

TRANSPORT FOR LONDON

SURFACE TRANSPORT PANEL

SUBJECT: RIGHT TO WORK CHECKS CARRIED OUT ON TAXI AND PRIVATE HIRE DRIVER APPLICANTS AND LICENSEES

DATE: 8 FEBRUARY 2012

1 PURPOSE AND DECISION REQUIRED

- 1.1 The purpose of this paper is to inform the Panel of the process followed for verifying a taxi or private hire driver applicant's 'right to work', whether applying for a new or renewal licence.
- 1.2 The Panel is asked to NOTE the contents of this paper.

2 BACKGROUND

- 2.1 At the meeting of the Panel on 8 November 2011, TfL was asked to verify the process followed for establishing an applicant's right to work in the United Kingdom. The Panel also asked for clarification as to whether the introduction of the Re-Let and Market project (RAM) would make the process more robust.

3 ESTABLISHING A RIGHT TO WORK

- 3.1 All applicants for a taxi or private hire driver licence must provide documentary evidence confirming their right to reside and work in the UK.
- 3.2 The UK Border Agency (UKBA) has produced a list of documents that applicants can provide to employers as evidence of their 'right to work'. Each document provided by an applicant is checked by TfL against this list to ensure it is a valid document for assessing an applicant's entitlement to work in the UK.
- 3.3 The provision of a National Insurance (NI) number in isolation is insufficient evidence for the purpose of establishing a right to reside and work in the UK and therefore has to be assessed in combination with other documentation.
- 3.4 The 'right to work' status of an applicant can vary; some applicants may have a permanent right to reside and work in the UK whereas other applicants may have a time-limited leave to remain or work in the UK. For the latter group, a licence would only be granted to the applicant for the period that they have leave to remain in the UK.

4 RIGHT TO WORK CHECKS CARRIED OUT AT APPLICATION STAGE

- 4.1 Applicants wishing to become licensed as a taxi or private hire driver must include, as part of their application, a photocopy of their passport or other

documents to show that they have the right to reside and work in the UK. The documents set out by the UKBA that can be submitted as part of an application are:

- (a) UK or EEA Passport;
- (b) Birth Certificate;
- (c) Residence Permit;
- (d) Permanent Resident Card;
- (e) Biometric Immigration Document;
- (f) Immigration Status Document;
- (g) Adoption Certificate;
- (h) Certificate of Registration / Naturalisation;
- (i) Home Office Letter; or
- (j) Home Office Work Permit.

4.2 TfL follows the rules set out by the UKBA to establish the right to reside and work in the UK using these documents. Further enquiries may be made with the UKBA through its Employer Checking Service if required.

4.3 Once an applicant's right to reside and work in the UK has been determined, a licence is issued. Conditions may apply, such as a shorter licence period if the right to reside and work is less than three years, and these conditions are made clear to the applicant.

4.4 The new Re-Let and Market Testing project (RAM), will include the provision of a new IT system to replace the manual, paper based systems and processes that exist today. This will significantly stream-line the applications process and will include the ability for applicants to apply online and upload documentary evidence.

4.5 The RAM project itself will not impact the process followed to determine an applicant's right to work other than allowing applicants to electronically provide the documentary evidence. The verification process will remain the same as the current process.

5 NATIONAL FRAUD INITIATIVE

5.1 It is recognised that from time to time a licensee's right to work status may change. It is therefore important to have robust processes in place to, as far as possible, ensure that all licensees are permitted to work in the UK. Licensed drivers are not employed by TfL and therefore TfL does not have the same obligations as that of an employer. However, as the licensing authority it is important that TfL takes appropriate steps to ensure licensees are permitted to work in the UK.

5.2 Every two years, TfL supplies information on all licensed drivers to the Audit Commission. This information is checked against information held by the

UKBA and other Local Authority and Government Agency databases. Specifically, information is checked for matches against the following:

- (a) the right to work and reside in the UK (UKBA);
- (b) status of any current Residence or Work Permits (UKBA);
- (c) claims for Housing Benefit / Council Tax Benefit (Local Authorities);
- (d) claims for unemployment or disability benefit (Government Agency); and
- (e) claims for Tax Relief or non payment of Tax (Government agency).

5.3 Any matches result in additional checks being undertaken. If, through these checks, a driver is unable to prove their right to work then action is taken to revoke the licence.

6 RECOMMENDATION

6.1 The Panel is asked to NOTE the contents of this paper.

7 CONTACT

7.1 Contact: Helen Chapman, Deputy Director, London Taxi & Private Hire
Number: 020 3054 1527
Email: helenchapman@tfl.gov.uk