



Home Office

**BREAKDOWN SUMMARY AND STATISTICAL
ANALYSIS OF RESPONSES TO THE CONSULTATION
ON PROPOSED CHANGES TO DOCUMENT LIST
UNDER SECTION 8 OF THE ASYLUM AND
IMMIGRATION ACT 1996**

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Introduction

The Home Office issued a consultation on proposals to amend Section 8 of the Asylum and Immigration Act 1996 (the law on the prevention of illegal working) on 21 July 2003. The consultation period closed on 13 October 2003. The replies received, including a small number of late responses, are summarised in this report. A list of respondents can be found at the end of the report, with the exception of two respondents who requested that their responses remain anonymous.

The consultation's overall aim was to obtain a wide range of views on the Government's proposed changes to the document list under section 8 of the Asylum and Immigration Act 1996, from those on whom they are likely to have an impact. The consultation paper set out the Government's strategy on tackling illegal working, of which the document list proposals form a part. It explained how the strategy sits alongside the management of the migration to the UK of those who want to come and contribute to the economic prosperity of the country.

Responses were sought on a number of specific points concerning the Government's proposals:

- The impact of the new documentation requirements on recruitment practices ;
- The level of understanding among employers of the current requirements ;
- Whether all those legally entitled to work in the UK would be able to demonstrate this via the proposed documents ;
- Whether the new requirements would provide a greater degree of security;
- What further assistance the Government should provide to help understanding of the new requirements ;
- The possibility of taking other approaches to introducing the new requirements – i.e. sectoral basis, voluntary codes of practice and any others suggested ;
- Details of the documents currently checked by employers ;
- The cost likely to be incurred by businesses in implementing the proposals i.e.: training staff, housing documentation and processing additional documentation.

The general response rate to the consultation and the breakdown of respondents by type of organisation or individual is summarised below. The tables that follow provide a statistical breakdown of the majority of comments made by respondents, where these were relevant to the consultation. This is followed by a summary of the key points emerging from the consultation as a whole and from each of the specific questions asked of consultees. Finally, there is a brief summary of the key points raised at a focus group held with small business people to discover their views on the proposed changes to the law to prevent illegal working.

Response Rate and Breakdown of Respondents

In general, levels of response to this consultation were disappointing. Despite sending copies of the consultation to 150 organisations and individuals with an interest in employment or immigration law, and publishing the consultation on the Home Office website, over the course of the twelve-week consultation period only fifty responses were received.

The breakdown of those organisations and individuals who did respond can be summarised as follows:

Educational Bodies	3
Employers' Associations	14
Employers (Large)	3
Employers (Small)	2
Employment Agencies	3
Legal Bodies	6
Non-Governmental Organisations and Refugee Groups	3
Other Government Departments*	8
Members of the public	5
Trades Unions	3

* This includes local government and devolved government

Methodology of Analysis

The tables below summarise the responses given to the specific questions set out in Annex C of the consultation paper, and the number of respondents who endorsed each point (in the total column), which is further broken down by respondent type. Where a respondent is counted as not having commented, clearly none of the other responses to the question will have been endorsed by that respondent. But in the case of the other comments, one respondent may have made more than one point; therefore the total for the columns may exceed the number of respondents.

One respondent, a legal firm, declined to comment on any of the questions in Annex C of the consultation. This respondent has been counted in the "no comment" statistics within each of the tables.

Question 1: What impact will the proposed new document requirements have on recruitment practices?

No of consultees who commented: 30

	Of Total	Educational Bodies	Employers' Assocs	Employers (Large)	Employers' (Small)	Employment Agencies	Legal Bodies	Non-Gov Orgs	Other Gov Depts	Members of the Public	Trades Unions
No comment	20	2	3	1	0	0	4	1	4	5	0
Little or no impact	8	0	3	2	0	1	1	0	0	0	1
Increased risk of discrimination	11	1	2	0	1	0	1	2	2	0	2
Increased bureaucracy for employers	8	0	5	0	0	2	0	1	0	0	0
Delays in recruitment	2	0	2	0	0	0	0	0	0	0	0
Depends on support for employers	1	0	1	0	0	0	0	0	0	0	0
Practical problems with compliance	2	0	1	0	0	0	0	0	0	0	1
Law will be clearer for employers	1	0	0	0	0	0	0	0	1	0	0
Compliance levels will be unchanged	4	0	3	0	0	0	0	0	0	0	1
Possible conflict with Data Protection	3	0	0	0	2	0	0	0	1	0	0
Increased burden for small businesses	1	0	1	0	0	0	0	0	0	0	0
Increased bureaucracy for workers	1	0	0	0	0	1	0	0	0	0	0
Increased cost	2	0	0	0	1	1	0	0	0	0	0
Risk more wrongful document retention	1	1	0	0	0	0	0	0	0	0	0
Too much onus on compliant employer	2	0	2	0	0	0	0	0	0	0	0

Question 2: How well are the requirements for employers under the current legislation understood?

No of consultees who commented: 16

	Of Total	Educational Bodies	Employers' Assocs	Employers (Large)	Employers (Small)	Employment Agencies	Legal Bodies	Non-Gov Orgs	Other Gov Depts	Members of the Public	Trades Unions
No comment	34	0	8	1	1	0	5	3	8	5	3
Well understood	7	0	4	1	0	2	0	0	0	0	0
Not well understood	7	3	2	1	0	1	0	0	0	0	0
Not understood by employees	2	0	0	0	0	1	1	0	0	0	0
Not understood by small employers	1	0	0	0	0	1	0	0	0	0	0
No proof that current law is adhered to	1	0	0	0	1	0	0	0	0	0	0

Question 3: Will everyone who is legally entitled to work in the UK be able to demonstrate this to employers via the proposed document or combination of documents specified?

No of consultees who commented: 19

	Of Total	Educational Bodies	Employers' Assocs	Employers (Large)	Employers (Small)	Employment Agencies	Legal Bodies	Non-Gov Orgs	Other Gov Depts	Members of the Public	Trades Unions
No comment	31	0	9	1	2	0	4	2	7	4	2
Yes	8	1	3	1	0	1	1	0	0	0	1
No	6	2	0	1	0	2	1	0	0	0	0
Provided documents are issued quickly	3	0	0	0	0	0	0	1	1	1	0
Yes but delays are possible	3	0	2	0	0	0	0	1	0	0	0
Provided employers understand law	2	0	0	0	0	0	0	1	0	1	0

Question 4: Will these proposed new requirements provide a greater degree of security in terms of demonstrating an individual's entitlement to work in the UK?

No of consultees who commented: 35

	Of Total	Educational Bodies	Employers' Assocs	Employers (Large)	Employers (Small)	Employment Agencies	Legal Bodies	Non-Gov Orgs	Other Gov Depts	Members of the Public	Trades Unions
No comment	15	2	3	0	1	0	2	1	2	3	1
Yes	17	1	6	1	0	1	3	0	3	1	1
No	6	0	3	0	0	1	0	2	0	0	0
Concerns expressed still about forgery	18	0	8	2	1	1	2	0	1	1	2
NI no. insecure/ should be removed	6	0	1	0	1	0	0	0	3	1	0
Ineffective without enforcement	3	0	3	0	0	0	0	0	0	0	0
Limited improvement	2	0	0	2	0	0	0	0	0	0	0
Disadvantages outweigh advantages	1	0	0	0	0	1	0	0	0	0	0
Home Office issue Insecure documents	2	0	1	0	1	0	0	0	0	0	0
CIS card should be excluded	2	0	1	0	0	0	0	0	1	0	0
Temporary NI no. remains insecure	4	0	1	1	0	0	0	0	2	0	0

Question 5: What further assistance would you like to see the Government provide in order to assist compliance with these new requirements?

No of consultees who commented: 28

	Of Total	Educational Bodies	Employers' Assocs	Employers (Large)	Employers (Small)	Employment Agencies	Legal Bodies	Non-Gov Orgs	Other Gov Depts	Members of the Public	Trades Unions
No comment	22	0	5	0	1	0	3	2	6	4	1
General guidance/info/education	10	0	4	2	1	1	1	0	0	0	1
Redesign/update website	5	0	3	1	1	0	0	0	0	0	0
Improve employers' helpline	6	0	5	1	0	0	0	0	0	0	0
Publicity/communication strategy	8	1	4	2	0	0	1	0	0	0	0
Helpline to confirm right to work	7	0	3	2	1	0	0	0	1	0	0
Introduction of ID cards	5	0	3	1	0	0	0	0	0	1	0
More secure Home Office letters	1	0	1	0	0	0	0	0	0	0	0
Reworded stamps	6	3	1	0	1	0	1	0	0	0	0
Support as at present/in consultation	1	0	0	0	0	0	1	0	0	0	0
Clearer/wider definition of employer	1	0	0	0	0	0	0	0	1	0	0
Workshops	3	0	1	2	0	0	0	0	0	0	0
Links with other Gov Departments	2	0	1	0	0	1	0	0	0	0	0
Single helpline for all employment law	1	0	1	0	0	0	0	0	0	0	0
Fast NI no. Verification	1	0	0	0	0	1	0	0	0	0	0
CD ROMS	1	0	0	1	0	0	0	0	0	0	0
Specific guidance: refugees/as seekers	1	0	0	0	0	0	0	1	0	0	0
Specific guidance: students	1	1	0	0	0	0	0	0	0	0	0
Specific guidance for employees	2	0	0	1	0	1	0	0	0	0	0
Race Relations Act guidance	1	0	0	0	0	0	0	0	0	0	1
None	1	0	0	0	0	1	0	0	0	0	0

Question 6: If the enhanced legislation were to be introduced on a sector-specific basis (or voluntary codes were to be adopted) to which sectors should it apply?

No of consultees who commented: 16

	Of Total	Educational Bodies	Employers' Assocs	Employers (Large)	Employers (Small)	Employment Agencies	Legal Bodies	Non-Gov Orgs	Other Gov Depts	Members of the Public	Trades Unions
No comment	34	2	7	0	2	0	6	3	7	5	2
Oppose/don't advocate sectoral system	9	1	4	1	0	2	0	0	1	0	0
Favour sectors set out in consultation	3	0	2	1	0	0	0	0	0	0	0
Favour voluntary codes	2	0	2	0	0	0	0	0	0	0	0
Sectoral approach increases confusion	1	0	0	0	0	0	0	0	0	0	1
Impossible to define a sector	1	0	0	0	0	0	0	0	0	0	1
Favour no change to current law	2	0	2	0	0	0	0	0	0	0	0
Sectoral approach may discriminate	1	0	1	0	0	0	0	0	0	0	0
There should be no Section 8 law	1	0	0	0	0	1	0	0	0	0	0

Regulatory Impact Assessment – Question 1: How many and what type of documents are currently checked and recorded by UK employers as best practice in terms of Section 8 compliance?

No of consultees who commented: 4

	Of Total	Educational Bodies	Employers' Assocs	Employers (Large)	Employers (Small)	Employment Agencies	Legal Bodies	Non-Gov Orgs	Other Gov Depts	Members of the Public	Trades Unions
No comment	46	3	13	2	1	2	6	3	8	5	3
National Insurance number/P45	4	0	1	1	1	1	0	0	0	0	0
Known/accepted documents	1	0	0	0	1	0	0	0	0	0	0
Passport	1	0	0	1	0	0	0	0	0	0	0
Birth certificate	2	0	1	1	0	0	0	0	0	0	0
Driving licence	1	0	0	1	0	0	0	0	0	0	0
Home Office document	1	0	0	1	0	0	0	0	0	0	0
Credit card/cheque book	1	0	0	1	0	0	0	0	0	0	0
Proof of address	1	0	0	1	0	0	0	0	0	0	0

Regulatory Impact Assessment – Question 2: What are the costs of the proposed new requirements likely to be for a typical business in the UK, taking account of training staff, and amending and processing documentation?

No of consultees who commented: 8

	Of Total	Educational Bodies	Employers' Assocs	Employers (Large)	Employers (Small)	Employment Agencies	Legal Bodies	Non-Gov Orgs	Other Gov Depts	Members of the Public	Trades Unions
No comment	42	1	13	2	1	1	5	3	8	5	3
Our RIA lacks statistics and data	2	1	0	0	0	0	1	0	0	0	0
Little cost	2	0	0	1	0	1	0	0	0	0	0
Increased costs	2	0	0	0	1	1	0	0	0	0	0
Increased storage /archival cost	2	0	0	1	1	0	0	0	0	0	0
Staff re-training costs	2	1	1	0	0	0	0	0	0	0	0
Costs of amending documentation	1	0	1	0	0	0	0	0	0	0	0

Summary: Key Points

The overall picture that emerges from the consultation is a very mixed one. Although most consultees expressed their support for work to tackle illegal working, there was very little consensus on how this might be achieved. Some respondents chose to ignore the content of the proposal and the questions annexed to the consultation, and set out their position on immigration and asylum policy more generally, or on issues which fall outside of the scope of this consultation. For example, the abolition of the employment concession for asylum seekers was opposed by one non-governmental organisation, and the imposition of restrictions on employment at all by another. Others focused on one narrow issue, such as the ability of a given group to prove their entitlement to work in the UK. Very few respondents gave any information on current recruitment procedures carried out by employers or on the likely costs of the proposed requirements for a typical UK business.

On the specific questions for consultees, it is notable that with the exception of question four, on each question there were more respondents who did not respond at all than gave any single response. Only three of the questions were responded to by over half of the 50 individuals and organisations who replied (questions one, four and five). The question that received most responses was question four (which asked whether the proposed requirements would improve security in terms of proving entitlement to work to employers). This was commented upon by 35 out of 50 respondents. Turning to the individual questions, the headline issues to emerge from each are as follows:

Question 1: What impact will the proposed new document requirements have on recruitment practices?

The headline points on this question indicated that the proposals would have little or no impact on recruitment practices; would increase bureaucracy or the administrative burden on employers; or would risk increasing discrimination in recruitment practices.

- 8 out of 30 respondents who commented felt that the proposals would have little or no impact on recruitment processes, largely because employers were already carrying out more stringent checks or because they could easily incorporate these into existing recruitment practice. This point of view came from a wide range of types of respondent, namely employers' associations (3), large employers' (2), an employment agency, a legal organisation, and a trades union.

If the impact on recruitment of the enhanced requirements is felt to be minimal, then even if some respondents do not feel that the proposals are likely to reduce the occurrence of illegal working, their implementation should not cause employers inconvenience. It is unsurprising that large employers feel the requirements are either already included in recruitment procedures or could easily be incorporated, as they tend to have well established recruitment procedures, while small employers may not.

- The number of respondents who felt that the proposals would increase bureaucracy was equal to that of respondents who felt they would have little or no impact. Of these, the majority (5) were employers' associations. Neither the large nor small employers who responded to the consultation indicated that this would be the case, but 2 employment agencies did endorse this point.

While the requirements could increase bureaucracy slightly in some cases, the majority of new employees should be able to produce a single document proving entitlement to work, which represents no increase in bureaucracy on the current legislation. It may be that organisations with a high turnover of staff, such as agencies, could find the requirements slightly more burdensome than other employers, as the agencies' responses to the consultation suggest. However, illegal working appears to be more prevalent among these types of employers, so they are the sectors in which it is most important that better checks be carried out. And we all share a responsibility, including employers, to tackle illegal working.

- The greatest concern expressed in relation to the proposed enhanced requirements is that it may lead to increased discrimination against workers who appear “foreign” by employers wishing to avoid their responsibilities under Section 8 while not leaving themselves open to prosecution. This concern was raised by a range of respondents, but especially non-governmental organisations, trades unions and representatives from other areas of government.

This concern was voiced when the current Section 8 legislation was put in place, and it has largely been addressed by the Code of Practice on the Avoidance of Race Discrimination in Recruitment Practice While Seeking to Prevent Illegal Working. The Code of Practice would be revised with the advice of the Commission for Racial Equality to ensure that employers would know how to comply with the amended Section 8 legislation without leaving themselves open to accusations of discrimination. Also, amended guidance on the law to prevent illegal working would re-state employers' responsibilities to avoid discrimination under the Race Relations Act.

Question 2: How well are the requirements for employers under the current legislation understood?

The response rate was poor on this question (16 out of 50) and the response was split:

- 7 respondents felt that they were well understood (employment associations, agencies and a large employer) while 7 claimed they were not (particularly educational bodies in relation to students).

It is clear from this that whatever legislation is in place, we must ensure that it is communicated clearly to all employers, and that it covers all eventualities that an employer may face (for example restrictions on student employment).

Question 3: Will everyone who is legally entitled to work in the UK be able to demonstrate this to employers via the proposed document or combination of documents specified?

Again, the response rate was less than 50%, and was very split.

- 8 respondents of various types felt that everyone would be able to prove their right to work under the proposal

- 6 disagreed. Example ranged from Irish citizens working in the UK to students, to family members of work permit holders. Again, the educational bodies, and also employment agencies, were particularly concerned that certain categories of people with entitlement to work would not be able to prove this to an employer's satisfaction under the proposed enhanced requirements.

We recognise that due to the Common Travel Area between the UK and Ireland, Irish citizens may be in the UK and working legitimately, but without a passport or other acceptable document to prove this. We therefore propose to add the Irish birth certificate to the dual list so that it could be seen in conjunction with a National Insurance number, as a UK birth certificate could be. The other examples given by consultees largely indicated cases where employers might not realise that a document or stamp proves that an individual has entitlement to work in the UK, and this would need to be addressed through comprehensive guidance and support for employers.

Question 4: Will these proposed new requirements provide a greater degree of security in terms of demonstrating an individual's entitlement to work in the UK?

This question attracted the largest number of responses (35 out of 50). The five issues that came up most frequently were:

- Half of those who responded felt that the proposals represented an improvement to the security of the current check on entitlement to work (a further 2 felt that there would be a very limited improvement). This was felt to be true by half of the employers' associations who responded, and by 3 legal bodies and 3 representatives of other sections of government, amongst others.

This was the intention of the proposal. It will not put an end to illegal working, or prevent forgeries from being obtained or presented to employers, but it should improve the standard of the current check, and help to expose employers who are knowingly employing illegal workers.

- However, 18 respondents also expressed concern that documents would continue to be forged under the new requirements. A number felt that this might undermine the secondary legislation's effectiveness, especially if the support for employers is not adequate in terms of identifying forgeries.

See above. Additionally, document forgery is an offence under the 1971 Act and can be punished by imprisonment in some cases. Where the Immigration Service uncover organised provision of forged documents, they would certainly look to prosecute the perpetrators.

- 6 out of 35 refuted that the proposals would improve security, consisting of 3 employers' associations, 2 NGOs and 1 employment agency.

These respondents did not suggest any alternative routes to improving the current situation, beyond increasing enforcement capacity. This is not an effective use of resources while the legislation remains weak and open to abuse by unscrupulous

employers who can claim a defence based, for example, on a fake national insurance number alone, which they may even have supplied to the worker.

- 6 respondents (half of which were representatives of government) indicated that the national insurance number should be removed altogether as they felt it was not secure enough from forgery, or could be obtained by those with no entitlement to work.

While we recognise that the national insurance number is not as resistant to fraud as other documents, it was our aim to improve the security of the documentation an employer can check without increasing the burden on businesses unnecessarily. The requirement of a second document proving identity and the right to be in the UK should strengthen the security of the national insurance number, especially as the details on the two documents must match. Excluding the national insurance number altogether could effectively prevent some groups of people legally entitled to work in the UK from proving this (such as British citizens without passports).

- 4 respondents felt that the legislation and guidance should both specify that a temporary national insurance number would not constitute a defence.

The revised guidance will explain to employers that they should not accept temporary National Insurance numbers (beginning with the letters TN or ending in the letters E-Z) as these will not be adequate as defence.

Question 5: What further assistance would you like to see the Government provide in order to assist compliance with these new requirements?

The types of guidance that were most commonly suggested were:

- Generic guidance, information and education on the law to prevent illegal working (mentioned by 10 out of 28 respondents who commented).

Guidance is currently being redrafted and simplified, but until the content of the legislation is finalised, this cannot be published.

- A publicity campaign or communications strategy to raise awareness of Section 8 law was thought to be beneficial by 8 respondents.

This is something that we would like to take forward with advice from the Illegal Working Steering Group, Press Office and communications advisers within the Home Office.

- 7 respondents mentioned, or requested that a helpline to confirm the right to work of individuals be set up within IND.

There are three major considerations in this: firstly, the Data Protection Act precludes IND from disclosing the immigration status of an individual to a third party (including an employer) unless they have given their express permission. Secondly, even if the employees gave their permission, this would be extremely resource intensive while there is no central database containing the entitlement to work of all individuals in the

UK. Finally, it is the responsibility of the employer to ensure that his or her workforce is entitled to work in the UK.

- 5 wanted the website updated or redesigned to help employers comply with the law (for example including up to date and clear images of the stamps employers will see in passports and what these stamps mean in terms of entitlement to work).

The website as it currently stands is being reviewed and will be updated, and should the legislation change, the website would need to be amended accordingly. It will need to be updated on an ongoing basis as the documents that employers can check change (for example, with the accession of ten new member states to the EU).

- 6 said that either they would continue to use the Employers' Helpline, or that they would like to see this service improved.

The Employers' Helpline, as the first point of contact for many employers on illegal working issues, currently provides a vital service and it should continue to do so, and indeed improve upon its current service to assist employers to comply with the law.

- 6 respondents felt that stamps and endorsements in passports should be much clearer so that employers could understand them better.

This is not within the scope of the consultation on the law to prevent illegal working, but the introduction of the United Kingdom Residence Permit (currently being developed) may help to clarify the situation of migrant workers to employers.

- 5 respondents stated that there was a need for a national identity or entitlement card in order to tackle illegal working effectively.

The Government has already conducted a consultation on ID cards and this issue remains under consideration. However, it is clearly an issue with wider ramifications than those for illegal working.

Question 6: If the enhanced legislation were to be introduced on a sector-specific basis (or voluntary codes were to be adopted) to which sectors should it apply?

- 9 respondents opposed or specifically did not favour the suggestion of a sectoral implementation of the proposed requirements. This includes 4 employers' associations, a large employer and 2 employment agencies.

This option has been ruled out, as the practical implications of enforcing the legislation would undermine the purpose of it.

- Only 2 respondents (both employers' associations) favoured a voluntary regulation of illegal working, although some felt that voluntary codes of practice could have merit if use in conjunction with legislation.

It is hoped that Codes of Practice can be developed with representatives of the industries in which illegal working is most prevalent. This could be done in addition to the introduction of the proposed enhanced requirements.

Regulatory Impact Assessment – Question 1: How many and what type of documents are currently checked and recorded by UK employers as best practice in terms of Section 8 compliance?

- Only 1 respondent listed fully their document requirements (a large employer), although 4 mentioned the national insurance number or P45.

This does not mean that document checks are not taking place, as a number of respondents indicated that the proposed requirements would have little impact on recruitment procedures, and this suggests that they already carry out checks of some kind.

Regulatory Impact Assessment – Question 2: What are the costs of the proposed new requirements likely to be for a typical business in the UK, taking account of training staff, and amending and processing documentation?

- No real estimates of costs were given. Respondents confirmed the basic areas where costs might increase as set out in the consultation: staff training, document storage and amending in-house guidance.

There is little to add to our partial RIA from the results of the consultation.

Next Steps

It is evident that some of the documents employers can check to establish the entitlement to work of their employees (and to avoid prosecution under section 8) are currently too vulnerable to forgery, undermining our controls on illegal working. It is clearly necessary for the Government to take action to address this problem. While some respondents expressed reservations about the likely effectiveness of the proposals in the consultation, most felt that they would not impose greatly increased bureaucratic burdens on employers, and a number suggested that employers are already adhering to a higher standard of security check than the existing legislation requires.

Therefore it is the Government's intention to proceed with the changes as broadly outlined in this consultation for all UK employers. The Order making the changes will be laid before Parliament on **16 March**, and the changes will come into effect on **1 May**. New guidance will be publicly available on the Immigration and Nationality Directorate website from **16 March**, and all PAYE-registered employers will receive a copy of this revised guidance through the post in April, before the changes come into force. Employers with any queries about the law to prevent illegal working should continue to refer to the **Employers' Helpline**, on **0845 010 6677**.

Additionally, new, more detailed guidance will be available to download from the following web page from 16 April: <http://www.ind.homeoffice.gov.uk/default.asp?pageid=17>. Free hard copies will be available to order from the Employers' Helpline from 30 April. This guidance will contain more detailed information on the law to prevent illegal working, and details of the Workers Registration Scheme for nationals of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia working in the UK from 1 May.

FOCUS GROUP FOR SMALL BUSINESSES

- On 2 September, six representatives of small business, contacted through the Small Business Service's database, attended a focus group to discuss the proposals to amend the law to prevent illegal working.
- The majority of businesses in the UK are classed as small. There were concerns that many of them may not have been aware of the consultation, so their views may not have been adequately captured by the consultation. The focus group gives a snapshot of opinion among small businesses.
- The outcomes of the group largely reinforce many of the points raised in the consultation, with a few points specific to small businesses. The table below (1.1) summarises the key points, both positive and negative, to emerge from the group.
- The group made some interesting suggestions about ways of raising awareness and supporting compliance among employers (1.2 below).

1.1 Main points raised:

Positives	Negatives
Some employers already carry out stringent checks on prospective employees (e.g. criminal records check)	Current information on illegal working is insufficient
ID cards would be supported by small businesses according to the group	Illegal working felt to have a low profile among small businesses
EU enlargement will increase the number of migrants who can come to work in the UK legally	Without enforcement, the proposals would be completely ineffective, both as a deterrent and a punishment
Costs to businesses of the proposals were felt to be minimal if guidance (hard copy and on-line) and helplines were provided	One participant felt that there should be no restrictions at all on migrant workers' access to the labour market
A universal legislative standard was felt to be the only viable option	Forgeries will still be in circulation – some are difficult to spot (will be more complex with accession of 10 new states to the EU)
Enforcement targeted at the sectors worse affected by illegal working should bear greater fruit	Voluntary code would be ineffective
The extension of joint working on intelligence and enforcement would also help to reduce illegal working	Sectoral approach would be ineffective – leading to displacement of problem and problems defining a sector

1.2 Suggestions:

Redesign web guidance for employers
Add requirement to prove entitlement to work to employment websites such as Monster.com
A single helpline for all employment issues
Work with ACAS (who offer advice to small businesses on a range of issues)
A certification/accreditation scheme for compliant employers
Incentives for compliance/means of reporting non-compliance
Use of business pages, phone books, newsletters, specialist press and radio to publicise changes
A local contact for employers: immigration or police officer, or someone in the local council?

List of Respondents

Ken Ambat
Angel Human Resources plc
British Chambers of Commerce
British Hospitality Association, British Beer and Pub Association, Business in Sport and Leisure
Business Services Association
Roy Butterworth
Centre for Economic and Social Inclusion
Citizens Advice
Cleaning and Support Services Association
Confederation for British Industries
Department for Work and Pensions
Employability Forum
Eliah Grabbet
Federation of Master Builders (by phone)
Food and Drink Federation
Health and Safety Executive
Jason Hersey
Justices' Clerks Society
Immigration Law Practitioners' Association
Inland Revenue
Institute of Directors
Institute of Payroll and Pensions Management
Councillor Charles Joyce
Khursheed Khan & Associates
Steven Kidby (Jobcentre Plus)
Labour Relations Agency
R Lakshminarayanan
The Law Society
The Law Society of Scotland
Leicestershire Chamber of Commerce & Industry
Marks and Spencer plc
Christopher Monckton Ltd
McDermott, Will & Emery
National Association of Student Employment Services
National Farmers' Union
Office of the Immigration Services Commissioner
Project Technologies
Recruitment and Employment Confederation
Royal College of Nursing
The Scottish Executive
Dr Hemin Sheriff
Small Business Council
South Central Trains
Trades Union Congress
Transport and General Workers' Union
John Turay
UKCOSA
United Nations High Commissioner for Refugees

2 respondents requested confidentiality