

Employment Status and Right to Work for External Examiners (PGR only) Guidance for Schools' PGR Administrators

1. Right to work and self-employed status

The University is required to undertake right to work checks for any staff employed under a contract of employment, service or apprenticeship, whether expressed or implied and whether oral or in writing. Information about who is eligible to work in the UK, and the consequences of non-compliance can be found [here](#).

The government's guidance for employers on right to work checks does not apply to those who do work for the University with a genuine self-employed status.

Note however, that genuine self-employed migrants may still themselves commit the illegal working offence if such work is not permitted.

Government guidance recommends that where there is any doubt as to whether someone is employed or self-employed, that we check the person's right to work, rather than risk a civil penalty liability, and may also wish to take our own independent legal advice. While it confirms "if the employer is contracting out specific jobs or services for individuals (contractors and sub-contractors), there is no need for a right to work check when they are not being employed by the employer, "it recommends that we may still wish to check their right to work to prevent any reputational damage to your business by 'appearing' to be employing an illegal worker".

2. External Examiners (PGR only)

External Examiners for PGR will be treated as self-employed by the University provided that the whole of the work is performed under a contract for services for a period of less than twelve months. In the event that a PGR student is referred for re-examination and the same examiner is to return for a second viva after the end date of the original contract, a second contract of services will need to be issued.

If the External Examiner already has a Unique Tax Reference they will be set up as a supplier and be paid by Accounts Payable on production of an invoice. Alternately, they will be paid on submission of a PGR External Examiners claim form.

Advice on undertaking work on a self-employed basis for the first time will be made available on Staffnet and will signpost them to the relevant [government guidance](#).

If the University has supported an international PGR external examiner in gaining an entry visa (by issuing a formal invitation to come and work in the UK) a right to work check **must always** be undertaken.