



The October 2026

RIGHT TO WORK CHECK

Is your business ready for the new rules?

A practical employer checklist from Mindset-HR

Right to Work responsibilities are changing from 1 October 2026.

Use this quick check to understand where the new rules could affect your business and identify anything you may need to review.

Updated September 2026



RIGHT TO WORK IS NO LONGER JUST ABOUT YOUR EMPLOYEES.

From 1 October 2026, the Right to Work scheme expands to cover more working arrangements.

Depending on how your business engages people, your responsibilities may now extend to individuals working under.



Worker's contracts

People who personally provide work or services but are not employed under a traditional employment contract.



Individual subcontracting arrangements

Where an individual subcontractor is engaged to carry out work or provide services.



Online matching services

Platforms that match individual service providers with clients or customers.

There are also new rules around certain labour supply and contractual arrangements, including requirements designed to establish who is responsible for Right to Work compliance.

WHY DOES THIS MATTER?

Getting Right to Work checks right can provide your business with a statutory excuse against a civil penalty if someone is later found to be working illegally.

The October changes mean businesses need to look beyond their traditional employee onboarding process and consider how everyone carrying out work enters the organisation.

Let's see how prepared your business is.



1

WHO WORKS WITH YOUR BUSINESS?

Your workforce might be broader than you think.

Think about everyone who carries out work or provides services within your business.



TICKED SOMETHING YOU WEREN'T EXPECTING?

Don't assume that someone's job title or the way you've always described the relationship determines your responsibilities.

The actual working and contractual arrangement matters.

If your business uses people outside a straightforward employer/employee relationship, this is a good time to review how the new rules apply to you.



DO YOU ENGAGE ANY OF THE FOLLOWING?

☐

Employees

☐

Casual or ad-hoc workers

☐

Zero-hours workers

☐

Individuals engaged under worker's contracts

☐

Individual subcontractors

☐

Agency or supplied labour

☐

Individuals supplied through another business or contractor

☐

People sourced through an online platform or matching service

☐

People who are permitted to send a substitute to carry out work

☐

Other individuals who personally provide work or services to your business

2



How ready are you?

For each statement, choose:
YES | NO | NOT Sure

- 1. We know all the different ways individuals enter our business to carry out work or provide services.**

☐ YES ☐ NO ☐ NOT SURE

- 2. We have reviewed which of those arrangements will fall within the Right to Work scheme from 1 October 2026.**

☐ YES ☐ NO ☐ NOT SURE

- 3. We know who is responsible for completing the required Right to Work check for each type of worker we engage.**

☐ YES ☐ NO ☐ NOT SURE

- 4. Where another organisation supplies labour to us, we understand our own responsibilities rather than relying automatically on the other organisation's processes.**

☐ YES ☐ NO ☐ NOT SURE



If you've answered
NO or NOT SURE...

You've found something
worth reviewing.

The October changes
make understanding your
entire workforce and labour
supply arrangements
increasingly important.

3

WOULD YOUR PROCESS STAND UP TO SCRUTINY?

Continue your self-check



GEMMA'S TOP TIP

A Right to Work check isn't simply about collecting a copy of someone's documents.

Your process needs to follow the prescribed requirements if you want to establish a statutory excuse against a civil penalty.

5. Our Right to Work checks are completed at the correct time and before work begins where required.

YES NO NOT SURE

☐ ☐ ☐

6. We know which method of Right to Work check should be used in different circumstances.

YES NO NOT SURE

☐ ☐ ☐

7. We verify that the person presenting themselves for work is the person whose Right to Work has been checked.

YES NO NOT SURE

☐ ☐ ☐

8. We retain the required evidence of completed checks securely.

YES NO NOT SURE

☐ ☐ ☐

9. We know when a follow-up Right to Work check is required for someone with time-limited permission to work.

YES NO NOT SURE

☐ ☐ ☐

10. Managers responsible for recruitment and onboarding know what is expected of them.

YES NO NOT SURE

☐ ☐ ☐

4

This is where the October changes could expose gaps.

If workers reach your organisation through contractors, subcontractors or other labour arrangements, there are additional requirements to consider.



BUSINESS



CONTRACTOR



SUBCONTRACTOR



INDIVIDUAL

ASK YOURSELF:

- | | | | | |
|-----|--|-----------------------|-----------------------|-----------------------|
| 11. | Where another business is involved in providing workers or services, our contractual arrangements clearly set out Right to Work responsibilities. | YES | NO | NOT SURE |
| | | ☐ | ☐ | ☐ |
| 12. | Where substitution is permitted, we have a process to ensure a substitute cannot begin work before their Right to Work has been verified where required. | YES | NO | NOT SURE |
| | | ☐ | ☐ | ☐ |
| 13. | Responsibility for checking substitutes isn't simply passed to the individual carrying out the work. | YES | NO | NOT SURE |
| | | ☐ | ☐ | ☐ |
| 14. | We have a process for confirming that the individual actually carrying out the work is the individual whose Right to Work has been checked. | YES | NO | NOT SURE |
| | | ☐ | ☐ | ☐ |
| 15. | We can evidence the steps we've taken to meet our responsibilities if asked to do so. | YES | NO | NOT SURE |
| | | ☐ | ☐ | ☐ |

Why these questions matter:

From 1 October, businesses seeking a statutory excuse against certain forms of extended liability may need to meet prescribed requirements covering areas including:

- Written contractual arrangements
- Substitution controls
- Identity verification

Your paperwork and day-to-day working practices need to align.



Right to Work checks must be fair, as well as compliant.

Right to Work compliance doesn't remove your responsibilities under equality law.

The updated Home Office Code of Practice reinforces the importance of avoiding unfair discrimination when carrying out checks.

☐

16. We apply our Right to Work process consistently to everyone who requires a check.

☐

17. We don't make assumptions about someone's Right to Work based on their nationality, accent, name or appearance.

☐

18. Our recruitment and onboarding teams understand how to carry out checks without unfairly discriminating against candidates or workers.

☐

19. We don't treat someone less favourably simply because they have a time-limited Right to Work or need to use a particular permitted checking method.

5

The Goal

A process that protects your business without creating unnecessary barriers for the people you employ or engage.



WHAT DID YOUR CHECK REVEAL?

YES

ALL OR MOSTLY YES?

That's a positive starting point.

The October changes are still a useful opportunity to review your procedures, contracts and responsibilities, particularly if your business engages people outside traditional employment arrangements.

NO

ONE OR MORE NO ANSWERS?

You've identified an area that may need attention.

Look back at each NO and turn it into an action. That might mean reviewing a contract, updating an onboarding process, confirming responsibility within a labour supply arrangement or providing additional training.

NOT
SURE

ONE OR MORE NOT SURE ANSWERS?

Don't leave these unanswered.

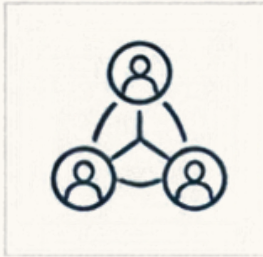
If you're unsure who needs a check, who is responsible, which process to follow or what evidence you need to retain, that's exactly what your review should establish.



YOUR NEXT STEP

Go back through every NO and NOT SURE and create your Right to Work action list.

BEFORE 1 OCTOBER, REVIEW THESE FIVE AREAS.



01

01 — MAP YOUR WORKFORCE

Identify every route through which individuals come into your organisation to work or provide services.



02

02 — REVIEW RESPONSIBILITIES

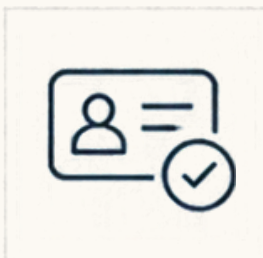
Establish who is responsible for Right to Work compliance within each arrangement.



03

03 — CHECK YOUR CONTRACTS

Review contractual responsibilities, particularly where other organisations, subcontractors or substitution arrangements are involved.



04

04 — REVIEW YOUR ONBOARDING

Make sure your processes reflect the latest requirements, and that evidence is correctly obtained and retained.



05

05 — BRIEF YOUR MANAGERS

Anyone recruiting, onboarding or managing workers should understand what is changing and what they need to do.



Don't wait until you need to onboard someone.

Reviewing your arrangements now gives you time to identify questions and make any necessary changes before the new rules take effect.



FOUND A GAP?

Let's get it sorted.

If this checklist has raised questions about your workers, subcontractors, onboarding process or existing Right to Work procedures, Mindset-HR can help you review what you currently have in place and understand what needs attention.

WE CAN SUPPORT YOU WITH:

Right to Work process reviews

Contract and documentation reviews

Recruitment and onboarding procedures

Manager guidance and training

Ongoing HR support



**Get your business
ready for 1 October.**

BOOK A RIGHT TO WORK REVIEW



Mindset-HR

Gemma Crane

01603 511 481

gemma@mindset-hr.co.uk

www.mindset-hr.co.uk

**Practical HR support for
employers who want to
get things right.**

This checklist provides general information for employers and is not legal advice. Right to Work responsibilities can depend on the specific contractual and working arrangements in place within your organisation.

This resource reflects Home Office guidance available in September 2026.