

For suppliers, subcontractors and labour providers working with Kier**At a glance**

Complete the correct Right to Work check before work starts, confirm identity, record the evidence securely, repeat checks regularly, confirm the person carrying out the work is the same person whose Right to Work was checked, manage lower tiers and substitutes using contract terms, and report concerns promptly.

1. Purpose and scope

This document explains the practical steps Kier's suppliers, subcontractors and labour providers must take to meet Right to Work requirements when providing people to work on Kier projects. It applies at every tier of the supply chain and covers employers, workers, individual subcontractors and permitted substitutes.

These requirements must be read in conjunction with Kier's Ethical Labour Policy and do not replace the latest Home Office guidance or other contractual obligations to Kier. Each employer remains responsible for its own Right to Work checks in line with Home Office guidance.

Note: These provisions are applicable to Kier and every tier in our supply chain. The extended liability principle also applies to our suppliers that subcontract work to lower-tier suppliers. This means that if an individual engaged by one of your subcontractors is found to be working illegally, you may be treated as that person's extended employer and may be liable for a civil penalty, even if you have never directly engaged that individual. You must comply with your own requirements and cannot place reliance on any other party to meet your own Right to Work obligations.

2. Core requirements

- Complete a Right to Work check before the individual starts work.
- Complete a follow-up check before time-limited permission expires.
- Do not engage or continue to engage anyone who does not have the right to carry

out the relevant work.

- Confirm that the person presenting for work is the individual whose Right to Work was checked.
- Keep secure evidence of checks throughout the engagement and for two years afterwards.
- Make records available promptly when requested by Kier or the Home Office.
- Flow equivalent obligations down to lower-tier suppliers and labour providers.

3. Before a worker starts

Use one of the check routes below. The appropriate route will depend on the evidence the individual can provide.

Check route	When and how to use it
Manual document check	Obtain, check and copy original acceptable documents. Hold the originals while completing the check and meet the individual in person or by live video link.
Home Office online check	Use the individual's share code and date of birth. Review the photograph and work permission, then save the result page as PDF or HTML with the date of the check.
Digital verification service provider	Use a provider registered on the Office for Digital Identities and Attributes register and obtain written confirmation that it is registered to conduct Right to Work checks.
Employer Checking Service	Use the service where the individual cannot provide acceptable documents or an online share code and a Home Office verification is required. Do not allow work to start until the required confirmation is received.

4. The four-step check

Step	Action
1. Obtain	Obtain the required original documents or share code before work begins.
2. Check	Check that the documents or online result are genuine and relate to the individual. Compare photographs and dates of birth, review expiry dates and work restrictions, and confirm the work is permitted. Note and diarise any expiry date.
3. Copy and record	Make a clear copy or save the online output in a format that cannot be manually altered. Record who completed the check, the date, the method used and how likeness was confirmed.
4. Retain and review	Store the evidence securely for the engagement and two years afterwards. Complete any follow-up check before permission expires, then securely destroy records when the retention period ends.

No work before the check

The worker must not start work until the check and identity comparison are complete. These four steps form the 'statutory excuse'.

5. What to record

- A clear copy of each document or the full online check output, including the photograph.
- The date the check was completed.
- The name of the person who completed the check and whether it was carried out in person or by live video.
- Any work restrictions and the date any time-limited permission expires.
- Evidence of follow-up checks, identity verification and any re-verification.
- Evidence of checks on substitutes and controls over substitution.
- Relevant lower-tier contractual provisions, assurance reviews, audits and corrective

actions.

Suggested record: "On [DD/MM/YYYY], I [full name] completed a Right to Work check [in the presence of the holder/by live video] and confirmed the holder's likeness [in person/by live video]." Add the checker's signature or secure electronic approval.

6. Acceptable evidence: summary

Evidence category	Practical point
List A	Provides a continuous statutory excuse where the check is completed correctly. Examples in the legal draft include a British or Irish passport, or specified birth, adoption, registration or naturalisation evidence together with official evidence of a permanent National Insurance number.
List B, Group 1	Time-limited evidence. A follow-up check must be completed before the permission expires: current passport endorsed to show permission to work; current Immigration Status Document with valid endorsement, together with official evidence of a permanent National Insurance number.
List B, Group 2	Provides a time-limited statutory excuse where the prescribed evidence is supported by a Positive Verification Notice from the Employer Checking Service.
Online check	Generally used for an eVisa holder and generated using a share code. This is usually required where the individual is non-British/Irish. Save the complete result.

Always use the current Home Office [lists](#) and guidance. If the evidence is unclear, obtain advice before allowing the individual to begin work.

7. Identity verification and site controls

Maintain reasonable and proportionate controls to confirm that the person carrying out the work is the person whose Right to Work was checked. Identity verification

checks must be completed at least once in every 24-hour period during which an individual is carrying out work. Any departure from this requirement must be supported by a documented risk assessment that considers, among other items, the nature of the work, site access arrangements, and the risk of substitution. The justification for the alternative approach must be recorded and retained.

8. Substitutes and lower-tier suppliers

Where work may be subcontracted or a substitute (a replacement worker) is provided, controls must be in place before work begins.

- Complete a check on every substitute before they start.
- Do not delegate responsibility for the check to the individual carrying out the work.
- Confirm that the worker or substitute attending is the person whose evidence was checked.
- Include equivalent Right to Work, record-keeping, audit, investigation and enforcement terms in lower-tier contracts.
- Prevent further subcontracting without prior written consent and require the same obligations to be flowed down where it is permitted.
- Monitor compliance through proportionate reviews and periodic audits.
- Record findings, corrective actions and closure evidence.

9. Contractual requirements

Before workers begin on a Kier project, complete any written statement (these are mandatory clauses legally binding suppliers into Right to Work compliance) or assurance required by Kier and maintain the information needed to support Kier's compliance obligations. You may not subcontract any part of the works without Kier's prior written consent.

Contractual flow-down:

Where you engage lower-tier suppliers, labour providers or subcontractors, you must ensure that appropriate contractual arrangements are in place before any worker starts work. These arrangements must:

- Require lower-tier suppliers to complete Right to Work checks before an individual begins work and retain evidence of the checks;
- Only subcontract work with your written consent and require equivalent Right to

Work obligations to flow down to the subcontractor;

- Allow you to audit compliance with Right to Work checks;
- Enable appropriate action to be taken where illegal working is identified and the four steps to form the statutory excuse have not been completed; and
- Require co-operation with the Home Office or Kier investigation, including the provision of information about the contractual chain and any information the Home Office may require.

10. Your obligations to Kier

Kier requires you to implement and maintain the controls set out in sections 7, 8 and 9 of this guidance. These requirements, together with the four-step Right to Work check in section 4, must be complied with before a worker starts work and, where applicable, before work is subcontracted to a lower-tier supplier.

Notify Kier in writing within two business days if:

- A worker or substitute may not have the right to carry out the relevant work, or the statutory excuse may have lapsed or been lost.
- A Negative Verification Notice is received from the Employer Checking Service.
- You report, or intend to report, suspected illegal working to the Home Office.
- The Home Office starts or indicates possible investigation or enforcement activity connected with the work or a worker.
- You receive a Civil Penalty Notice connected with a worker performing work on a Kier project.

Include relevant facts, actions taken and any Home Office reference number. Do not make an admission of liability that may affect Kier without first following the contractual notification and consent requirements.

11. Audit and assurance

Kier may review Right to Work process, records, identity controls, substitution arrangements and supply-chain assurance. You must provide requested records promptly, make relevant personnel available for interview and complete compliance questionnaires within the specified timescale.

Assurance activity	Evidence to retain
Pre-engagement confirmation	Signed contractual terms or written statement, named responsible person and description of the checking process.
Worker sample check	Check evidence, date, checker, identity comparison and any follow-up date.
Lower-tier review	Supplier list, flow-down clauses, completed questionnaires, sample test results and corrective actions.
Site identity check	Access record and evidence that the individual matched the person checked.
Periodic audit	Scope, sample, findings, actions, owners, due dates and closure evidence.

12. Responding to a concern

Do	Do not
Stop the individual starting work or remove them from activity safely while the concern is assessed.	Do not confront the individual or make accusations.
Preserve relevant records and access evidence securely.	Do not alter, recreate or backdate evidence.
Escalate promptly through your contract manager and the agreed Kier reporting route.	Do not delay because information is incomplete.
Co-operate with any Kier or Home Office investigation.	Do not disclose information more widely than necessary.

Where concerns about an individual's Right to Work status arise, consideration should also be given to whether there are indicators of exploitation. In these circumstances, the matter should be treated both as a Right to Work issue and a safeguarding

concern. While the Right to Work requirements must be complied with, consideration must also be given to the welfare of potential victims of exploitation. Report any concerns through the channels specified on Kier's Ethical Labour policy.

13. Non-compliance

Failure to meet Right to Work requirements may lead to remedial action in the first instance and, where required, suspension of work, audit, contractual remedies or termination. It may also expose the responsible organisation, and potentially others in the contractual chain, to Home Office enforcement, civil penalties or criminal proceedings.

14. Quick checklist

- Is the correct check complete before work starts?
- Have you confirmed that the evidence belongs to the individual?
- Is the work permitted and have any restrictions been recorded?
- Is a follow-up date diarised where permission is time-limited?
- Is the evidence complete, dated, secure and unalterable?
- Are substitutes and lower-tier workers covered?
- Are site identity controls operating as required?
- Can records be produced promptly for audit?
- Are concerns escalated within the required timescale?

15. Further information and contacts

Refer to the latest Home Office Employer's Guide to Right to Work Checks and associated Codes of Practice. Kier may update templates or assurance requirements as Government guidance is finalised or amended.

Questions about project requirements should be directed to your Kier contract manager.