

KDM-OHS-PD-24

RIGHT TO WORK IN THE UK POLICY

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1. Purpose

KDM Group is committed to complying with all UK immigration and employment legislation and preventing illegal working within its workforce and supply chain.

This policy sets out the procedures for conducting Right to Work (RTW) checks, monitoring ongoing eligibility to work in the UK, and complying with the requirements introduced under the Border Security, Asylum and Immigration Act 2025, including the extended liability provisions effective from 1 October 2026.

Failure to comply with these requirements may expose KDM Group to significant civil penalties, reputational damage, and legal action.

2. Scope

This policy applies to:

- All prospective and current employees.
 - Temporary workers and agency workers.
 - Apprentices.
 - Contractors engaged directly by KDM Group.
 - Subcontractors and suppliers providing labour or services.
 - Managers responsible for recruitment, onboarding, procurement, contract management, and workforce compliance.
 - Any contractual arrangements that fall within the extended liability provisions of the Right to Work regime.
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3. Policy Statement

KDM Group will not knowingly employ or engage any individual who does not have the legal right to work in the United Kingdom.

The Company will:

- Carry out compliant Right to Work checks before employment or engagement begins.
 - Maintain records of all checks undertaken.
 - Conduct follow-up checks where an individual's right to work is time-limited.
 - Monitor contractual arrangements that may create supply-chain liability.
 - Implement robust identity verification measures.
 - Cooperate fully with any Home Office investigations.
 - Take immediate action where illegal working is suspected or identified.
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4. Legal Framework

This policy is based upon:

- Immigration, Asylum and Nationality Act 2006.
- Border Security, Asylum and Immigration Act 2025.
- Home Office Employer's Guide to Right to Work Checks.
- Relevant UK immigration and employment legislation.

Under current legislation, employers may face:

- Civil penalties of up to £45,000 per illegal worker for a first breach.
- Civil penalties of up to £60,000 per illegal worker for repeat breaches within three years.
- Potential criminal sanctions where illegal working is knowingly facilitated.

5. Right to Work Checks

5.1 Pre-Employment Checks

Before any individual commences work, KDM Group must verify their eligibility to work in the UK through one of the approved methods:

Manual Check

Verification of original acceptable documents in accordance with Home Office guidance - <https://www.employer-request-a-check.homeoffice.gov.uk/eligibility>

Online Right to Work Check

Using the Home Office online checking service where applicable.

Identity Service Provider (IDSP)

Where permitted under Home Office requirements.

No individual may commence work until a satisfactory Right to Work check has been completed.

5.2 Record Keeping

KDM Group will retain evidence of all Right to Work checks, including:

- Copies of documents inspected.
- Online verification profiles.
- Dates checks were undertaken.
- Details of the individual conducting the check.
- Any follow-up verification undertaken.

Records will be retained for the duration of employment and for at least two years after employment ends or as otherwise required by law.

5.3 Follow-Up Checks

Where an employee has a time-limited immigration status, HR will conduct follow-up Right to Work checks before the expiry of the individual's permission to work.

Managers must notify HR immediately if they become aware of any changes that may affect an employee's immigration status.

6. Extended Liability Requirements

From 1 October 2026, KDM Group may be responsible for compliance within certain supply-chain arrangements even where no direct employment relationship exists.

Extended liability applies in the following circumstances:

6.1 Subcontracted Services

Where KDM Group:

- Has contracted to provide services or work to a third-party client; and
- Uses subcontractors to assist in delivering those services.

In such circumstances, KDM Group may be treated as the responsible employer for workers engaged further down the contractual chain. Therefore, KDM Group will require all subcontractors to follow the terms within this policy.

Examples

- Construction projects.
 - Maintenance contracts.
 - Labour supply chains.
 - Outsourced operational services.
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6.2 Online Matching Services

Where KDM Group operates or utilises a platform that matches service providers with customers, liability may arise if workers supplied through those arrangements are found to be working illegally.

6.3 Substitution Arrangements

Where an individual contractor is permitted to send a substitute to carry out services, the service provider as well as KDM are responsible for ensuring that the substitute has a valid Right to Work.

7. Arrangements Not Normally in Scope

The extended liability provisions do not generally apply where KDM Group purchases services solely for its own internal operational needs and is not supplying those services onward to a third-party client.

Examples include:

- Cleaning services for company premises.
- Facilities management services.
- Security contracts for KDM Group locations.
- Supply-only contracts involving goods only.

Genuine self-employed contractors operating independently may also fall outside the extended liability provisions; however, each arrangement must be assessed based on its actual working practices rather than its contractual label.

8. Establishing a Statutory Excuse

To protect the Company from liability, KDM Group must establish and maintain a statutory excuse where required.

This consists of:

1. Written contractual statements.
 2. Substitution controls.
 3. Identity verification measures.
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9. Written Contractual Requirements

Where extended liability applies, contracts must include specific provisions requiring suppliers and subcontractors to:

Right to Work Compliance

- Conduct compliant Right to Work checks on all individuals performing the relevant work.

Subcontracting Controls

- Not further subcontract work without prior written approval from KDM Group.
- Impose equivalent Right to Work obligations within any approved subcontracting arrangements.

Audit Rights

- Permit KDM Group to audit compliance with Right to Work requirements.

Enforcement

- Allow suspension, removal, or termination where illegal working is identified.

Home Office Cooperation

- Cooperate fully with investigations.
- Provide details of all organisations within the contractual chain when requested.
- Provide company information and evidence of compliance when requested.

10. Substitution Controls

Where substitution is permitted, the service provider will ensure:

Right to Work Verification

A compliant Right to Work check is completed on every substitute before work begins.

No Work Prior to Verification

No substitute may begin work until verification has been completed and recorded.

Contractual Reporting Duties

Appropriate contractual provisions must require immediate notification where there is knowledge or reasonable suspicion of illegal working.

Ongoing Monitoring

KDM Group will maintain records ensuring that individuals performing work are the same individuals whose Right to Work has been verified.

11. Responsibilities

Human Resources

HR is responsible for:

- Conducting employee Right to Work checks for employees.
- Maintaining compliance records.
- Monitoring visa expiry dates.
- Providing guidance to managers.
- Delivering training on Right to Work requirements.

Hiring Managers

Managers are responsible for:

- Ensuring no individual begins work before checks are completed.
- Notifying HR of concerns regarding immigration status.
- Supporting identity verification processes.

Procurement Team

Procurement is responsible for:

- Reviewing supplier compliance requirements.
- Ensuring appropriate contractual wording is included in relevant agreements.
- Conducting supplier due diligence where required.

Contract Managers

Contract managers are responsible for:

- Monitoring supplier compliance.
- Exercising audit rights where necessary.
- Escalating concerns regarding illegal working.

Suppliers and Contractors

Suppliers must:

- Comply with all legal Right to Work obligations.
- Maintain accurate records.
- Permit compliance audits.
- Immediately notify KDM Group of any identified breaches.

12. Auditing and Compliance Monitoring

KDM Group reserves the right to:

- Conduct compliance audits.
- Request evidence of Right to Work checks.
- Review contractual compliance.
- Verify workforce identities on site.
- Investigate suspected breaches.

Any failure to cooperate may result in contract suspension or termination.

13. Training

KDM Group will provide appropriate training to:

- HR personnel.
- Recruiting managers.
- Procurement teams.
- Contract managers.
- Operational management teams involved in contractor engagement.

Training will be updated whenever legislation or Home Office guidance changes.