should assess their models carefully rather than assuming that a worker sits outside the Right to Work framework simply because they are not engaged through a conventional employment contract.

This is also an important consideration for recruitment suppliers operating across different engagement models.

Focus: make corrective ownership, deadlines and verification visible.

09

When did you last audit your recruitment suppliers?

Supplier onboarding should not be the end of the compliance conversation.

A recruitment agency may have been approved several years ago, but its systems, staff, processes and technology may have changed since then.

The 1st of October 2026 changes provide a useful reason to revisit supplier assurance.

A recruitment agency audit can test whether the controls described by the supplier are actually operating in practice. It can review evidence, identify gaps and provide a structured view of the areas that may require corrective action.

Compliance.One's audit approach includes reviewing recruitment and onboarding controls, including identity and Right to Work, qualifications, licences, references, contracts and Key Information Documents.

The objective is not simply to ask whether a supplier has a policy.

It is to establish whether the process is working.

Focus: give management a clear view of recurring themes and overdue actions.

10

What happens when a compliance issue is identified?

A mature recruitment supplier should be able to explain what happens when a Right to Work issue is identified.

Compliance. One's methodology is designed around this principle. Findings are identified from evidence, classified according to risk, assigned practical corrective actions and followed up to confirm that improvements have been completed and sustained.

This creates a useful question for employers to ask their recruitment suppliers:

The answer can tell you a great deal about the maturity of the supplier's compliance framework.

SELF-CHECK

Is the issue recorded? Is the risk assessed? Is responsibility assigned? Is the matter escalated where appropriate? Is corrective action tracked and independently verified?

Focus: turn supplier management into demonstrable supplier assurance.

YOUR 1ST OCTOBER 2026 RECRUITMENT SUPPLIER CHECKLIST

Use these questions as a practical review of your current recruitment supply chain.

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RESPONSIBILITY

- ☐ Do we understand who is responsible for Right to Work checks?
- ☐ Are responsibilities clearly documented?
- ☐ Does our supplier agreement reflect the actual process?

RIGHT TO WORK PROCESSES

- ☐ Does our supplier understand the three prescribed checking routes?
- ☐ Are staff trained on the updated requirements?
- ☐ Are manual and online checks handled correctly?
- ☐ Are appropriate follow-up checks identified?

DIGITAL VERIFICATION

- ☐ Do we know whether our suppliers use a digital verification service?
- ☐ Do we know which provider actually conducts the check?
- ☐ Is the provider appropriately certified and registered?
- ☐ Are we prepared for the expanded digital evidence and re-verification arrangements?

SUPPLIER ASSURANCE

- ☐ Have we completed appropriate recruitment agency due diligence?
- ☐ When did we last conduct a recruitment supplier audit?
- ☐ Can our supplier demonstrate its compliance through evidence?
- ☐ Do we monitor corrective actions?

WIDER WORKFORCE

- ☐ Have we considered workers engaged under different contractual arrangements?
- ☐ Have we reviewed relevant subcontractor arrangements?
- ☐ Do we understand whether online matching or other workforce models create additional Right to Work considerations?

If you answered "no", "not sure" or "we need to check" to several of these questions, the issue may not be that your recruitment supply chain is non-compliant.

The issue may be that you do not currently have enough visibility to know.

SELF-CHECK

If you answered "no", "not sure" or "we need to check" to several of these questions, the issue may be that you do not currently have enough visibility to know.

YOUR RECRUITMENT SUPPLIER SHOULD BE MORE THAN A SUPPLIER

The 1st of October 2026 changes provide an important opportunity for employers to rethink how they manage recruitment suppliers.

A recruitment agency is not simply providing candidates. It may be carrying out critical recruitment, onboarding and compliance activities that form part of your workforce supply chain.

That means supplier management needs to go further than asking whether an agency is approved.

You should be asking whether the supplier is demonstrably compliant.

Can they show you how their Right to Work process works? Can they demonstrate the evidence? Do they understand the new digital verification requirements? Can they explain how follow-up checks are managed? Can they show how issues are identified and corrected?

These are the questions that turn supplier management into supplier assurance.

FROM RECRUITMENT SUPPLIER TO TRUSTED PARTNER

Compliance.One provides independent, evidence-based assurance across complex labour supply chains. Its approach examines how labour is sourced, engaged, onboarded, paid and governed, turning evidence into clear risk visibility and practical corrective action.

For employers using recruitment agencies, an independent recruitment supplier audit can provide additional visibility over how suppliers are operating and whether their controls are supported by evidence.

A review can be focused around your supplier population, priority risks and reporting requirements, with the option of a one-off assessment or ongoing assurance programme.

The objective is not to make your recruitment supply chain more complicated.

It is to make it more transparent.

THE QUESTION TO ASK BEFORE 1ST OCTOBER

The most important question for employers may not be:

SELF-CHECK "Are our recruitment agencies compliant?"

It should be:

SELF-CHECK "How do we know?"

From 1st October 2026, the Right to Work framework will place greater emphasis on understanding different working arrangements, digital verification routes, evidence and ongoing checks.

That makes recruitment supplier due diligence increasingly important.

Your recruitment suppliers are part of your workforce supply chain.

They should therefore be more than a source of workers.

They should be trusted and demonstrably compliant partners in your recruitment process.

Compliance.One

Independent, evidence-based assurance for complex labour supply chains.



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