

Appendix 9: External Examiners (Research Degrees) - Process for Checking Right to Work in the UK

Overview

The law on preventing illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 which came into force on 29 February 2008. Employing someone who is not allowed to work in the UK is illegal, and the University is required to carry out checks on everyone it employs. This includes checks on External Examiners who are contracted to perform a specific service, even if they are already employed by other UK institutions.

There could potentially be severe consequences for the University if it is found to be employing an illegal worker and checks on that person's right to work in the UK have not been properly carried out. The Home Office's UK Visas and Immigration Service (UKVI) monitor this and failure to follow correct procedures could result in the University's licence (to sponsor international students for Tier 4 visas) being revoked.

During COVID-19 related lockdowns, these rules were temporarily relaxed. However, the requirement to see the actual, physical document proving that an External Examiner has the right to work in the UK returned on 1 October 2022, as an obligation for HEIs:

<https://freemovement.org.uk/employers-take-note-all-change-for-right-to-work-checks-from-1-october-2022/>

This document sets out in detail how the University manages such checks.

Process for Checking Right to Work in the UK

Preliminary Scoping

Preliminary scoping of a potential External Examiners right to work in the UK takes place during initial conversations between the Director of Studies (DOS) and the proposed examiner as part of the nomination process. When completing the Nomination of Research Degree Examiners form (NOMEX) the DOS is required indicate to the best of their knowledge as to whether the proposed external examiner has the right to work in the UK. This should help identify to the Faculty Research Student Board any potential issues at an early stage in the nomination process before the NOMEX is forwarded to the Research Awards Sub Committee (RASC) for approval.

Examiner Approval

RASC approves the nomination of the External Examiner, but the appointment is not confirmed until their right to work in the UK has been verified.

Verification

Once the NOMEX form has been approved by the Research Awards Sub Committee (RASC), RDSS will issue the appointment letter, which contains details about the ID process to be followed.

Government guidelines require the University to physically confirm the identity of all External Examiners. These checks apply to ALL External Examiners including UK nationals. Even if they are not required to attend campus for the viva examination itself, External Examiners will still need to provide evidence of their right to work in the UK to:

*Phil Whittingham
Research Degree Student Services (RDSS) Office – Registry
University of Wolverhampton
Housman Building (MX)
Camp Street
Wolverhampton
WV1 1AD*

See the list of acceptable documents for manual right to work checks

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide/an-employers-guide-to-right-to-work-checks-6-april-2022-accessible-version#AnnexA>

From 1 July 2021, [EU, EEA](#), or Swiss citizens will no longer be able to use a passport or national identity card to prove right to work in the UK unless they are an Irish citizen. EU, EEA, or Swiss citizens should provide their 'share code' along with their date of birth to rdss@wlv.ac.uk. RDSS will utilise this to 'View a job applicant's right to work details' via <https://www.gov.uk/prove-right-to-work>

A video call will be made by RDSS to the examiner where verification will be completed.

The receipt from any postage costs will need to be included in the final expenses claim following the viva examination.

Once the External Examiner's Right to Work in the UK has been verified, the documentation will then be returned to the External Examiner by Recorded Delivery, and the thesis sent to the External, to begin the process of Viva assessment.

Please note that the thesis cannot be dispatched until the external examiners eligibility to work in the UK has been confirmed.

Record Keeping and Review

RDSS maintains records of all External Examiner nominations, appointments, and right-to-work verifications (including when appointments and right to work expires). These details are held on a database alongside verified copies of original documents which will be retained securely for two years after expiry of the appointment.

Following the Viva Voce, RDSS will check whether the External's appointment is still current or has expired before sending additional materials for examination i.e., minor amendments or a resubmission.

Acceptable Documentation for Right to Work Checks

The following information is drawn from the Home Office document "An employer's guide to right to work checks", as published at: <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

Further guidance is also available via www.gov.uk/check-job-applicant-right-to-work