

EXTERNAL EXAMINERS

G1.2 Right to work in the UK checks for external examiners

This note is to provide information to Faculty colleagues on the process of appointing external examiners; specifically, the University's obligation – under Home Office rules - to check that all nominees have the right to work in the UK prior to appointing them, in the same way as for any other employees. The key things to remember are that:

- ✓ **the eligibility check applies to all external examiners, regardless of nationality;**
- ✓ **nominated external examiners cannot carry out any work for Oxford Brookes until their eligibility to work in the UK has been confirmed.**

Potential issues

However, there have been some situations where we have encountered delays in making appointments because the nominated external examiner and colleagues in the School/Department have been unaware of what is involved in the checking process. It would therefore be helpful if staff nominating external examiners could ensure their nominees are made aware of this requirement, and to provide reassurance about the security and speed with which it is carried out.

Nominating teams also need to be aware that the check may not always be straightforward for non-UK citizens. A problem which has arisen on a number of occasions recently is where a nominee who is a non-EEA citizen has presented a visa stamp in an expired passport. The Home Office rule is that (although it is valid for travel purposes) the visa stamp is only acceptable as proof of eligibility to work in the UK if it is contained in a current passport. If it is in a passport which has expired, then the examiner will need to replace their Indefinite Leave to Remain (ILR) stamp with a Biometric Residence Permit (BRP) before we can employ them. We can continue to process their appointment while they are in the process of applying for a BRP if they provide us with the reference number from their application, which HR can check through the Employer Checking Service (ECS).

The checking process

Due to restrictions put in place to deal with the COVID-19 pandemic, changes have had to be made to the way eligibility checks are managed*, and the current process is summarised below:

- The eligibility check is carried out by the APQO once a nomination has been approved by the Faculty and by the PVC (Student & Staff Experience), i.e. once we have confirmation that they meet the academic criteria for appointment.
- APQO contacts the nominee to ask them to email a copy of their passport (or other relevant documentation – see 'useful links' below) so we can carry out the eligibility to work check.
- On receipt of a scanned copy or photo of the passport/other document, APQO contacts the EE to schedule a meeting via a short (~10 minute) video call. During the call, the EE nominee must hold the original document up to the screen so that it can be checked against the copy provided to APQO.
- Once the virtual meeting has taken place, an appointment letter is issued. The EE must then complete and return via email the acceptance and HMRC forms, before they can be set up on the HR system and IT access can be granted (and passwords released).

**This interim eligibility check introduced during the pandemic will be in place until April 2022 - after that, we will be required to revert to checking physical documents again.*

Useful links

Home Office guidance on acceptable right to work documents can be found at:

<https://www.gov.uk/check-job-applicant-right-to-work>

and

<https://www.gov.uk/government/publications/right-to-work-checklist>

APQO web pages with links to information for staff about nominating external examiners:

<https://www.brookes.ac.uk/asa/apqo/external-examining/>