



EXTENDED RIGHT TO WORK CHECK REQUIREMENTS FROM 1 OCTOBER 2026

KEY CHANGES

Previously, compliance with Right to Work (RTW) checks applied to:

- + Direct employers; and
- + Sponsor licence holders for all sponsored workers, regardless of whether they are the direct employer.

Now, compliance has been extended to include:

- + Certain non-directly employed workers;
- + Individual sub-contractors; and
- + Online matching platforms.

WHO IS AFFECTED?

The new rules bring several types of arrangements within the scope of RTW checks.

Workers engaged under a worker's contract

If your company engages an individual to perform work or services personally, you must now conduct a RTW check, regardless of direct employment.

For example, a worker who provides services personally, is under significant control or direction of the company, and is an integral part of the company's business will now fall within the RTW check requirements.

Genuinely self-employed individuals or those operating their own business and contracting directly with a company are exempt.

For example, if the individual advertises services to the public, has multiple clients, and invoices the clients directly, the clients do not need to conduct a right to work check on the individual.

Subcontracting the delivery of services

If your business subcontracts any part of its contracted work or services, you may be subject to extended RTW liability.

For example, an offshore company wins a contract for surveying work and subcontracts specialist diving work to another firm, which in turn hires divers. Liability for RTW checks on the divers can extend upstream to the offshore company.

Agency workers

If an agency supplies workers to your company and its role is limited to supplying workers (not delivering services itself), the agency is responsible for RTW checks.

However, if your company is contracted to deliver a project or service to an upstream client and you use agency workers or subcontractors to fulfil that contract, your company enters the scope of extended RTW liability.



For example, if an agency supplies temporary workers to a company for an offshore project, the agency is responsible for RTW checks. However, if the company is contracted to deliver services to an upstream client, the company would enter the scope of extended RTW liability.

Online matching services

Platforms that connect service providers with clients for a fee must now conduct RTW checks on workers providing services via the platform.

For example, an online platform that connects homeowners with electricians for a fee must now conduct RTW checks on the electricians using its platform.

Substitution arrangements

If a contract allows a worker to send a substitute, the employer is liable for RTW checks on both the original worker and any substitute.

For example, if a company contracts with an engineer who has the right to send a substitute for offshore survey work, RTW checks must be done for the substitute before they start work.

WHO IS NOT AFFECTED?

The extended liability regime does not apply to every organisation using work or services from another business. Excluded categories include:

End users, clients, and customers

If your organisation uses a service solely for its own internal operations and does not provide those services to a third party, the extended liability provisions do not apply.

For example, if a company contracts a catering company to provide food services for its staff, the company is the end user. The responsibility for RTW checks remains with the catering company as the direct employer.

Genuinely self-employed individuals and personal service companies

As mentioned above, individuals operating an independent business in their own name, or through their own company, who contract directly with clients, are outside the scope of the extended liability regime.

Supply of Goods

Where a contract is for the supply of finished goods (not services), extended liability provisions do not apply.

For example, a manufacturer supplies safety equipment to a company. The workers making the equipment are the manufacturer's responsibility and the RTW check obligations rest solely with the manufacturer.

ILLEGAL WORKING

If the Home Office finds that a company has employed an illegal worker and the company does not have a statutory excuse, it can issue a civil penalty (i.e. fine) of up to £60,000 per illegal worker.

To establish a statutory excuse, companies must conduct RTW checks for all individuals within scope. This includes:

- + **substitution controls:** Where substitution is permitted, ensure RTW checks are carried out on every substitute before work begins, and that enforcement provisions are in place.
- + **Identity verification systems:** Implement proportionate systems to confirm the person doing the work is the one who passed the RTW check (e.g. workplace passes, identity cards, biometric systems, or facial recognition technology).

For subcontracting arrangements where direct RTW checks are not practical, companies must **map out its subcontracting arrangements and include a written statement** in its contracts. This should include:

- + Identifying which commercial arrangements may fall within scope, such as the provision of work or services to a third party through a supply chain, online matching service or substitution arrangements.

- + For arrangements within scope, contracts with downstream suppliers should require them to:
 - a) Carry out RTW checks on any individuals employed to perform the relevant work or services;
 - b) Not further subcontract the work or services without prior written consent, and replicate equivalent RTW check obligations in any permitted subcontracting arrangements;
 - c) Permit audits on compliance with RTW checks;
 - d) Enable enforcement action, including suspension or termination of the contract, where illegal working is identified and a statutory excuse has not been established; and
 - e) Cooperate with Home Office investigations, including providing information about the contractual chain, details of each employer or service provider involved, and any other information that the Home Office considers relevant.

Companies should also take practical steps to ensure suppliers are performing and documenting RTW checks through regular monitoring, record reviews, and audits.

HOW WE CAN HELP

We can assist your organisation by:

- + Identifying which of your existing contracts and supplier relationships fall within scope of the extended liability regime;
- + Reviewing existing agreements and advising on compliance;
- + Drafting template RTW clauses for standard supplier and subcontractor agreements;
- + Developing compliance toolkits and providing training.

CONTACT US



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