Right to Work Policy

Introduction

This policy applies equally across all Supreme Group businesses (hereafter, “the Company”).

1. POLICY STATEMENT

Supreme Facilities Ltd (“the Company”) is committed to complying with its legal obligations to prevent illegal working while treating employees fairly, consistently and reasonably.

All employees must have and maintain the legal right to undertake the work for which they are employed throughout their employment with the Company.

The purpose of this policy is to set out:

- how the Company will obtain and verify evidence of right to work;
- how time-limited right to work will be recorded and monitored;
- the responsibilities of employees to maintain and provide evidence of their right to work;
- the support and notice the Company will provide where permission is approaching expiry;
- the process that will apply where an employee has made an application to extend or vary their immigration permission;
- how the Company will manage circumstances where continuing right to work cannot immediately be verified;
- how operational requirements will be managed while an employee's position remains unresolved; and
- the circumstances in which employment may be terminated.

The Company recognises that immigration applications and Home Office decisions can take time. Wherever legally possible, employees will be given a reasonable opportunity to demonstrate their continuing right to work.

However, the Company must also comply with immigration law and maintain sufficient staffing levels to meet its operational, contractual and client commitments. The Company cannot permit an individual to work where it is not legally entitled to do so, nor can it maintain an unresolved employment situation indefinitely.

2. THE PURPOSE AND SCOPE OF THIS POLICY

This policy applies only to employees and prospective employees of Supreme Facilities Ltd. It does not apply to contractors, subcontractors, agency workers or other non-employed

personnel, whose right to work or immigration compliance arrangements will be considered separately.

Right to work checks will be undertaken consistently and without unlawful discrimination.

The Company will not make assumptions about an individual's right to work based upon nationality, ethnicity, accent, name, appearance, length of residence in the UK or any other protected characteristic.

While non-employed personnel (agency workers, contractors, subcontractors) are subject to separate compliance arrangements, supplier contracts must include mandatory warranties that vendor right-to-work checks comply fully with legal requirements.

3. RIGHT TO WORK BEFORE EMPLOYMENT

All offers of employment are conditional upon the individual demonstrating a satisfactory right to work in the UK and, where applicable, the right to undertake the particular role and working arrangements offered.

A prescribed right to work check must be completed before employment begins.

Depending upon the individual's circumstances and the methods permitted by the Home Office at the relevant time, this may include:

- a Home Office online right to work check using a share code;
- an appropriate manual document check;
- an approved digital identity verification service; or
- verification through the Home Office Employer Checking Service (ECS), where applicable.

Where an individual holds digital immigration status, the Company will normally verify their right to work using the Home Office online checking service. Physical Biometric Residence Permits (BRPs) will not be accepted as evidence for a manual right to work check. Where an online check cannot be completed, the appropriate Home Office verification process will be followed.

The Company will check that the evidence relates to the individual concerned and that any restrictions on their employment are compatible with the role offered. This may include restrictions relating to occupation, employer, hours of work or other conditions.

The Company will verify that any immigration restrictions are compatible with the employee's role and working hours. Where an SIA licence is required, the Company will also ensure that the employee holds the appropriate valid licence, in accordance with its licensing verification procedures.

Where satisfactory evidence cannot be obtained before the proposed start date, employment will normally be delayed until the Company is able to complete the appropriate check.

4. RECORDING RIGHT TO WORK

HR will maintain appropriate records of right to work checks.

Where an employee has a permanent right to work and the appropriate check establishes a continuous statutory excuse, no further check will normally be required unless there is a legitimate reason to undertake one.

Where an employee has time-limited permission to work, HR will record the relevant expiry date and arrange an appropriate follow-up check.

Copies and records of right to work checks will be held securely and retained in accordance with Home Office requirements and the Company's data protection arrangements.

5. EMPLOYEE RESPONSIBILITIES

Employees are responsible for maintaining a valid right to work throughout their employment.

Employees with time-limited immigration permission are expected to take reasonable steps to ensure that any necessary extension, variation or new application is made in sufficient time.

Employees must promptly inform HR of any matter which may affect their right to work, including:

- a new visa or immigration application;
- an extension or variation application;
- an appeal or administrative review;
- a change in immigration status;
- a Home Office decision;
- a change to the conditions or restrictions attached to their permission;
- receipt of a new or updated eVisa or other evidence of immigration status;
- cancellation or curtailment of immigration permission; or
- any communication from the Home Office which may affect their entitlement to work.

Employees must provide HR with relevant evidence, application reference numbers, share codes or other information reasonably requested to enable the Company to verify their status.

Failure to keep the Company informed may significantly limit the Company's ability to establish a continuing right to work and may ultimately affect the employee's continued employment.

6. MONITORING TIME-LIMITED RIGHT TO WORK

The Company will monitor recorded expiry dates for employees with time-limited permission.

As a general framework, HR will aim to make contact at the following stages:

Approximately three months before expiry

The employee will be reminded that their current right to work is due to expire and asked to consider any action required to maintain their permission.

Where appropriate, they will be asked to keep HR informed of the progress of any application.

Approximately two months before expiry

Where updated evidence has not been received, HR may contact the employee again to request an update on their intentions and/or immigration application.

Approximately one month before expiry

The employee will receive a further reminder and may be asked to provide evidence that an application has been made or is being progressed, where applicable.

HR will explain the potential implications for employment if the Company is unable to establish a continuing right to work.

The above timescales are intended as a reasonable support and monitoring framework rather than a guarantee that reminders will be issued on each particular date.

Responsibility for maintaining immigration permission remains with the employee.

7. APPLICATIONS MADE BEFORE EXISTING PERMISSION EXPIRES

The expiry date shown on an employee's existing immigration permission does not necessarily mean that their underlying right to work ends on that date.

For example, an employee who has made a valid application to extend or vary their immigration permission before their existing permission expires may have continuing immigration permission while their application is being determined.

Employees must notify HR promptly of any such application and provide reasonable evidence of its submission.

Evidence may include a Home Office acknowledgement, application reference number, evidence of the date of submission or other relevant information.

Where appropriate, the Company will use the Home Office Employer Checking Service or online right to work service to seek verification of the employee's continuing entitlement to work.

Evidence that an application has been submitted will not, by itself, be treated as confirmation of right to work where a prescribed Home Office check is required.

8. APPROACHING EXPIRY – FORMAL REVIEW

Where satisfactory evidence of continuing right to work has not been obtained approximately 14 days before the employee's existing permission is due to expire, HR will normally undertake a formal review with the employee.

The purpose of the review will be to establish:

- the employee's current immigration position;
- whether an application to extend or vary their permission has been submitted;
- the date on which any application was submitted;
- whether the application was submitted before their existing permission expired;
- whether the employee has an acknowledgement, application reference number or other evidence of submission;
- whether an Employer Checking Service check is required;
- whether further evidence is reasonably expected; and
- whether the Company will be able to establish a continuing right to work.

The employee will be given a reasonable opportunity to provide relevant information and evidence.

Where appropriate, HR will explain the possible next steps if satisfactory right to work evidence cannot be obtained. Reaching the expiry date will not automatically result in stand-down. Where Home Office requirements are met, the Company's existing statutory excuse may continue for a limited period while verification is obtained. The Company will consider the individual circumstances, the evidence available and operational requirements before deciding whether the employee may continue working or should be temporarily stood down while further verification is undertaken.

The Company cannot provide immigration advice. Employees remain responsible for managing their immigration status and obtaining independent immigration advice where required.

9. VERIFICATION THROUGH THE EMPLOYER CHECKING SERVICE

Where the circumstances permit or require it, the Company will use the Home Office Employer Checking Service to establish whether an employee has a continuing right to work.

The Company will initiate an ECS check as soon as it is reasonably appropriate to do so and will not unnecessarily wait until the employee's existing permission has expired.

Where a **Positive Verification Notice (PVN)** is received, the Company will retain the notice and permit the employee to continue working in accordance with the permission and any restrictions confirmed by the Home Office.

A Positive Verification Notice (PVN) normally provides the Company with a statutory excuse for six months from the date specified in the notice. HR will record the expiry date and complete the appropriate follow-up check before that protection expires.

Where a **Negative Verification Notice** is received, or the Home Office otherwise confirms that the individual does not have the required right to work, the employee will not be permitted to work and the Company may proceed promptly to a formal review of their continued employment.

10. TEMPORARY STAND-DOWN WHERE RIGHT TO WORK CANNOT BE VERIFIED

The Company recognises that there may be circumstances in which an employee provides credible evidence that an application to extend or vary their immigration permission was submitted before their existing permission expired, but the Company is unable to obtain satisfactory confirmation of their continuing right to work.

This may include circumstances where:

- an Employer Checking Service request is outstanding;
- a Positive Verification Notice has not yet been obtained;
- the employee's Home Office digital status has not yet been updated;
- further information or verification is required from the Home Office; or
- there is another genuine and evidenced delay in establishing the employee's continuing entitlement to work.

Where there is credible evidence of an in-time application and the relevant Home Office requirements are met, the Company will first consider whether its existing statutory excuse permits the employee to continue working while verification is obtained. Stand-down will not be an automatic consequence of the employee reaching their visa or immigration permission expiry date. Following an individual review, the Company may nevertheless temporarily stand the employee down from all duties where it considers this appropriate while verification remains outstanding, taking account of the evidence available, the applicable Home Office requirements and operational circumstances.

A stand-down under this section is a precautionary measure. It is not a disciplinary sanction and does not, by itself, terminate the employee's employment.

During the stand-down:

- the employee must not undertake any work for the Company;
- the employee will not be rostered or deployed to a client site;
- HR will continue to seek appropriate verification where possible;
- the employee must remain reasonably contactable and cooperate with requests for information;
- the employee must immediately provide HR with any Home Office correspondence, updated share code, decision or other relevant information received; and
- the employee will be informed in writing of the pay and benefits arrangements that apply during the stand-down. Where the employee remains employed and ready and willing to work but the Company elects to stand them down while verification is pending, normal contractual pay and benefits will ordinarily continue unless there is a clear contractual and lawful basis for a different approach. Any proposal to withhold or reduce pay during a stand-down must be reviewed by HR and, where appropriate, employment law advisers before implementation.

The Company will confirm the stand-down arrangements in writing.

11. DURATION OF STAND-DOWN

Where Home Office requirements are met, the Company's existing statutory excuse may continue for up to 28 calendar days following expiry of the employee's previous permission while the appropriate right to work verification is obtained. This is not an automatic extension of immigration permission or a requirement to stand the employee down.

Where an employee has been stood down, the arrangement will be kept under active review and will last only for so long as is reasonable and appropriate while verification is pursued. The Company will seek to resolve the position promptly and will not automatically keep an employee stood down for the full 28-day verification period.

The 28-day period is not a grace period, an extension of immigration permission or an entitlement to remain employed or stood down for 28 days. The action taken in each case will depend on the employee's circumstances and the Home Office requirements in force at the time.

The Company may bring the review forward where information becomes available before the end of the 28-day period.

For example:

- if satisfactory evidence of continuing right to work is obtained, the Company may permit the employee to return to work;

- if a Positive Verification Notice is received, the Company will act in accordance with the permission and restrictions confirmed by the Home Office;
- if the Home Office confirms that the employee does not have the required right to work, the Company may move promptly to consider termination; or
- if the employee fails to cooperate or provide information reasonably requested, the Company may proceed to a final review without waiting for the full 28-day period.

Nothing in this policy requires the Company to continue a stand-down for the full 28 days. A stand-down may end earlier if satisfactory right to work is verified, if the Home Office confirms that the employee does not have the required right to work, or if the Company otherwise reaches a lawful and reasonable decision following review.

12. OPERATIONAL PLANNING DURING A STAND-DOWN

The Company operates in an environment where appropriate staffing levels are essential to the safe, effective and consistent delivery of services to clients.

Where an employee is stood down or there is significant uncertainty about whether they will be able to continue working, the Company may make reasonable arrangements to maintain operational coverage.

This may include:

- reallocating shifts;
- arranging temporary cover;
- offering additional hours to other employees;
- deploying employees between sites where appropriate;
- using temporary or agency resource; or
- commencing recruitment where the circumstances indicate that longer-term cover may be required.

The fact that operational cover has been arranged does not, by itself, determine the outcome of the employee's right to work review.

However, the Company is not required to leave shifts, posts or operational vacancies uncovered indefinitely while an employee's future availability for work remains uncertain.

13. REVIEW DURING STAND-DOWN PERIOD

HR will keep the position under review throughout the stand-down period rather than waiting until the end of the 28 days.

The employee is expected to actively cooperate with this process.

Where appropriate, HR may:

- undertake further Employer Checking Service checks;
- request an updated share code;
- request further evidence from the employee;
- ask the employee to confirm whether they have received further correspondence from the Home Office; and
- consider any new information relevant to the employee's immigration status.

Where satisfactory evidence confirms that the employee has the right to undertake their role, the Company will arrange their return to work as soon as reasonably practicable, subject to any conditions or restrictions attached to their immigration permission.

14. WHERE THERE IS NO EVIDENCE OF CONTINUING RIGHT TO WORK

The 28-day stand-down process will not automatically apply to every employee whose immigration permission expires.

Where an employee:

- has not provided credible evidence of an application made before expiry;
- confirms that no application was made before their previous permission expired;
- receives a Home Office decision confirming that they no longer have permission to work;
- receives a Negative Verification Notice; or
- otherwise has no apparent lawful basis upon which their right to work could be continuing,

the Company will not permit the employee to work and may proceed promptly to a formal Right to Work Review Meeting.

The Company will nevertheless give the employee a reasonable opportunity to provide any relevant evidence before a final decision regarding employment is made.

15. FORMAL RIGHT TO WORK REVIEW MEETING

Where the Company remains unable to establish satisfactory right to work and termination of employment is being considered, the employee will normally be invited in writing to a formal Right to Work Review Meeting.

The invitation will explain:

- the Company's concerns regarding their right to work;
- the checks that have been undertaken;
- any evidence or information still required;
- that their continued employment is at risk; and
- the date by which any further evidence should be provided.

At the meeting, the employee will be given an opportunity to explain their circumstances and provide any further relevant information or evidence.

The Company will consider:

- all right to work checks undertaken;
- any response received from the Employer Checking Service;
- evidence that an immigration application was submitted in time;
- any subsequent Home Office correspondence;
- information provided by the employee;
- whether there is a reasonable and lawful basis for continuing employment; and
- whether there is a reasonable prospect of the position being resolved imminently.

Where a stand-down has been applied, the Company will not automatically dismiss an employee simply because the 28-day period has elapsed. A decision will be made based upon the information available and the circumstances at that time.

However, where satisfactory right to work cannot be established, the Company cannot reasonably be expected to maintain employment indefinitely.

Before any decision to terminate employment is made, HR will complete a final review of the case and, where appropriate, obtain employment law advice. This review will consider the right to work evidence, Home Office checks and responses, the process followed, the employee's representations, the proposed reason for dismissal, and the appropriate notice and pay arrangements.

16. TERMINATION OF EMPLOYMENT

Following the formal Right to Work Review Meeting and completion of the final HR/employment law review described above, employment may be terminated where the Company reasonably concludes that:

- the employee no longer has the legal right to undertake their employment;

- the Home Office has confirmed that the employee does not have the required right to work;
- a Negative Verification Notice has been received;
- the Company has been unable to obtain satisfactory verification of continuing right to work despite reasonable attempts;
- the employee has failed to provide information or evidence reasonably required to establish their position; or
- there is no reasonable prospect of the employee being able to demonstrate an entitlement to resume lawful work within a reasonable period.

Depending upon the circumstances, dismissal may be because continued employment would contravene a statutory restriction or for another potentially fair reason arising from the employee's inability to demonstrate an ongoing entitlement to work.

The Company will confirm the decision and reasons for termination in writing.

Notice and/or payment in lieu of notice will be considered in accordance with the employee's contractual terms and the applicable legal circumstances.

Nothing in this policy requires the Company to permit an employee to undertake work during a notice period where doing so would be unlawful or where satisfactory right to work cannot be established.

17. APPEAL

An employee whose employment is terminated under this policy will normally have the right to appeal.

Any appeal should be submitted in writing within **five working days** of receipt of the termination decision and should explain the grounds of appeal.

Where possible, the appeal will be considered by a manager who was not responsible for the original decision.

An appeal will not in itself permit an employee to return to work where the Company cannot establish a lawful right to work.

Where new evidence subsequently establishes that the employee had or has a continuing right to work, this will be considered as part of the appeal.

The outcome of the appeal will be confirmed in writing and will be final.

18. NON-COOPERATION OR MISLEADING INFORMATION

Employees are expected to cooperate with reasonable right to work checks.

Deliberately providing false or misleading information, fraudulent documentation or knowingly withholding material information concerning right to work may be dealt with under the Company's disciplinary procedure and may constitute gross misconduct.

A genuine Home Office processing delay, difficulty accessing an eVisa, delay obtaining verification or uncertainty regarding an immigration application will not in itself be treated as misconduct.

19. DATA PROTECTION AND CONFIDENTIALITY

Information concerning an individual's immigration status and right to work will be handled confidentially and in accordance with applicable data protection requirements.

Access will be restricted to employees who reasonably require the information for HR, recruitment, payroll, operational management, compliance or legal purposes.

Right to work records will be retained for the period required by the Home Office and in accordance with the Company's applicable data retention arrangements.

20. EQUALITY AND CONSISTENCY

Right to work requirements will be applied consistently to all prospective and existing employees.

The Company will follow the Home Office Code of Practice on avoiding unlawful discrimination while preventing illegal working and will give individuals a reasonable opportunity to demonstrate their right to work.

Employees will not be treated less favourably simply because their immigration status is time-limited or because they are required to demonstrate their right to work using a particular Home Office process.

21. RESPONSIBILITIES

Employees

Employees are responsible for:

- maintaining their right to work;
- making any necessary immigration applications in sufficient time;
- keeping HR informed of applications and changes in status;
- providing evidence and share codes promptly when requested; and
- cooperating with follow-up checks.

Managers

Managers are responsible for:

- referring any right to work concerns or information received from an employee to HR promptly;
- not making independent decisions about an employee's immigration status;
- ensuring that an employee who has been formally stood down is not rostered or permitted to work; and
- working with HR to manage operational cover where required.

Human Resources

HR is responsible for:

- completing and recording prescribed right to work checks;
- maintaining appropriate records of time-limited permission;
- issuing expiry reminders;
- undertaking follow-up and Employer Checking Service checks where appropriate;
- communicating with employees regarding outstanding evidence;
- managing stand-down and formal review processes; and
- ensuring that decisions are made consistently and in accordance with current Home Office requirements; and
  completing a final HR review and obtaining employment law advice where appropriate before any termination decision is made.

22. POLICY SUMMARY

As a general guide, the Company's process will be:

Approximately 90 days before expiry
Initial reminder and request for an update.

Approximately 60 days before expiry
Follow-up where required.

Approximately 30 days before expiry
Further reminder, request for evidence and warning of the potential employment implications.

Approximately 14 days before expiry
Formal review where satisfactory continuing right to work has not been established.

Before/on expiry
Complete or initiate the appropriate prescribed right to work/ECS verification.

Following expiry – where credible evidence of an in-time application exists but satisfactory verification cannot be obtained
HR will consider whether the existing statutory excuse permits continued work while verification is obtained. Stand-down is not automatic and will be decided case by case.

During any applicable Home Office verification period (up to 28 calendar days)
HR continues appropriate checks and the employee provides any further Home Office information received. Any stand-down is kept under active review and does not automatically continue for the full period.

Once satisfactory right to work is established
Employee returns to work subject to any applicable restrictions.

Where satisfactory right to work cannot be established
Formal Right to Work Review Meeting, followed by a final HR/employment law review before any decision to terminate employment.

Where the Home Office confirms earlier that the employee does not have the required right to work, or there is no credible evidence of a continuing entitlement to work, the Company may proceed to formal review without waiting for the above timescales to expire.

23. POLICY REVIEW

This policy is non-contractual and may be amended by the Company from time to time.

Immigration and right to work requirements are subject to change. The Company will apply the legislation and Home Office guidance in force at the relevant time. Where this policy conflicts with a subsequent change in legislation or mandatory Home Office requirements, those requirements will take precedence.

The policy will be reviewed periodically and following significant changes to right to work legislation or Home Office guidance.