

RIGHT TO WORK POLICY

Introduction

As an employer, we have a responsibility to prevent illegal working. The ability to work illegally is a key driver of illegal migration and leaves people vulnerable to exploitation and results in unscrupulous employers undercutting compliant businesses. It can also negatively impact on the wages of lawful workers and is linked to other labour market abuse such as tax evasion, breach of the national minimum wage and exploitative working conditions, including modern slavery in the most serious cases.

Under the Immigration, Asylum and Nationality Act 2006 and other related legislation, the Company is liable to payment of a civil financial penalty if we employ a person who is subject to immigration control and who has no permission to work in the UK, or who is in breach of their conditions to stay in the UK. There are civil penalties of up to £60,000 per illegal worker and in serious cases, criminal prosecution and an unlimited fine for employing someone who we knew or had reasonable cause to believe did not have the right to work in the UK. The Company can also be penalised if we do not carry out the right to work checks either at all, or properly.

The purpose of this policy is to ensure that all the company's employment practices are robust and to ensure all employees and any labour employed on our sites hold current and valid permission to work in the UK and that we cover our responsibilities under the current UK legislation.

In line with current Home Office Right to Work guidance, right to work checks may be carried out using one of three approved methods: (1) a manual document-based check; (2) an online check using the Home Office "share-code" service for individuals who hold digital immigration status; or (3) an identity check via a certified Identity Service Provider (IDSP) for British and Irish citizens with valid passports. These methods provide the statutory excuse against liability for a civil penalty.

Responsibilities

The HR Department is responsible for undertaking a right to work check on all employees to ensure the individual is legally allowed to work in the UK. A 'manual check' must be undertaken where applicable. This will consist of 3 steps:

1. Obtain original versions of one or more of a list of acceptable documents

List A

- A passport (current or expired), showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
- A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) 2008 or Appendix EU to the Isle of Man Immigration Rules.

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- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- A birth adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

These documents above apply only to individuals who hold unlimited permission to work. For individuals with time-limited permission, acceptable documents fall under List B and may require follow-up checks before expiry.

List B group 1

- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B group 2

- A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.

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- A Certificate of Application (non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
 - A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
 - An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
 - A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.
2. Check the document's validity in the presence of the holder; checking
- The documents are genuine, original and unchanged and belong to the person who has given them to you.
 - The dates for the person's right to work in the UK have not expired.
 - Photos are the same across all documents and look like the person.
 - Dates of birth are the same across all documents.
 - The person has permission to do the type of work you're offering (including any limit on the number of hours they can work).
 - If 2 documents give different names, the applicant has supporting documents showing why they're different, such as a marriage certificate or divorce decree.
 - Note: For individuals with digital immigration status (eVisas, BRPs, Frontier Worker Permits), manual checks are **not permitted**. HR must instead use the Home Office Online Right to Work Checking Service using the individual's share code.
3. Make and retain a clear copy and record the date the check was made (on the copy). The check must ensure that:
- Photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation.
 - Expiry dates for permission to be in the UK have not passed.
 - Any work restrictions in place are noted.
 - That documents are genuine, not been tampered with and belong to the holder.
 - Reasons for any difference in name across documents can be explained by providing evidence (e.g., birth certificate, marriage certificate etc). These supporting documents must also be photocopied, and a copy retained.

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- Copies must be legible, in a format that cannot be altered (e.g., PDF), and stored securely with restricted access in compliance with data protection legislation.
- Where the individual has time-limited permission to work, a repeat right to work check must be undertaken before the expiry date to maintain the statutory excuse.

Online Right to Work Checks

HR must use the Home Office Online Right to Work Checking Service for individuals who:

- hold a Biometric Residence Permit (BRP)
- hold a Biometric Residence Card (BRC) or FWP
- have status under the EU Settlement Scheme
- have digital immigration status (eVisa)

Manual checks are not valid for these categories.

Employer Checking Service

HR must contact the Employer Checking Service where an individual cannot present acceptable documents but claims they have lawful status (e.g., pending application, appeal, EUSS Certificate of Application). A Positive Verification Notice provides a statutory excuse for 6 months.

In undertaking these checks, we will ensure that we do not unlawfully discriminate against individuals on racial or ethnic grounds or in respect of any other protected characteristic under equality legislation.

Any employee who fails to comply with the correct procedures as set out above may be subject to disciplinary action. Knowingly employing or having reasonable cause to believe that an individual does not have the right to work may result in criminal liability for the Company and the individual responsible.

Retention of Data

The HR department will retain copies for the duration of the person's employment and for 2 years afterwards on Cezanne HR. All right to work documents will be stored securely in accordance with the UK GDPR and the Data Protection Act 2018.

Suppliers/ Subcontractors

We have a zero-tolerance policy to illegal workers, modern slavery and human trafficking. We expect all in our supply chain and sub-contractors to comply with our policy and undertake their own Right to Work checks. We retain the right to undertake random checks on our supply chain to ensure this policy is adhered to. Subcontractors must maintain evidence of compliant right to work checks for all labour supplied and make such evidence available to the Company on request. Failure to do so may result in suspension or termination of the business relationship.

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Signed on behalf of VertaseFLI

A handwritten signature in black ink, appearing to read "Steve Edgar".

Steve Edgar, Managing Director
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