First Advantage

Right to Work and DBS Processing

Which Identity Service Providers can we use?

Employers wishing to adopt digital identity for services like obtaining a UK criminal record check, should engage with a supplier who is either a certified identity service provider (IDSPs) or has a formal contractual and technical partnership with one, such as background screening organisations like First Advantage.

Certified providers must be able to meet the requirements set out in the UK digital identity and attributes framework, and the DBS digital identity verification guidelines and must be audited by certification bodies recognised by the United Kingdom Accreditation Service (UKAS).

Using suppliers not certified could mean you are not adhering to government guidance and best practice leading to compliance issues later.

Can we only verify ID digitally now?

The Right to Work Covid adjusted check process will be removed on September 30th, 2022, meaning employers have two main options to obtain a statutory excuse for Right to Work for British and Irish passport holders;

1) engage with a background screening provider or IDSP to embed and benefit from their digital services or

2) manage RTW manually by seeing applicants at a physical location, with original documents

Option 2 reverts to the pre COVID-19 process, which requires employers to re-engineer COVID-19 adjusted remote checking processes to facilitate physical visits, document scans, copying and storage. This poses a significant impact on many industries where remote working has become the new normal. This also presents age old challenges around appropriate and quality copying, storage and record keeping.

Can I now verify name and address digitally?

For processes like obtaining a criminal record check, employers and their chosen Registered Bodies (RB's)or Responsible Organisations (RO's) must ensure applications are presented to DBS in the person's official name, and that their current permanent address is verified.

A person's current address is normally verified manually, by viewing a person's address from a document, however employers are now able to verify name and address digitally when using certified identity providers who use an 'authoritative source'. As part of an identity check, an authoritative source is responsible for ensuring the integrity of the information held is protected and up to date. Identity service providers will have links with these sources and can include:

• **Issue evidence** – such as the Driver and Vehicle Licensing Agency (DVLA) issuing driving licences

• **Data from an organisation that issues evidence** – credit reference agencies can have authoritative information about bank accounts

• **Data from another authoritative source** – for example, from another identity scheme

If using a background screening supplier who has embedded certified digital identity services, they should ensure they cover this for you within the applicant journey, so you and your applicants don't have to worry about it.

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If applicants already have a digital identity, can they re-use it?

Background screening suppliers and certified IDSPs may provide a 'reusable verified identity' which must be protected using 'medium quality authenticators'. This is great news for applicants as this means in some cases previous and stored digital identity can be pulled from in device Apps, (such as Yoti or EasyID) and used again avoiding duplication of effort. It is expected the volume of people in the UK who possess an 'in-wallet' digital identity will increase exponentially due to the introduction of the UK digital identity and attributes framework.

What population does 'digital identity' cover?

The UK digital identity and attributes framework enables digital identity services to be used only by those presenting British or Irish passports for RtW check purposes. Those applicants that have a non-British or Irish passport must continue to evidence their immigration status by providing their 'share code' to their employer so they can validate RTW status online. Having access to an online immigration status also enables applicants to update personal details in their UK Visas and Immigration account, for example their passport number or email address. This can also include information such as other rights they have in the UK, for example right to rent or claim benefits.

Applicants who can use the service include those that have settled or pre-settled status or have applied for a visa and used the 'UK Immigration: ID Check' app to scan their identity document on their phone.

Background screening organisations like First Advantage, help manage the 'share code' process. By embedding this into the applicants remote, mobile journey and store results, meaning employers have access via the platform and remove the need for manual intervention and a separate process.

Do, check with your provider whether this is incorporated in their process as if not, employers will continue to need to find resources internally to manage this population.

What happens for those digitally excluded?

For populations that for whatever reason, may not be able to provide documents that can pass through a digital identity service, employers will need to continue to collect document images, store and verify them inline with government guidance. Exceptional cases include younger people that have no financial footprint or passport.

You should check with your service provider whether they can support you with automating this process as background screening organisations like First Advantage, will continue to support the applicant with remote ways of taking images and uploading them via their mobile device, passing these through to the employer electronically. Do carefully consider whether your service provider can cover these routes as these are often more problematic than the high percentage that will follow a straight through digital journey.

How do I evidence statutory excuse (RTW) using digital services?

Using digital identity services will not remove the need for government departments to be satisfied that employers have obtained a statutory excuse. The Home Office will continue to audit employers to validate that processes have been followed and that evidence can be provided.

Digital identity services have the benefit of capturing data and documents, storing them and presenting them in an easy to access online audit trail so employers can view them at any time to satisfy themselves and remain compliant with their obligations.

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When choosing digital services, do challenge your service provider to show you their audit trail and how statutory excuse and evidence can be accessed, passed to third party systems whilst continuing to be safe and secure.

Is there cost associated with performing digital identity checks?

With any technology platform, you will expect to invest in the benefits that technology provides and typically you will be investing in a service providers expertise, technology, service and support. Most service providers will also be reliant on securing satisfactory evidence in their process from authoritative data sources such as credit reference agencies who charge for verifying and retrieving data from their data bases.

In any adoption of technology there will be a need to build a satisfactory business case for investment so employers should always compare the investment to benefits to create a justifiable return on investment.

In most cases, it is believed that adopting digital identity services will benefit both applicants and employers hugely, helping them to hire smarter, onboard faster and save time, cost and improve compliance. All of these components should be carefully considered and work with your service provider to help build your business case.
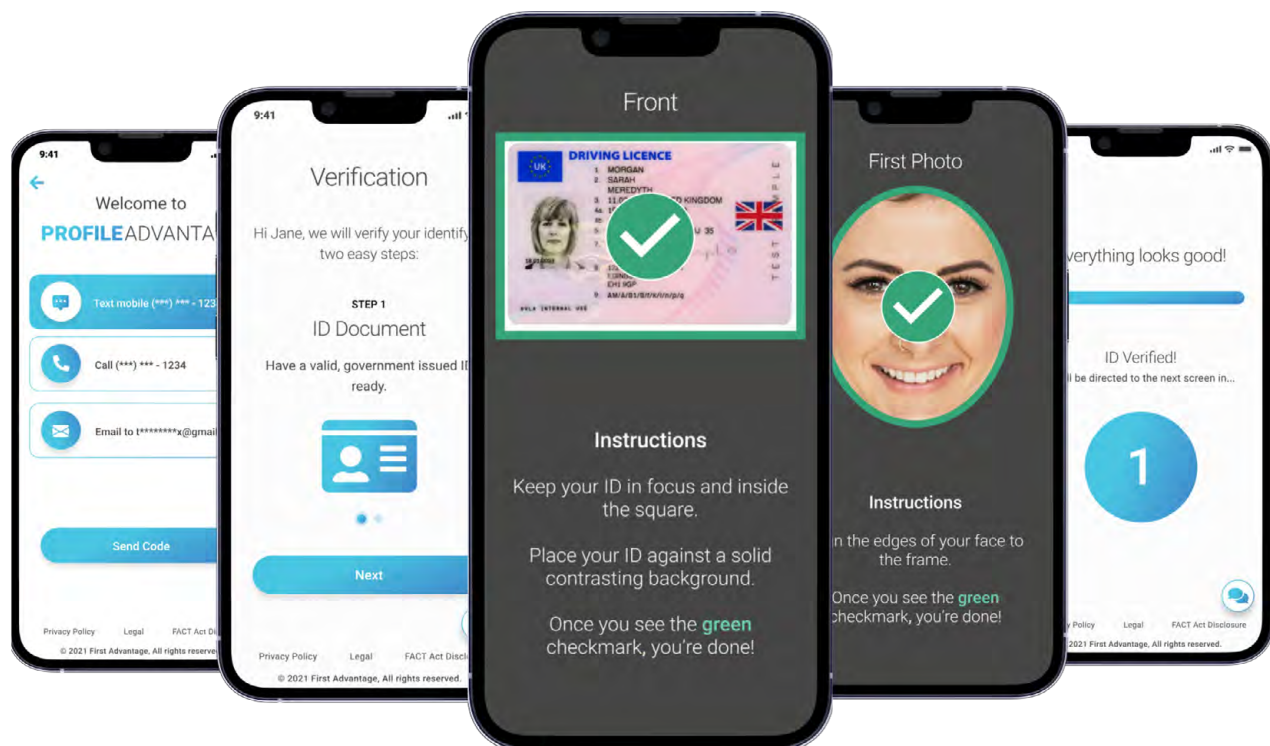
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