Right to Work Changes
Preparing for 1 October 2026

September 2026

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Right to work checks are expanding: what does your business need to do before 1 October 2026?

From 1 October 2026, the obligation to carry out right to work checks will no longer sit squarely with traditional employers. Under section 48 of the Border Security, Asylum and Immigration Act 2025, the UK government is dramatically expanding who must check, and who faces liability when checks are missed. If your business engages any form of flexible, outsourced or platform-based labour, these changes affect you directly.

Who is now in scope?

The new legislation amends the Immigration, Asylum and Nationality Act 2006 by inserting a new section 14A, which expands the definition of "employer" for immigration compliance purposes. Right to work checks will now be required where a business engages an individual:

- **under a worker's contract** - capturing casual, temporary and zero-hours arrangements;
- **as an individual sub-contractor** - where the individual has entered into a contract to provide work or services, and the engaging business has its own contract with a third party to provide those services; or
- **through an online matching service** - where a platform keeps a register of service providers, matches them with clients or customers via an online service, and charges a fee or commission.

The Home Office has made clear it will look at the substance of working arrangements, how work is arranged, supplied and performed in practice, rather than the label applied to them. Describing an individual as "self-employed" will not, of itself, take a relationship outside the new regime.

Extended liability: a new concept

The reforms go further still. A new concept of "extended liability" under section 15A of the 2006 Act means that civil penalty liability may extend beyond the party holding the direct contractual relationship with the worker. Extended liability applies where:

- a person contracted to provide work or services to a third party engages another employer to supply workers to fulfil that contract;
- an online matching service connects a service provider with a client or customer; or
- an employer's contractual arrangements allow an individual to substitute another person to carry out the work.

In these circumstances, the contracting party, matching service or employer (in the case of substitution) may be treated as employing the individual who actually performs the work. A statutory excuse is available, but only through strict compliance with every prescribed requirement. Missing even one may leave the business without a defence.

Penalties for non-compliance

The financial consequences are stark. Civil penalties of up to £60,000 per illegal worker, together with potential criminal sanctions for knowingly employing someone without the requisite immigration status, will now extend to all of these new categories of working arrangement. The reputational damage that follows an enforcement action should not be underestimated either.

Digital verification changes

There is a practical change too. From 1 October 2026, employers using digital right to work checks must use a provider specifically registered on the Office for Digital Identities and Attributes register and authorised to carry out right to work checks. General identity verification authorisation alone will no longer be sufficient, a distinction worth checking with your current provider now. The government has published a supplementary code (version 1.1) setting out the rules for digital verification services supporting these checks.

When do the changes apply?

The new regime applies to engagements starting on or after 1 October 2026. But it does not stop there: any repeat or follow-up right to work check falling due on or after that date must also comply with the updated requirements in order to maintain a statutory excuse. In practice, this means existing arrangements may be caught too.

What should you do now?

The Home Office published an updated draft Employer's Guide to right to work checks on 16 July 2026, most recently revised on 11 September 2026, to help businesses prepare. Businesses should use the remaining period before 1 October 2026 to take the following steps:

- **Map your workforce -** Identify all worker types across the business, including contractors, freelancers, agency staff and platform-based workers. Many organisations will find they have a wider non-employee population than they assumed.

- **Review policies and procedures -** Update your right to work policies to reflect the expanded legal framework. Continuing to rely on existing policies after 1 October 2026 may expose the organisation to civil penalties.

- **Assess supply chains and procurement -** Review supplier onboarding, sub-contracting and labour supply arrangements for compliance under the extended liability regime. The risk now sits with the business that contracts for the work, not just the direct employer.

- **Check digital verification providers -** Confirm that any digital identity service provider you use for right to work checks is registered and authorised on the OfDIA register, general identity verification authorisation is no longer enough.

- **Train relevant staff -** Ensure HR, procurement and hiring managers understand the new scope, the expanded definitions and their obligations. They should know when to escalate a borderline status issue and what contractual protections are required.

- **Maintain anti-discrimination compliance -** Right to work checks must continue to be applied consistently and without discrimination on grounds of protected characteristics, in accordance with the updated Code of Practice.

These reforms demand a coordinated response across legal, HR, operations and procurement functions. Businesses that continue to treat right to work checks as purely a recruitment exercise risk exposure in parts of their workforce model that have, until now, received little scrutiny.

With less than two weeks until the new regime takes effect, now is the time to act. If you would like to discuss how these changes affect your business, or would like help reviewing your processes and compliance procedures, please get in touch with a member of our employment team.

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