

# ***M.V. KELLY LTD***

# **Civil Engineering & Building Contractors**

## *Employee Handbook*



*“Our success is down to our people”*

[www.mvkelly.co.uk](http://www.mvkelly.co.uk)



@MVKellyltd

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# Welcome

Welcome to M.V Kelly Ltd, we are truly proud of our Company and employees; we have a strong and valued team.

We work in an industry that is very challenging and fast paced and we need all our employees to be able to cope with the demands placed on us. We provide a supportive environment whilst expecting high standards.

Our Mission Statement is very simple as we aim to be “the Company of choice for groundworks, infrastructure and associated services to the UK housing market.”

We will achieve this by applying our company values;

- Safety First - the Board of Directors will lead by example and expect everyone within our control to act safely within our safe systems of work.
- Achieve consistently high standards of work.
- Apply fair market rates.
- Act with integrity in our dealings with staff, operatives, sub-contractors, clients and suppliers.

Please study the contents of this handbook carefully. It contains a great deal of helpful information as well as our “rules & regulations” and is aimed at clarifying the terms and conditions of employment.

Together with your Contract of Employment, this handbook sets out the main terms and conditions of your employment. Where there are any inconsistencies between the handbook and your Contract of Employment, the contract prevails.

The handbook and policies contained herein will be updated from time to time and you will be notified of updates as and when they occur. The most recent update will always apply.

If you require clarification about any of its contents, please discuss them with the HR team prior to signing the acceptance declarations as we are more than happy to explain any of our policies and procedures to new and existing staff.

## **HR Team**

0121 708 5010

mvkhr@mvkelly.co.uk

## ***General Notices***

This section of the Handbook contains information relating to various rules and procedures. It also gives guidance in specific areas.

### ***A) Commencing Employment***

#### **INDUCTION**

New employees will receive an induction at the start of your employment which ensures you are familiar with all the policies and general rules regarding your employment. You will have an opportunity to discuss any policies or procedures which you may be unsure of.

#### **JOB DESCRIPTION & OBJECTIVES**

You will be provided with a job description of your position. Your job description may change from time to time in relation to our changing needs and to your own ability and the Company reserves the right at any time to require you to carry out any other duties that are deemed reasonable for you to carry out.

While colleagues are on holiday, it may become necessary for you to take over some of their duties. In the same way while you are on holiday colleagues will perform some of your duties. Your Manager will organise for you to have sufficient training when asked to take on other duties that do not fall in line with your current roles and responsibilities.

#### **JOB FLEXIBILITY**

It is an express condition of employment for you to be prepared, whenever necessary, to transfer to alternative departments or duties within the Company. Each employee will be consulted with prior to any change.

To allow us to operate efficiently and gain maximum potential from our work force this type of flexibility is essential and you will only be requested to undertake a transfer/ additional duties which fall in line with your capabilities.

#### **PLACE OF WORK**

Your place of work is as set out in your contract of employment, however you may be required to work at any other premises which the Company has or may later acquire in accordance with the demands of the business. Each employee will be consulted with prior to any change in place of work.

#### **HOURS**

These are as set out in your contract of employment. Full time workers are generally entitled to one hour rest break which is unpaid. How this is to be taken will be agreed with your line manager. It is your responsibility to take your break; you will not be paid for breaks not taken.

#### **OVERTIME**

Overtime is not generally required. If it is then each department will be consulted as to how this will be managed for the duration it is required. It is generally paid at normal hourly rate of pay during the week and time and a half at weekends. Overtime must be authorised by a department Director in order to be paid. Time off in lieu may be agreed instead of overtime payments.

#### **PROBATIONARY PERIOD**

New employees join us on an initial probationary period, usually of three months. During your probationary period, your work performance and general suitability will be assessed and if satisfactory your employment with us will continue.

You will receive regular reviews during your probationary period and feedback on work is given consistently by your manager. This will be a chance for you both to discuss performance and development areas.

In your end of probation review you will be informed of one of the following:

- 1) You have passed your three month probation.
- 2) Your probation period has been extended.
- 3) You have failed your probation period.

Final confirmation of your employment with the Company is subject to the successful completion of the three month probationary period.

During the probationary period the Company's normal disciplinary and grievance procedures will not apply. Refer to your contract for notice periods (excluding dismissal on the grounds of gross misconduct for which no notice is required).

#### **EMPLOYEE TRAINING**

As your employment progresses your skills may be extended to include new activities and responsibilities within the Company. Where necessary and possible, the Company will arrange training for you. You must attend all training sessions required of you and take all steps to promote your own improvement.

#### **TIMEKEEPING, ABSENCE & SICKNESS**

All time keeping and absence issues will be addressed in accordance with the company Absence Policy.

### ***B) Wages, Salaries & Benefits***

#### **PAYMENT**

Salaries are paid monthly by direct transfer to your Bank/Building Society account and will arrive in your account on or around the last working day of the month.

Your rate of pay is as set out in your contract of employment or as most recently notified to you by the Company. Salaries are reviewed at least annually, there is no entitlement to any increase following a review.

You will receive a pay slip showing how the total amount of your salary has been calculated. This shows the deductions made and the reasons for them, e.g., Income Tax, National Insurance Contributions etc. Any queries that you may have should be raised initially with the payroll department.

#### **INCOME TAX**

At the end of every tax year we provide you with a form P60. This shows the total pay you have received during the year and the total amount of income tax deductions and national insurance contributions made on your behalf.

You must keep your P60 form in a safe place, as it may be necessary to produce it when making enquiries with the Inland Revenue or other government agencies.

It is your responsibility to check your tax code and that it has been worked out correctly by HMRC. We will apply the tax code that they have most recently notified to us. For this reason we encourage all employees to use an online tax account.

As an M.V. Kelly Ltd employee you are registered at the Birmingham/Solihull Inland Revenue tax office. Our Employer Reference is: 068/M8036. If you have a tax query and are unable to resolve it internally with the Payroll department you should contact the tax office quoting the above reference.

#### **OVERPAYMENTS**

If we accidentally overpay you, you must immediately notify the payroll department. Failure to report an overpayment may result in disciplinary action being taken against you. The total overpayment will usually be deducted from your next wage/ salary payment and you consent to such a deduction being made.

If this would cause hardship, arrangements may be made for the overpayment to be recovered over a longer period; this should be discussed with the payroll department and is at all times subject to the discretion of the Company.

#### **DECLARATION IN RELATION TO DEDUCTIONS FROM WAGES**

The Company has the right to deduct from your pay any sums which you may owe the Company including, without limitation, any overpayments or loans made to you by the Company or losses suffered by the Company as a result of your negligence or breach of Company rules; deductions may also be made in accordance with our Study Policy.

If you leave the Company during a holiday year and have taken more holiday than your pro-rata accrual, the Company has the right to deduct this overpayment from your salary during your notice period.

If you terminate your employment without either giving or working the required period of notice as indicated in your employment contract, you will have an amount equal to the balance of notice period not worked deducted from any termination pay or final monies which may be due to you, and you consent to such a deduction.

Any deduction will be clearly shown on your wage slip.

#### **PENSIONS**

M.V. Kelly Ltd offers a pension in line with auto enrolment regulations and further correspondence will be given to you during your employment by our payroll department.

#### **EXPENSES**

Only authorised expenses will be paid, please see the Company Expenses Policy.

#### **CHANGES IN PERSONAL DETAILS**

You must notify the payroll department of any change of address, marital status etc, so we may maintain accurate information on our records and make contact with you in an emergency.

## **EMPLOYEES PROPERTY**

We do not accept liability for loss of or damage to property you bring onto the premises, therefore please do not bring personal items of value onto the premises.

Please do not leave any personal items on the premises overnight.

## ***Eye Care***

If you are a regular “user” of a VDU as part of your job, the Company will pay for an eye test by a registered optician.

The Company will reimburse the cost of a basic eye test up to £30 but will not be responsible for paying any additional costs, including the cost of glasses/contact lenses, unless they are required solely for display screen use.

A “user” of a computer is someone for which all or most of the following apply:

- A computer is essential for the job role
- The individual has no choice over whether or not a computer is to be used for the task
- Prior training and skill is necessary e.g. knowledge of how to use word processing, spread sheets or data base software packages
- There's a fast transfer of information between the user and the screen
- Users transfer information for at least an hour at a time

You will need to bring the DSE Eye Test/ Refund Application form (located in HR12 or available from the payroll department) with you to be completed by the optician and return this form to the payroll department with the receipt attached.

## ***C) Performance, behaviour, general rules***

### **PERFORMANCE MANAGEMENT**

We carefully monitor your work performance in order to maximise your strengths and highlight areas of development, please refer to the Performance Management Policy for more information on this. We have very high standards and seek to maintain this via regular feedback and performance management.

### **CODE OF CONDUCT**

Behaviour at Work – Personal Standards

We expect all employees to agree to standards of behaviour and conduct at work.

We must all behave with civility towards others; rudeness will not be tolerated towards other members of staff, suppliers or members of the public.

We must all use our best endeavours to promote the interest of the Company. Involvement in activities, which could be construed as being in competition with us, is forbidden.

We ask you to know and adopt the following;

#### **Managing Myself**

- Equality - treat everyone fairly and with respect. Appreciate that not everyone is the same.
- Present a positive, professional and polite image.
- Accept responsibility for actions and decisions when they go well and when they don't.

- Communicate effectively. Interact professionally, do not allow pressures to compromise your approach to others. Do not use aggressive or foul language. Do not accept this from others.
- Do not participate in 'banter' which can often be a cover for unacceptable behaviour or language.
- Take responsibility for the basics of your employment including timekeeping, accuracy of work and presentation.

#### Managing work

- Know the business and focus on company goals.
- Embrace change, be flexible and adapt priorities and approach to reflect changes in our market and our workplace.
- Be proactive and use initiative when needed.
- Ensure accuracy and self-checking.
- Show effective planning and organising - keep to deadlines.
- Keep work and storage of work/ data management well organised.
- Use IT effectively and stay abreast of relevant developments that can help with your work.
- Communicate with your line manager, always letting them know if you have too little/ too much work, if you are struggling to understand something or have things going on outside of work that may be temporarily affecting you at work.

#### Developing capability

- Take ownership of improving skills and knowledge and apply what you learn.
- Undertake training to further improve competencies.
- Reflect on own your own performance and seek ways to improve, take the lead rather than waiting for managers to have to develop you.
- Learn from mistakes.

#### Committing to change and improvements

- Take personal responsibility for improving procedures / processes when they do not work. Contribute ideas positively.
- Show commitment to new initiatives by assisting to help others.
- Sharing ideas for improvements and contribute to change.

#### Collaborating with others

- Adopt a teamwork approach.
- Collaborate to find solutions to problems and better ways of working.
- Share knowledge and expertise to help others.
- Support colleagues, showing understanding when needed.

#### Behaviour at Work – Manager Standards

In addition to these basic principle's managers are expected to undertake assigned work managing relevant processes and people. Managers will need to direct, coach, support and delegate appropriately.

#### Role Expectations

- Be able to set priorities in a logical and functional order to keep work on the right track. Set goals and objectives.



- Act as a role model inspiring others to do well. Set and manage high standards of work and professionalism encouraging, praising, and leading by example.
- Demonstrate strong leadership. Provide direction towards shared goals, generating strong commitment and motivation.
- Lead change continuously identifying improvements and taking others along.
- Manage finances, be conscious of costs, ensuring effective use of resources and gaining value for money.
- Take a strategic view, looking broadly, thinking longer-term and considering the whole picture.
- Continue to develop yourself to become a better leader and manager. Engage in ongoing learning and development to improve your performance. Undertake training to support this process.

#### Responsibility

- Take responsibility for your team including recruiting, developing and managing people, planning work, organising all resources and taking decisions.
- All Managers should demonstrate a commitment to high performance in their own work should encourage and reward the high performance of individuals and teams.
- Undertake relevant performance reviews to support individual personal development. Coach and develop individuals and teams enabling them to improve their performance and achieve company objectives and aspirations.
- Build effective working relationships through clear, genuine, sensitive and two-way communications.
- Be familiar with all policies which may interact with this Code in particular, Equal Opportunities Policy, the Anti-Bullying & Harassment Policy, Performance Management Policy and Dress Code.
- Be professional and do not allow disruptive behaviour within the workplace.
- Resolve conflicts in a transparent and direct manner as soon as they arise.
- Manage any discipline promptly and appropriately and any poor performance in line with company policy.

#### OTHER EMPLOYMENT

Whilst you are employed by us you may not undertake any other form of employment without the express permission of your department Director.

Such permission will not be unreasonably withheld and its primary aim is to ensure that there is no conflict of interest.

#### EQUALITY/ DIVERSITY AND ANTI BULLYING/ HARASSMENT

You are expected to treat all other employees and all company contacts with respect and dignity. Please ensure you are familiar with our policy regarding this as failure to comply is not tolerated.

#### POLITICAL & RELIGIOUS ACTIVITIES

As an organisation we have no political or religious bias. If your religion means you need to pray then prayers must be taken within your break time in a quiet area away from all other employees. All employees should be respected for their beliefs as per the Equal Opportunities & Diversity Policy/ Anti Bullying Policy.

#### DISCIPLINARY & GRIEVANCE

Failure to comply with Company rules and issues regarding incapacity and capability will be dealt with under the Company disciplinary procedure.

This procedure does not apply to employees with less than two year's service.

We aim to have an open relationship with employee's and would like to aim to resolve any work related issues before they become a problem. We do have a grievance policy in place if informal action is not sufficient.

#### **REDUNDANCY ARRANGEMENTS**

If circumstances arise where redundancy may be a possibility we will investigate measures that we may be able to take prior to reverting to statutory redundancy procedures.

#### **OUR PROPERTY**

Use of our property for a purpose other than normal duties is not permitted.

No property is to be taken away from our premises without prior permission from the relevant departmental manager.

You must notify the appropriate member of management of any damage to the property or premises immediately.

#### **COMMUNICATIONS**

We will try to inform you of all matters of interest by means of email and the company newsletter.

#### **STATEMENTS TO THE MEDIA**

Any statements to any member of the media given about or on behalf of the Company must be given only by a Director unless express permission has been granted to an individual. A breach of this rule will be treated as gross misconduct.

#### **CONFIDENTIALITY, DATA PROTECTION & INVENTIONS/ DISCOVERIES**

You must abide by the following provisions within our policies which are included within this handbook. We are respectful of personal information that we hold and are extremely protective of our commercial data. Any rates for commercial work or procurement shall be confidential and unless in the course of our business or required by law, you shall not, either before or after the termination of your employment disclose such information to any person without our prior written consent.

You shall exercise reasonable care to keep safe all documents or other material containing confidential information, and on the termination of your employment, or at any other time, upon demand return to us such material in your possession.

Failure to comply with these rules and / or any breach of your obligations under them will be treated as a serious disciplinary offence that will probably lead to summary dismissal and may also result in the Company taking legal action following any decision to terminate. You must ensure that you have read and understood our policies in regard to this.

#### **HEALTH & SAFETY**

Company site operations are high risk and the Board has committed to the safety of all persons irrespective of work tasks. We invest a lot of time and resource into safety and expect everyone to adopt the same proactive attitude. You must familiarise yourself fully, and comply at all times, with the Company's Health and Safety Policy and procedures. If you are required to visit site you must abide by the site specific rules and sign in and out of the site.

Where you are provided with safety devices and personal protective equipment or clothing, you must ensure that you use these and that you do so carefully.

You must follow the Company's procedures relating to work accidents (set out below) and you are at all times responsible for the health and safety of others as well as yourself.

If you notice any unsafe or potentially unsafe working conditions, equipment or practices, you should report them to your manager. If no action is taken, you should use the Company's grievance procedure.

You should advise your manager of any ways in which you feel the Company's Health and Safety practices and procedures could be improved.

You must make sure that you carefully follow, and adhere to, any training on aspects of Health and Safety that you receive.

We hope that you will follow the positive spirit of our safety culture, however failure to do so may result in disciplinary action being taken against you.

### **WORK ACCIDENTS**

If you have an accident at work you must seek first aid if necessary. You must report the accident to a member of the safety team at once and ensure that it has been recorded in the accident report book.

### **FIRE PROCEDURES**

Please refer to the Fire Risk Assessment. There are also Fire Marshalls who will provide guidance in the event of a fire.

### **REST ROOM**

All offices have well equipped kitchens for your use; however we do expect you to keep them clean and tidy by ensuring you have cleaned any items you have used.

### **SMOKE FREE WORKPLACE POLICY**

There are designated smoke areas outside the offices; employees found smoking outside of these areas will be in breach of the company policy therefore disciplinary action may be taken. Please refer to the Smoking Policy.

### **DRUGS & ALCOHOL**

The consumption of alcohol and the possession, use or distribution of drugs for non-medicinal purposes is strictly forbidden on Company premises. Contravention of this rule will be classed as gross misconduct, please refer to our Drugs and Alcohol Policy.

### **STRESS AT WORK POLICY**

The Company takes seriously its commitment to the health and wellbeing of all our employees, please refer to our full policy. If you feel under any stress whether that may be work related or due to external reasons please always feel free to discuss this with your line manager or a member of the HR department.

### **COMPANY VEHICLES**

You must have express consent prior to driving any Company Vehicle in addition to us having your driving licence and completed driver application form.

## Policies & Procedures

This section of the Handbook contains our specific policies and procedures.

### ***1) Equality, Diversity and Inclusion Policy***

#### **Purpose**

M.V. Kelly is an equal opportunities employer, committed to encouraging equality, diversity, and inclusion among our workforce (this includes but is not limited to employees, clients, customers, and the public), and eliminating unlawful discrimination.

This policy supports our vision and upholds our core values. It underlines our commitment to develop as an open and inclusive organisation.

All our Company policies are authorised by the Board of Directors. Our Commitment is embraced by our Directors and Senior Management Team.

#### **How We Will Do This?**

- Promoting equality, fairness, and respect for our workforce, irrespective of:
  - Hours (eg. Part time / Full time)
  - Contract (eg. Fixed, Agency, Self Employed, Permanent)
- Ensuring that no one is unlawfully discriminated against because of a protected characteristic under the Equality Act 2010, such as:
  - Age.
  - Disability.
  - Gender reassignment.
  - Marital or civil partnership status.
  - Pregnancy or maternity.
  - Race (including colour, nationality, and ethnic or national origin).
  - Religion or belief.
  - Sex or sexual orientation.
- Opposing and avoiding all forms of unlawful discrimination within:
  - Pay and benefits.
  - Terms and Conditions of employment.
  - Dealing with grievances and discipline.
  - Recruitment.
  - Dismissal.
  - Redundancy.
  - Leave for parents.
  - Requests for flexible working,
  - Selection for employment, promotion, training, or other developmental opportunities.

#### **Commitment**

It is vital for us to consistently review and improve on our commitment to:

- Encourage Equality, Diversity, and Inclusion within the workplace.
- Create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.
- Provide Training to Managers on recognising and avoiding discrimination, harassment, and victimisation, plus training for all other employees about their rights and responsibilities. Responsibilities include staff conducting themselves to

help the Company provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination. Further training will ensure all staff understand they, as well as M.V. Kelly, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public. This applies in the workplace, outside the workplace and on work-related trips, including social events.

- Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others during the organisation's work activities. Such acts will be dealt with as misconduct under the organisation's grievance or disciplinary procedures, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice. Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations.
- Making opportunities for training, development, and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation. All decisions relating to recruitment, promotion, training, and benefits will be based on aptitude and ability.
- Make decisions concerning staff based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act 2010).
- Reviewing employment practices, policies, and procedures when necessary to ensure fairness, and update them and the policy to take account of changes in the law.
- Ensuring that diversity in the workforce is regularly monitored to ensure equality of opportunity, and where appropriate, measures will be taken to identify unnecessary obstacles and to meet the needs of disadvantaged or underrepresented groups.

## **Discrimination**

The following forms of discrimination are unlawful, and prohibited under this policy:

- Direct Discrimination
  - Treating someone less favourably because of a Protected Characteristic
- Indirect Discrimination
  - A provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others and is not justified.
- Harassment
  - This includes sexual harassment and other unwanted conduct relating to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Anti-harassment and Bullying Policy.
- Victimisation
  - Retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment. This includes where someone mistakenly believes that the person victimised has done so.
- Disability Discrimination
  - This includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

## **Recruitment and Selection Exercises**

Recruitment, promotion, and other selection exercises such as redundancy selection will be conducted based on merit, against objective criteria that avoid discrimination. When recruiting or promoting, we will aim to take steps to improve the diversity of our workforce and provide equality of opportunity.

Job vacancies should be advertised to a diverse section of the labour market and advertising should avoid stereotyping or using wording that may discourage a particular group from applying.

Job applicants should not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. Job applicants should not be asked about health or disability before a job offer is made, except in the very limited circumstances allowed by law. Where necessary, job offers can be made conditional on a satisfactory medical check. Health or disability questions may be included in equal opportunities monitoring forms, which must not be used for selection or decision-making purposes.

We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents before employment starts, to satisfy current immigration legislation.

## **Disability**

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can consider any reasonable adjustments or support that may be appropriate.

## **Part-Time and Fixed-Term Work**

Part-time and fixed-term staff should be treated the same as comparable full-time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate) unless different treatment is justified.

## **Breaches**

We take a strict approach to breaches of this policy, which will be dealt with in accordance with our Disciplinary Procedure. Serious cases of deliberate discrimination and victimisation may amount to gross misconduct resulting in dismissal.

Sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 (which is not limited to circumstances where harassment relates to a protected characteristic) is a criminal offence.

## **Reporting a Complaint**

If you believe that you have suffered harassment, bullying or discrimination, or witnessed it happening to someone else in the workplace, you can raise the matter through our Grievance Procedure and through our Anti-Harassment and Bullying Policy as appropriate. Complaints will be treated in confidence and investigated as appropriate.

There must be no victimisation or retaliation against staff who complain about or report discrimination. If you believe you have been victimised for making a complaint or report of discrimination or have witnessed it happening to someone else in the workplace, you should raise this through the Grievance Procedure.

Please refer to our Company's grievance and disciplinary policies and procedures. Use of the Company's grievance and/or disciplinary procedures does not affect an employee's right to make a claim to an employment tribunal within three months of the alleged discrimination.

We encourage the reporting of all types of potential discrimination, as this assists us in ensuring that diversity, equity, and inclusion principles are adhered to in the workplace. However, making a false allegation in bad faith, or that you know to be untrue, will be treated as misconduct and dealt with under our Disciplinary Procedure.

## **2) Health & Safety Policy Statement**

M.V. Kelly Limited is a civil engineering and building company specialising in infrastructure, groundworks and associated services. The Company recognises its responsibility to protect and promote the health, safety and welfare of its employees, contractors and all those who may be affected by its work, ensuring 'everyone goes home unharmed every day.'

All work will be carried out in accordance with our statutory duties, all reasonable and practicable measures will be taken to prevent any injuries or ill health and avoid risk to our employees and others who may be affected by our activities.

M.V. Kelly Ltd has the following health, safety and welfare objectives:

- Undertake all reasonably practicable measures to prevent accidents, injuries and damage to health of our staff, workforce and those who may be affected by our undertakings.
- Prevent, reduce or control all foreseeable risks to the health and safety of any person who may be affected by its activities.
- Provide information, instruction, training and supervision as is necessary to ensure the health and safety at work of its staff and workforce.
- Provide a safe working environment and adequate facilities' and arrangements for staff and workforce welfare at work.
- Appoint competent persons to assist us to meet our statutory duty.

### **Implementation**

Management and supervisory staff have the responsibility for implementing this Policy and supporting safety manuals, procedures and instructions throughout the Company to ensure that health, safety and welfare considerations are always prioritised when planning and supervising work.

All employees and sub contractors are expected to co-operate with the company in complying with this policy, supporting documents and seek to ensure that their own work is carried out without risk to themselves or others.

This statement of company policy will be displayed prominently at all sites and workplaces and will be made available to all interested parties on request.

M.V. Kelly Ltd is committed to continual improvement in our safety performance, our health, safety and welfare objectives will be monitored for achievement through the Management Review Process.

### **3) Anti-Slavery Policy**

#### **Policy Statement**

M.V. Kelly has a legal and moral duty to protect workers within the Company's business, the businesses supply chain. The Company has a zero-tolerance approach to slavery and Human Trafficking and is committed to acting ethically, and with integrity and transparency in all of its business dealings and fulfil the obligations under the Modern Slavery Act 2015.

This document sets out The Company's stance on modern slavery and its expectations of other parties regarding slavery and human trafficking.

#### **Scope**

This policy applies to all persons working for or on behalf of M.V. Kelly Limited in any capacity. This includes but is not limited to employees, directors, and associates (such as agency workers, apprentices, contractors, external consultants, suppliers, and third-party representatives.)

Modern slavery is defined as the recruitment, movement, harbouring or receiving of children, women or men through the use of force, coercion, abuse of vulnerability, deception or other means for the purpose of exploitation.

In the United Kingdom, the Modern Slavery Act 2015 describes what constitutes a crime in this area. It includes but is not limited to; holding a person in a position of slavery, servitude forced or compulsory labour, or facilitating their travel with the intention of exploiting them soon after.

#### **Responsibility for the policy**

The board of directors has overall responsibility for ensuring that this policy complies with the Company's legal and ethical obligations. In addition, the board has responsibility for implementing and monitoring this policy to ensure its effectiveness in mitigating the risk of modern slavery.

A designated member of the management team will be responsible for investigating any allegations of modern slavery in the Company's business or supply chains.

The management team has day to day responsibility for ensuring all other employees reporting to them understand and abide by this policy.

This policy is reviewed and approved on an annual basis by the Board of Directors.

#### **Signs of Slavery and Human Trafficking**

Identifying potential victims of modern slavery can be a challenge because the crime can manifest itself in many different ways. The most straight forward way to tackle slavery and human trafficking is for all associates to carry out due diligence within their supply chain and be vigilant for the common signs of slavery and human trafficking:

- Someone in slavery might:
- Appear to be under the control of someone else and reluctant to interact with others.
- Not have personal identification on them.
- Have few personal belongings, wear the same clothes every day or wear unsuitable clothes for work.
- Not be able to move around freely.
- Be reluctant to talk to strangers or the authorities.



- Appear frightened, withdrawn or show signs of physical or psychological abuse.
- Dropped off and collected for work always in the same way, especially at unusual times i.e. very early or late at night.

## **Compliance**

The prevention, detection, and reporting of modern slavery in any part of the Company's business or supply chains, whether in the UK or abroad, is the responsibility of all those working for the Company or under the Company's control. You are required to avoid any activity that might lead to a breach of this policy.

In addition, The Company also expects all of its suppliers, contractors and other business partners to exercise the same level of vigilance with their own operations.

If you believe or suspect that this policy has been breached or the law has been broken, you must raise this with either your line manager, anyone in the management team or a director as soon as possible. You are encouraged to raise concerns about any issue or suspicion of modern slavery in any part of the Company's business or supply chains as soon as possible. If you are unsure about whether a particular act, the treatment of workers or their working conditions within any of the Company's supply chains constitutes any of the various forms of modern slavery, please raise it with your line manager. Any employee who has concerns on who to report it to can also refer to the Whistleblowing policy.

Alternatively, a report can be made through one of the organisations below:

- Modern Slavery Helpline on 08000 121 700 or online [here](#)
- Crimestoppers on 0800 555 111 or online [here](#)

The Company is committed to ensuring no one suffers any detrimental treatment or victimisation as a result of reporting in good faith their suspicion that modern slavery is or may be taking place in any part of its business or in any of its supply chains.

## **Training and communication**

Regular training on this policy, and on the risk that The Company faces from modern slavery in its supply chains, will be provided to staff as necessary, so that they know how to identify exploitation and modern slavery and how to report suspected cases.

The Company's zero tolerance approach to modern slavery is communicated to all suppliers, contractors and other business partners when entering new or renewed contracts with them.

## **Breach of policy**

Any employee or associate who is found to have not acted ethically or to have possibly committed an offense under the Modern Slavery Act 2015 may be considered in breach of this policy.

Any employee who breaches this policy will face disciplinary action, up to and including summary dismissal for gross misconduct.

The Company may terminate its commercial relationship with suppliers, contractors and other business partners if they breach this policy and/or are found to have been involved in modern slavery.

Additionally, if applicable, M.V. Kelly Limited will forward any concerns or findings directly to the police, which could result in serious penalties and potential criminal charges under the Modern Slavery Act 2015.

## **4) Drugs & Alcohol Policy**

### **1. PURPOSE**

Alcohol and drugs misuse can have an adverse effect on not just an individual but their colleagues, customers and the public. Having a safe working environment by maintaining productively levels and avoiding days being lost to illness are all critical to the success of the business.

This Policy is designed to ensure the safety, health and productivity of all employees, workers, associates and the general public from the dangers of alcohol, drug and other substance misuse. This policy also aims to encourage those with an alcohol, drugs or other substance dependency to seek help.

The purpose of this policy is to provide clear guidelines to employees and managers on the use and misuse of drugs and alcohol in the workplace so that we can maintain a safe workplace where all employees are treated fairly and with respect.

It is recognised that an alcohol or drugs misuse problem may be an illness to be treated in the same way as any other illness. Alcohol and illicit drug dependency will be dealt with confidentially (subject to the provisions of the law).

### **2. SCOPE**

This Policy applies to anyone working for, or on behalf of M.V. Kelly Ltd in any capacity. This includes but is not limited to employees, directors, and associates, such as agency workers, contractors, external consultants, suppliers and third-party representatives, hereafter referred to as "Employee/Workers".

It applies at any location which an Employee/Worker is required to attend for the purpose of their duties and includes travelling to or from such locations. It applies during working hours, and includes any period of overtime, breaks and periods of standby or emergency call out duty.

This policy covers the use and misuse of intoxicating substances which include alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines and other substances that could affect work performance and/or health and safety.

The policy does not stop employees from using prescribed medication, over the counter medical or herbal remedies. However, medication such as tranquilisers, sleeping pills, pain killers, decongestants, cough suppressants, antihistamines (for treatment of hay fever or other allergies) and antidepressants can make people feel drowsy and may affect their work performance or the safety of themselves or others. If any Employee is taking any medication they should check the possible side effects with their doctor/pharmacists and advise their Line Manager, in confidence, that they are taking medication and the possible side effects. The Line Manager will, if necessary, make alternative arrangements for them.

The policy will be applied to all regardless of position within the business.

Any information you provide to the Company about your health will be processed in accordance with our Data Protection Policy.

### 3. **REQUIREMENTS & GUIDELINES**

- No Employee/Worker may report for work while unfit to do so through the use or misuse of drugs or alcohol.
- No Employee/Worker may possess (unless for legitimate medical reasons), sell or give away drugs or alcohol during working hours.
- No Employee/Worker may consume drugs (unless prescribed for a legitimate medical reason) or alcohol during working hours.
- Employee/Workers cannot store alcohol or drugs on company premises, excluding prescribed drugs for a current condition which need to be taken during work time and stored securely.
- No Employee/Worker undertaking safety-critical tasks should take prescribed or non-prescribed medication that has the potential to affect their ability to work safely, without informing the company.
- Employee/Workers involved in Court proceedings arising from a drug or alcohol related offence must report the matter immediately to their Line Manager.
- Employee/Workers should be aware that the use of alcohol or drugs at a time or in a quantity that would cause them to test positive at work will be considered a breach of this policy.

### 4. **COMMUNICATION, EDUCATION AND TRAINING**

The Policy will be communicated to all Employee/Workers through the company handbook, induction, contractor materials, newsletters and site/ office notice boards. Team briefings through toolbox talks, newsletters and notice board displays will provide information regarding the requirements set within this policy.

**Employee/Workers** will be given drug and alcohol awareness material to cover:

- Awareness of the policy and policy rules
- The effects drugs and alcohol can have on a user's health and ability to work safely
- How to avoid becoming dependent on drugs and alcohol
- How and where to seek help if you have a drug or alcohol dependency problem
- How to recognise the signs and symptoms of drug and alcohol misuse
- How to ensure your body is free from drugs and alcohol at work

**Managers** will receive drug and alcohol awareness training to cover:

- The principal ways in which drugs and alcohol affect behaviour
- How to recognise the signs and symptoms of drug and alcohol misuse
- The distinction between signs associated with dependency and signs associated with recent substance misuse
- How to utilise the support provided by the policy
- How to apply the policy in a variety of situations
- How the drug testing elements of the policy will be managed
- How the testing processes work

### 5. **ASSISTANCE WITH DEPENDENCY ISSUES & SUPPORT**

We encourage individuals to seek support from the Company for a drug or alcohol dependency, M.V. Kelly Ltd will treat the problem as a medical condition and offer the Employee/Worker assistance and advice with rehabilitation.

Individual circumstances and safety issues will be taken into consideration to determine whether the Employee/Worker can continue with their normal duties during the period of rehabilitation. If normal duties cannot be continued, the Employee/Worker may be required to undertake non safety critical duties or stay away from the workplace.

We understand Employees may not feel comfortable discussing their concerns relating to drug or alcohol misuse with the company. The company provides the following support to Employees:

### **Employee Assistance Program**

Lifeworks are partnered with our life assurance provider Unum and as an employee of M.V. Kelly Ltd you have access to the following:

- Confidential and free 24-hour helpline 0800 048 2702 - You can use this helpline for support with a range of topics affecting health, family, money, work and wellbeing.
- Online Portal with further resources and content relating to the above topics <https://unum-uk.lifeworks.com/> - Log in details User ID: **unum** Password: **lifeworks**
- Mobile App available as a free download via Google and Apple store – Login using the same credentials as above. You can then create a personal account to use the live chat facilities and complete personal mini assessments/questionnaires that can give you guidance and recommendations on how to manage areas of your life such as relationships, finance etc.
- 8 face to face consultations per year, per employee, per issue (excluding dependents).
- Legal Support – consisting of 1 consultation per issue, per year.
- Cover also includes family/ partner/ young people aged from 16-24 years of age who live in the same household.

The company are unable to financially support time off or rehabilitation for non-employed persons.

Alcohol and illicit drug problems will be dealt with confidentially (subject to the provisions of the law).

## **6. FORMAL PROCEDURE**

### **6.1 Testing**

All Employee/Workers have the potential to be tested.

The testing process will be carried out by an independent third-party specialist testing agency that use accepted and reliable methods. During the testing process, the safety, health and dignity of the donor will be respected and protected.

Testing will be carried out by an independent and reputable external screening Company, under a tightly controlled procedure, ensuring the results are fair, accurate and objective. Tests will be carried out in the strictest of confidence and privacy, and with dignity.

An Employee/Worker may nominate a colleague or Trade Union representative to witness the test, where this is reasonable and practicable the Company will try to

arrange this where requested. The Company will take appropriate action in respect to any attempt by the Employee/Worker to falsify a test result and this may result in disciplinary action under the Company's disciplinary procedure.

## 6.2 Circumstances for testing

**Reasonable suspicion** – Whenever a manager, supervisor or other Company official has reasonable cause to suspect that an Employee/Worker has misused drugs or alcohol and is unfit to continue working, then we may request that the Employee/Worker take a drugs or alcohol test. Observations will be documented by Human Resources and such documentation shall be kept in a confidential file.

**Post incident** – Drug and alcohol testing of Employee/Workers may be conducted following an incident where there are reasonable grounds to suspect that the effect of drugs or alcohol may be the cause or a contributory factor.

**Unannounced random** – The Company aims to test a minimum 20% of all employees/workers per annum on an unannounced random basis. M.V. Kelly Ltd will provide the third-party testing agency with selected sites and an up-to-date list of employees and the random selection process will be managed by the approved independent testing agency using a computer-based random number generator that gives all present an equal chance of being selected on each occasion. Selected participants will be notified the evening prior to the test. If for any reason selected participants cannot attend, they will be rebooked in for a same day test, on a randomly selected day. They must attend this test.

**Rehabilitation & follow up** – If the test of an Employee/Worker yields a positive result, as part of a rehabilitation program, the Company will require the Employee/Worker to consent to a series of drug and alcohol tests for up to 6 months, some of which may be unannounced. These tests will be used to monitor the Employee/Workers progress during and following rehabilitation. The cost of any further tests will be met by the Company.

## 6.3 Refusing a test

Refusing to take a test includes, but is not limited to:

- Failure to consent to a test.
- Failure to cooperate with any part of the testing process.
- Failure to appear for testing at a collection site at the time allotted.
- Leaving the scene of an incident in which a serious injury or fatality has occurred, without just cause and without submitting to a test.

Employee/Workers may be suspended (paid) for a minimum of a week work following refusal to submit to a test if it is felt that safety or security are an issue.

Refusal to undergo a test may be deemed an act of gross misconduct and subject to disciplinary action.

For other Employee/Workers the Company may review the current work arrangements. It is not an immediate assumption that the individual may have a positive test result and we understand there may be other reasons to refuse a test. We would require a substantive reason for refusal to undertake a test and we would consider all information provided.

## 6.4 Positive Results of Testing

**Drugs** – A laboratory confirmed positive drug test result will be recorded if a drug is detected in the Employee/Workers sample for which no legitimate explanation, medical or otherwise, can be found. An Employee/Worker will be in breach of this policy if they receive a laboratory confirmed positive drug test result and may be subject to the disciplinary procedure.

**Alcohol** – A positive alcohol test result will be recorded if alcohol is detected in the Employee/Workers breath sample at a concentration equal to or above 22 micrograms of alcohol per 100 millilitres of breath in two consecutive breath tests. An Employee/Worker will be in breach of this policy if they receive a positive alcohol test result.

## 6.5 **Action following a positive test result**

A Employee/Worker will be considered to be unfit for duty through the misuse of drugs or alcohol if a positive test result is recorded.

**Employees** - Where an Employee/Worker has received a positive result, we will refer to our Disciplinary Policy. Where an alcohol or drugs dependency is a factor (through testing, misconduct or performance) we may deal with this on an informal basis initially.

Employees/Workers may be entitled to return to the same job after any effective treatment; conditions may apply, such as agreeing to an ongoing testing program for a specified period.

Employees/Workers may be paid appropriate sick leave for the purpose of a pre-determined and agreed rehabilitation period in accordance with our Absence Policy. This will be subject to the further information presented. Employees/Workers are expected to comply reasonably with the management of their condition.

Whilst the Company aims to support its Employees/Workers, we must consider the impact of misuse on others. Those with benefits under the Car policy may have these suspended or removed with notice. Other drivers may have conditions placed on them during periods of rehabilitation such as only using public transport.

It may be necessary to terminate employment under the grounds of Capability / ill health where treatment is unsuccessful.

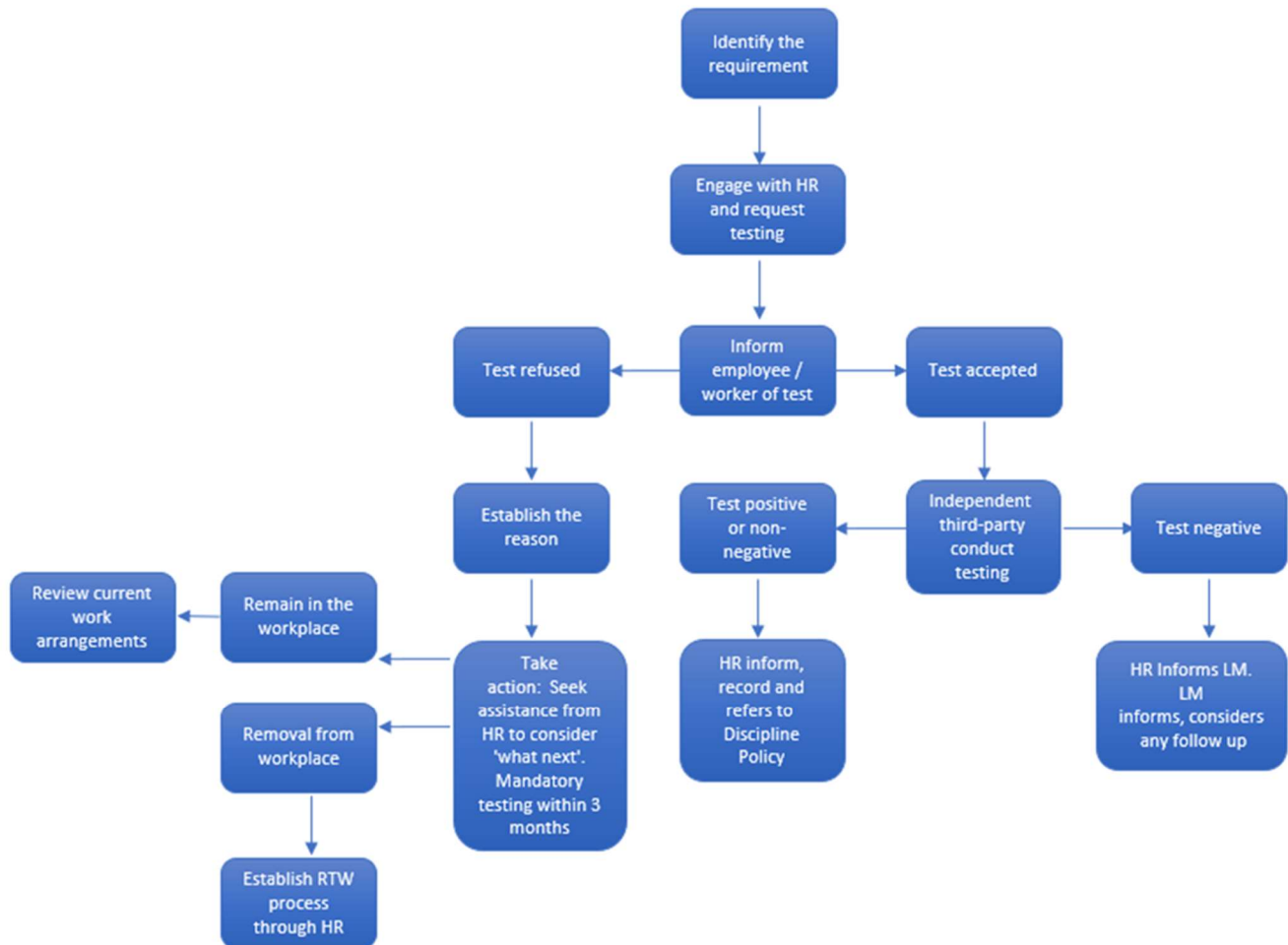
**Other workers** - Where an alcohol or drugs problem is a factor (through testing, misconduct or performance) we may deal with this on an informal basis initially.

People other than Employees/Workers may be removed from company premises/ sites and prevented from undertaking any work for the company in the future. Workers who are not employed may be prevented from driving Company vehicles or may have conditions placed on them during periods of rehabilitation such as only using public transport.

## 7. **GENERAL NOTE REGARDING SITES AND CLIENTS**

It must be noted that due to the high-risk nature of work on site, the level of interaction with others, and that the Company's work is usually under the control and direction of a Principal Contractor, that there may be additional rules in place specific to a site or client. All Employee/Workers working on that site and/ or for that client will be expected to abide by any additional rules.

For the avoidance of doubt the provisions in this policy, in particular around the ability to remain in the workplace and/ or complete work tasks, may be overridden by Client policies when applicable.



## 5) Annual Leave Policy

### Policy statement

The Company aims to ensure that there is a fair and systematic approach to annual leave management. We are committed to ensuring that we have a fair, effective and consistent process in place for managing leave across the business. This policy sets out arrangements for salaried staff wishing to take annual leave.

Overall responsibility for the policy lies with the Human Resources (HR) Director in ensuring that it complies with current employment legislation. Operational responsibility for the effective implementation of the policy lies with line managers, Payroll Department, HR Department and staff.

### Roles & Responsibilities

Directors are responsible for ensuring adoption of and adherence to this policy and supporting procedures. All levels of management are responsible for applying this policy and supporting procedures fairly and consistently. Records of all annual leave and actions taken will be kept and monitored on a regular basis.

Employees and Managers are responsible for ensuring Payroll have been notified of all authorised requests for annual leave as soon as practicably possible. Payroll is responsible for ensuring that all authorised requests are logged on the appropriate system as soon as possible.

The Payroll and HR Department will be available to provide advice to managers on the application of this policy and supporting procedures.

### **Failure to comply**

Any queries regarding this policy should be referred to the HR Department. Failure to comply with the provisions of this policy may result in disciplinary action being taken.

### **Entitlements**

The annual leave year begins on 1st January and ends on 31st December each year.

Full-time employees will receive a paid annual leave entitlement of between 23 and 28 days during each complete annual leave year plus the usual public holidays in England and Wales.

Full-time employees starting with 23 days will have an extra day added to their annual entitlement after each complete year of service for the first three years, working up to an annual entitlement of 26/ 27 and 28 days when they have completed 3/5 and 10 years continuous service\*. In addition, they will be entitled to the usual public annual holidays in England and Wales (or days in lieu if they are required to work on a public holiday).

Part-time employees will receive the pro-rata equivalent of the above entitlements.

If an employee's employment starts or finishes part way through the annual leave year, their annual leave entitlement during that year shall be calculated on a pro rata basis.

If on termination of employment an employee has any accrued but unused annual leave, they will be paid a sum equivalent to the value of such annual leave (less tax and National Insurance). This will be paid at a rate of 1/260<sup>th</sup> of the employee's salary (or equivalent salary in the case of part-time employees). If on termination of employment an employee has exceeded their annual leave entitlement for the period worked the Company is entitled to deduct the excess annual leave pay from any payments due to them calculated at a rate of 1/260<sup>th</sup> of the employee's salary (or equivalent salary in the case of part-time employees) for each excess day. Employees agree to this deduction by accepting the terms of this policy.

Where booked annual leave coincide with sickness absence, the absence will be treated as annual leave and not sickness absence unless the sickness is notified properly to the Company and a satisfactory fit note signed by a general practitioner is provided.

*\*unless they are in a period of notice at the time of their anniversary.*

### **Specific conditions applying to annual leave entitlement**

The office closes for Christmas and this annual leave period (excluding public holidays) must be taken as annual leave by employees. The number of days to be taken will be announced as early as possible each year. The remaining annual leave may be taken at any time during



the annual leave year subject to the prior agreement of the employee's line manager (or a relevant Director in their absence).

A maximum of one week of untaken annual leave entitlement in one year may be carried over to the next annual leave year, this will be 5 days for full time employees or the equivalent week for employees who do not work 5 days.

Employees on long-term sick leave can carry over a maximum of 4 weeks holiday and it must be used within 18 months of the date it carried over from.

Employees in a notice period may be asked to take annual leave; the Company will ensure that as much notice as the leave required is given, plus 1 day. Employees may request to take annual leave during a notice period, and this will be authorised or declined by their line manager depending on the needs of the business.

### **Unpaid Leave**

Employees on unpaid leave do not accrue annual leave rights during the period (statutory rights excepted).

Annual leave pay is paid at normal basic rate.

### **Annual leave booking procedure**

Employees can review the "Holiday Chart" in the Human Resources Folder to see potential dates available, however they should not make any reservations/firm plans until annual leave has been authorised.

Annual leave can only be taken at times convenient to the Company and will be allocated on a first come first served basis. This is to ensure adequate staffing levels and operational efficiency is maintained through the year. The Company will not be liable for any losses sustained by individuals because of holidays booked before requests have been approved.

Reasonable notice of all holiday requests must be given to your line manager, generally two weeks' notice is required of an employee's intention to take annual leave of more than one day. For annual leave of one day only, one week's notice is required. However, the Company will always try and be flexible.

The maximum annual leave duration is 10 working days taken at any one time, requests for annual leave longer than this must be authorised by the relevant department Director.

All annual leave requests are to be sent to [mvkpayroll@mykelly.co.uk](mailto:mvkpayroll@mykelly.co.uk), please do not forward the email until it has been authorised by your line manager and attach/ include the authorised email from your line manager. Line managers may do this on your behalf and cc Payroll to the response to your request.

### **Adverse Weather**

When there is adverse weather which forces some or all of our sites to close down we may require some flexibility from employees as operational facing staff will experience a dramatic downturn in work.

If an employee is unable to come into work due to severe weather they can request annual leave or unpaid leave. Working time back is not an option. Certain positions may have flexibility to work from home which will depend on the circumstances and must be authorised

in advance by the relevant line manager or Director. Annual leave entitlement will normally continue to accrue when employees have requested unpaid leave due to adverse weather.

### **Time off for Appointments**

Time off may be required for medical or dental appointments, or for domestic reasons. Where possible, such appointments should be outside normal working hours. Where such time off is required it will only be granted at the discretion of the employee's line manager.

Pregnant employees will be allowed reasonable paid time off during their pregnancy to attend ante-natal appointments. The employee must inform the Company in advance of any of these absences and may be required to provide evidence of any such appointments.

Time off will also be granted in accordance with any prevailing legislation for maternity, paternity, adoption, parental or shared parental leave. If employees have any queries about any of these they should contact the HR Department.

### **Buy & Sell holiday**

The Company operates a policy under which employees may be able to 'buy' or 'sell' a portion of their annual leave entitlement in a particular annual leave year, subject to certain conditions.

Employees may make a request to buy or sell up to five days' annual leave per annual leave year as long as their overall entitlement (excluding public holidays) does not exceed 33 days or fall below 20 days in the case of full-time employees, or the pro rata equivalent in the case of part-time employees (e.g. if an employee works part-time three days per week, they will be entitled to buy or sell up to three days' annual leave per annual leave year).

If an employee makes a request to sell days and take any monies released as extra salary, such salary would be subject to income tax and national insurance.

A request to sell annual leave will not be granted where this would take the employee below the statutory minimum annual leave entitlement (i.e. 28 days in total for full-time employees - which can include public holidays - or the pro rata equivalent for part-time employees).

Employees do not have a contractual right to buy or sell annual leave. The Company retains the discretion at all times to refuse a request. For example, it may decline a request for purchase of annual leave if this would affect its operations or cause safety concerns and it may refuse a request to sell annual leave if it does not consider it to be in the employee's best interests.

Employees can only make requests to sell annual leave during the period 1<sup>st</sup> November to 10<sup>th</sup> December, by emailing MVK Payroll and copying in their line manager. To be paid in respect of any sold annual leave the cut off dates are 13<sup>th</sup> November (November salary) or 10<sup>th</sup> December (December salary).

If Employees wish to buy annual leave the period to advise MVK Payroll is 1<sup>st</sup> November to 10<sup>th</sup> December and days bought will be added to the next annual leave year's entitlement. Days that have been bought cannot be sold at the end of the year. The cost of bought days will be spread over 12 months and deducted equally over 12 months' salary payment. Where an employee has bought annual leave and leaves within the annual leave year the deductions in respect of the purchase will be refunded in full. The employees annual leave entitlement will then be worked out in accordance with our annual leave procedure and a payment/ deduction made if required.

Requests to buy annual leave must be authorised by your line manager, then email the authorisation to payroll if they have not already been copied into the response from your line manager. If an employee does not make a request they will continue to receive their annual leave entitlement as per their employment contract.

Once granted, a request to buy or sell annual leave cannot be changed during the course of the annual leave year.

Once agreed, a request is valid for one annual leave year only. Requests to buy or sell annual leave in subsequent annual leave years must be submitted at the appropriate time.

The ability to request to sell annual leave is not currently open to new employees joining the Company during the course of the annual leave year. They will become eligible to participate in this scheme for the following full annual leave year.

### **Adjustments to pay**

Where an employee buys additional annual leave, this will result in a reduction to their monthly salary for the whole of the subsequent annual leave year.

The value of a day's annual leave for the purposes of buying or selling is calculated at a rate of 1/260<sup>th</sup> of the employee's salary (or equivalent salary in the case of part-time employees) on the day of the request being granted. The money from the sale of any annual leave will be paid in a lump sum within the month in which the request was granted. The buying or selling of annual leave will amount to a variation of an employee's contract of employment for the relevant annual leave year. The employee's contract of employment will then revert to its pre-variation terms at the end of the relevant annual leave year.

Any salary deduction or salary supplement as a result of buying or selling annual leave does not impact on employees' pension contributions, bonus potential or other salary-related benefits. Any salary supplement as a result of selling annual leave will be subject to income tax and employer and employee National Insurance deductions.

## **6) Absence Policy**

### **Policy statement**

The Company is committed to ensuring that we have a fair, effective and consistent process in place for managing sickness absence across the business. This policy is designed to support managers and staff in maintaining high levels of attendance at work.

Overall responsibility for the policy lies with the Human Resources Director in ensuring that it complies with current employment legislation. Operational responsibility for the effective implementation of the policy lies with line managers, employees, the HR Department and Payroll Department.

### **Roles & responsibilities**

Directors and managers are responsible for ensuring adoption of and adherence to this policy and supporting procedures and for applying this policy and supporting procedures fairly and consistently.

All employees are responsible for attending work regularly and on time, and to keep their managers informed if they are unable to attend work.

### **Failure to comply**

Failure to comply with the provisions of this policy may result in disciplinary action being taken.

### **Absence reporting procedure**

You must personally call and speak to your line manager by your normal start time on the first day of absence. Any other communication apart from a phone call from you is unacceptable.

If you are unable to speak to your line manager personally, you should speak to another manager or a Director.

Do not ask another person to contact the Company on your behalf to report your sickness absence - other than in very exceptional circumstances, for example, where you have been unexpectedly admitted to hospital and you are not in a position to make the telephone call yourself.

Your contact to the Company must be no later than one hour after your normal start time. We will contact you if you do not follow the above procedure, if we are unable to contact you, we will try your next of kin.

You will be asked to give a clear indication of the nature of your illness and a likely return date.

If the absence is expected to be 7 days or more, we will ask what steps are being taken such as GP appointments, details of any outstanding or urgent work that needs to be dealt with during your absence, details of how you can be contacted if necessary.

You must personally inform your line manager as soon as possible of any change in the date of your anticipated return to work.

For an absence of seven consecutive calendar days or less, you are required to telephone your line manager on a daily basis in accordance with the reporting procedure set out above, unless or until a fit note has been provided or you have special authorisation from your line manager and alternative arrangements in place. You must also complete a self-certification of sickness absence form immediately on your return to work, this will be given to you by your line manager. All sickness absences of half a day or more will be recorded and a self-certificate form completed.

If your absence is for more than seven calendar days, you must contact your line manager on a weekly basis in order to provide an update on your illness or injury. A statement of fitness for work, issued by your GP or by a hospital doctor must be sent into your line manager as quickly as possible. A new statement of fitness for work must be submitted to cover each continual period of sickness absence.

You must always provide certificates (either self-certification of sickness absence forms or statements of fitness for work) to cover the entire period of your sickness absence.

Where a statement of fitness for work indicates that you may be fit for work and the doctor has suggested ways of helping you get back to work, such as a phased return to work, altered hours, amended duties or workplace adaptations, your line manager will discuss the advice on the statement of fitness for work with you and will consider any functional comments made by the doctor, any of the return to work tick boxes and any other action that could help you return to work despite your illness. The various options will be discussed with you and if a return to work is possible, your line manager will agree with you a return to work date, any

temporary adaptations or adjustments that are to be made and for how long and will set a date for review. If you disagree with the Company's proposals to support your return to work, you will be asked to confirm why you believe you cannot return to work despite your doctor's suggestions. The Company reserves the right to obtain further medical evidence, as necessary, such as a medical report. If the Company is not able to make any adaptations or adjustments to help you return to work, your line manager will explain the reasons for this to you and will set a date for review. You may then use the statement of fitness for work as if the doctor had advised you are "not fit for work".

For all periods of sickness absence of a day or longer, your line manager (or a member of the HR Department if your line manager is not available) will require you to attend a "return-to-work" interview on your first day back (or as soon as possible thereafter) to discuss the reasons for your absence. It is generally intended to welcome you back to work, check you are well enough to be back at work, discuss the reason for the absence and update you on anything that has happened at work while you have been absent. In the case of frequent or repeated absences, your line manager will discuss whether there are any underlying causes for the regular absences and explore with you whether there is any apparent pattern of absence. You may also be set reasonable targets and time limits for improvement in your attendance and be warned that a failure to improve may result in disciplinary action.

During any period of sickness absence, the Company may telephone you at home within business hours (or at a time outside of business hours if agreed by you). For long-term sickness absence, your line manager may also request to visit you at home. The purpose of either form of contact will be to see if there is anything that the Company can do to assist you with a return to work.

For long-term sickness absence, or frequent periods of sickness absence, the Company may request a medical report from your GP or consultant or alternatively request that you visit a doctor selected by the Company to undergo a medical examination. The cost of any such report or examination will be met by the Company and you are required to co-operate in the obtaining and disclosure of all results and reports to the Company. The Company will only request you to undergo a medical examination where reasonable to do so.

The Company reserves the right to withhold sick pay in circumstances where the certification procedure described above has not been followed or where there is sufficient reason to doubt the validity of your sickness absence claim. In the latter circumstances, the Company may request you to undergo a medical examination by a Company selected doctor.

It is Company policy that any employee in receipt of sick pay (including statutory sick pay) is prohibited from undertaking any form of paid alternative employment, self-employment or voluntary work. Any breach of this rule will be regarded as gross misconduct, which may result in your dismissal.

On being fit to return to work, you must contact your line manager and let them know as far in advance as possible of the proposed date of your return.

If you have been suffering from an infectious or contagious disease such as measles or chicken pox, or a pandemic virus, you must not report for work until you are medically fit to do so.

The Company reserves the right to send an employee home if, for any reason, they appear to be unfit for work or appear to present a risk to themselves, the workplace, other staff members or third parties. These are precautionary measures designed to prevent the spread of disease in the workplace and/or further harm to the employee or others.

Persistent short-term sickness absence is, in the absence of any underlying medical condition or other reasonable excuse, a disciplinary matter and will be dealt with in accordance with the Company's disciplinary procedure. If it is subsequently discovered that your sickness absence was not genuine, this will also be treated as a disciplinary matter.

Under this Policy the Company deems absence periods of up to 4 weeks as "Short" and absences of over 4 consecutive weeks as "Long Term".

Records of all sickness absences and actions taken will be kept and monitored on a regular basis.

### **Unauthorised Absence**

Failure to follow the notification procedure will be classed as unauthorised absence; you must also contact your Line Manager to advise if you are running late to let them know why/ expected time of arrival. Unauthorised absence/ persistent lateness will be monitored and managed accordingly.

### **The Bradford Factor**

The Bradford Factor is a management tool to assist in measuring absence. It is a measure of an employee's irregularity of attendance by combining measures of absence frequency and duration.

The Company have agreed trigger points which are 51, 101, 201 and 501. When a trigger point is reached, action must be taken. Such action begins with investigating the situation and talking with the employee. An employee leaving part way through the day will be treated as having taken half day or a full day at the discretion of the manager. Absence due to pregnancy or disability is recorded but is not scored; this is not treated in the same way as someone with regular sickness absence.

It must be recognised that each case is determined on its own merit and that higher Bradford Factor points may trigger more serious action. For example:

0	-	50	Return to work interview
51	-	100	Informal action – Informal discussion likely outcome of which is a letter of concern
101	-	200	Formal action – first written warning
201	-	500	Formal action – final written warning
501	-	1500	Dismissal

All absences will be individually considered and therefore discretion in the above trigger actions may be applied.

It must be stressed that action may be taken prior to these trigger points being reached where it is felt appropriate in line with the other Company policies.

### **Calculation of Bradford factor points**

It is calculated by multiplying:

$S \times S \times D = \text{Bradford points}$

Where S is the number of spells of absence in the last 12 months and D is the total number of day's absence in the last 12 months.

For example, for employees with a total of 10 days absence over the last year, the Bradford Score can vary significantly depending on the number of occasions involved in making up the 10 days.

Examples:

1 absence of 10 days is  $1 \times 1 \times 10 = 10$  points

6 absences totalling 10 days is  $6 \times 6 \times 10 = 360$  points

10 absences totalling 10 days is  $10 \times 10 \times 10 = 1000$  points

For part-time employees, the number of points required before action is considered will be pro rata to the number of shifts worked per week e.g. If action would be taken for a full-time employee (5 shifts per week) once they reach 145 points, the same would apply to a part-time employee working 2 shifts per week, once they reach 58 points ( $145 \text{ divided } 5 \times 2 = 58$ ).

Managers must consider any short-term and long-term absences in line with this policy and in accordance with the capability and performance policy.

### Occupational health

An employee may be referred to company nominated occupational health where this may be considered appropriate. The referral will be with the aim of providing the Company with expert guidance regarding supporting the employee during their absence, providing information regarding any reasonable adjustments to facilitate the employee's attendance in the workplace and/or to provide information to the Company concerning the expected length of absence.

### Company sick pay

Period of continuous service	Full Pay	Half Pay	SSP
First 6 months	NIL	NIL	As per rules governing SSP
After 6 months but less than 1 year	1 week	1 week	As per rules governing SSP
At least 1 year but less than 2	2 weeks	2 weeks	As per rules governing SSP
At least 2 years but less than 3	3 weeks	2 weeks	As per rules governing SSP
At least 3 years but less than 4	4 weeks	2 weeks	As per rules governing SSP
At least 4 years but less than 5	6 weeks	2 weeks	As per rules governing SSP
At least 5 years and above	6 weeks	4 weeks	As per rules governing SSP

The entitlements are applied on a rolling twelve-month basis. Part-time employees will receive company sick pay pro-rated in accordance with their current terms and conditions of employment.

### Statutory sick pay

If an employee is sick for four or more consecutive days, they will be paid Statutory Sick Pay (SSP) by us, provided they meet the criteria in the SSP Regulations and subject to their compliance with their obligations relating to notification. SSP is paid at current statutory rates and is paid for a maximum of 28 weeks. SSP is treated like wages and is subject to Income Tax deductions and National Insurance contributions.

Employees are only entitled to SSP on qualifying days; these are days on which they would normally be available for work. The first three qualifying days of sickness are waiting days. SSP is not payable for these.

Where a second or subsequent period of illness or incapacity of more than three days is linked to a previous period of illness or incapacity within 56 days, waiting days need not be repeated.

An employee can ask to take their paid holiday for the time they are off work sick (for example if they do not qualify for sick pay). Any rules relating to sick leave will still apply and the absence recorded as sick.

### **Access to Medical records**

Should medical notes be required to enable the Company/Occupational Health advisor to review your absence we will gain your written consent prior to approaching your GP for reports.

### **Coronavirus; covid-19**

In accordance with the updated government guidelines there is no longer a legal requirement for people with coronavirus (COVID-19) infection to self-isolate however, if you have any of the main symptoms of COVID-19 or a positive test result, the public health advice is to stay at home and avoid contact with other people.

If you receive a positive test result for COVID -19 please inform your line manager, we recommend working from home until you receive a negative test if the role/business permits. This will be discussed on a case-by-case basis with your line manager. If you are unable to work you must report any absence in line with Section 4 of this Policy, it is important to keep your line manager informed and updated.

Sickness absence due to confirmed COVID-19 will be recorded as absence and scored using the Bradford Factor model as per the policy.

For the latest guidance on self-isolation - you must refer to

<https://www.gov.uk/guidance/people-with-symptoms-of-a-respiratory-infection-including-covid-19>

<https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-and-treatment/how-long-to-self-isolate/>

Employees should not knowingly book travel to countries which will have a quarantine period affecting their ability to return to the workplace.

We understand that there are employees who have pre-booked travel or booked a destination at a time when it was considered safe to do so, or who may have no choice to travel such as returning home. Please try and discuss plans with your line manager where travel abroad may result in quarantine. You must not return to your office/ place of work until your quarantine period has ended.

Any question regarding this policy should be referred to the Head of HR.

## **7) Time off for Dependents**



Employees are allowed time off to deal with an emergency involving a dependant.

A dependant could be a spouse, partner, child, grandchild, parent or someone who depends on you for care.

You are allowed a reasonable amount of time off to deal with the emergency. There is no set amount of time as it depends on the situation.

You must inform your line manager that you need the time off and how much time you will need so it can be agreed.

The right to time off is intended to cover urgent situations; you must keep your manager informed, good and clear communication is essential. Your line manager will advise you if the time off will be paid or unpaid.

## **8) Parental Leave**

Eligible employees can take unpaid parental leave to look after their child's welfare, for example to;

- Spend more time with their children
- Look at new schools
- Settle children into new childcare arrangements
- Spend more time with family such as visiting grandparents

Employment rights are protected during parental leave.

Parental leave is unpaid. You are entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday.

The limit on how much parental leave each parent can take in a year is 4 weeks for each child.

You must take parental leave as whole weeks (e.g., 1 week or 2 weeks) rather than individual days, unless your child is disabled. You do not have to take all the leave at once.

A 'week' equals the length of time an employee normally works over 7 days.

Parental leave applies to each child not to an individual's job. An employee is entitled to 18 weeks. If they've used 10 with a previous employer, they can use up to 8 weeks with their new employer if they are eligible.

### **Eligibility**

To qualify employees must:

- Have been in the company for more than a year
- be named on the child's birth or adoption certificate or have or expect to have parental responsibility
- Not be self-employed or a 'worker', e.g. an agency worker or contractor
- Not be a foster parent (unless you have secured parental responsibility through the courts)

- the child must be under 18

We can ask for proof (like a birth certificate) as long as it's reasonable to do so.

#### Procedure for taking Parental Leave

Employees must give 21 days' notice in writing (email suffices) before their intended start date. If they or their partner are having a baby or adopting, it's 21 days before the week the baby or child is expected.

Employees must confirm the start and end dates in their notice.

#### Delaying Leave

The company may need to consider an option to postpone parental leave. It cannot be postponed if:

- the company does not have a 'significant reason', e.g. it would cause serious disruption to the business
- it is being taken by the father or partner immediately after the birth or adoption of a child
- it means an employee would no longer qualify for parental leave, e.g. postponing it until after the child's 18th birthday

If it's postponed, the Company:

- must write explaining why within 7 days of the original request
- suggest a new start date - this must be within 6 months of the requested start date
- can't change the amount of leave being requested

## **9) Flexible Working**

All employees have the legal right to request flexible working – not just parents and carers. This is known as making a 'statutory application.' You must have been continuously employed by the Company for at least 26 weeks.

A request must be made in writing (email suffices) and must include the following information:

- The date of the application,
- A statement that this is a statutory request,
- Details of how the employee wants to work flexibly and when they want to start,
- An explanation of how they think flexible working might affect the business and how this could be dealt with, for example if they're not at work on certain days,
- A statement saying if and when they've made a previous application.

#### Considering an Application

We will consider the application seriously and in a reasonable manner. There may be circumstances when we are unable to accommodate your desired work pattern.

A decision will be made within 3 months from the date of the request. This time limit may be extended by agreement between you and the Company.

A request that is accepted will mean a permanent change in your terms and conditions of employment.

If we cannot accept the change or a compromised agreement we will only refuse on one of the following grounds;

- Extra costs that will damage the business.
- The work cannot be reorganised among other staff.
- People cannot be recruited to do the work.
- Flexible working will affect quality and performance.
- The business will not be able to meet customer demand.
- There's a lack of work to do during the proposed working times.
- The business is planning changes to the workforce.

## **Appeal**

There is no statutory ground for appeal however we will allow for an appeal process if your application is unsuccessful. You have 14 days to appeal in writing after the date of notification of the decision.

### Withdrawn Requests

You may withdraw a request at any time by letting us know in writing. We will treat the application as withdrawn if you miss 2 meetings to discuss an application or appeal without good reason.

You can only make a request every 12 months. Employees are protected from suffering a detriment or dismissal for making an application under the right.

## **Useful Links**

For further information and guidance on requests for Flexible Working you may wish to speak to the HR Department and/ or look at the following links;

[www.gov.uk](http://www.gov.uk)

[www.acas.org.uk](http://www.acas.org.uk)

## **10) Flexitime Policy**

### **What is Flexitime?**

Flexitime is a scheme where we give eligible employees the opportunity of a flexible working hour's arrangement. Under flexi time, there will be a core period of the day when full time employees must be at work, which is between 10am to 2pm, whilst the rest of the working day is "flexi time", in which employees can choose when they work, subject to achieving total monthly hours. An employee must work between the basic core hours and has the flexibility to work around the other hours.

The hours you work between these times are credited to your flexi time balance.

For example, if you work a 35-hour week (9-5 or variation of), then over four weeks, you will be obliged to work for 140 hours. If you work a 40- hour week then (8-5 or variation of), over four weeks, you will be obliged to work 160 hours.

Additional annual leave cannot be accrued under this scheme and you cannot have any deficit hours within the month.

For employees who have one hour break you must take a minimum of half hour, you do not have to use your full hour and the other half hour can be used as part of the overall working hours for the day/ week. If you are working a day of 6 hours or under you do not need to take a break.

By introducing flexible working we expect;

- To continue to work towards maintaining high levels of staff morale and job satisfaction.
- To reduce issues for staff struggling to make time for various reasons.
- To enable employees to fit other commitments and activities in with work and make better use of their free time.
- To further improve staff retention and increase our ability to attract new staff with high skill levels.
- Give employees greater flexibility when booking medical and other appointments as there is more flexibility with work start and end times.
- Employees to have more control of workloads, it will enable employees to complete tasks within one day (i.e. work later to finish a task and alter start times to suit).
- To enable employees to schedule their travel time to avoid congestion. Avoid the stress of commuting at peak times if start and finish times are staggered or if they work from home.
- Employees to be in a better position to address personal matters without having to take time off.
- To enhance the lives of those caring for children or other dependants as well as those who just want to make greater use of their leisure time.

### **Operational Departments**

Due to the requirement of being available for site operational needs some employee's will not be able to undertake flexitime working. This includes Plant and Buying Teams who will need to be available for work at contracted times, and the majority of the safety team who need to be available to assist site and react to emergencies. The Commercial teams will be able to take advantage to some extent of the flexitime arrangement however due to their positions would need to be available on their Company phone for any work-related issues within the whole of the normal working day. Employees within the teams who cannot operate within flexitime will be given flexibility as they are now on a case by case basis by their department director.

### **Service provided by Department**

Service provided by each department must not be compromised to accommodate the flexitime scheme. Departments participating in a flexitime scheme shall be responsible for adapting it to fit their operational needs. All individual and department needs must be met.

Flexitime may have to be suspended on occasion to meet operational requirements but communication to all affected will be reasonable and sufficient. It is expected that employees will work and operate the flexitime scheme within their department in a fair and cooperative way.

## Procedure

- All employees are aware about the Flexitime policy from the Employee Handbook and information available within the Company Human Resources Folder.
- Line Managers may also discuss flexitime with their team members if they feel it is appropriate, for example an employee may need to attend regular medical appointments or have certain caring arrangements.
- Line Managers will ensure employees are aware of how it works and any rules as outlined above.
- Line Managers will monitor hours worked:
  - Make it clear the employee is required to communicate regularly with their manager so they are aware of when to expect them in work
  - If managers are concerned and feel employees are working too little or too much request access to fob reports from the IT Department to monitor hours worked.
- Any issues identified must firstly be discussed with the employee
- Flexitime must work for both the employee and the business – where flexitime is affecting department services managers should discuss this with the individual and reorganise/ re-implement flexitime accordingly.

## 11) Maternity Leave

Employees will be entitled to maternity leave and pay in accordance with current statutory provisions which are covered comprehensively in the government web site <https://www.gov.uk/maternity-pay-leave> and ACAS information (Statutory Maternity Leave & Pay). We recommend that employee's use these websites as they also contain useful tools which can help you when planning for your maternity leave and pay.

All employees are entitled to 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). You do not have to take 52 weeks.

During maternity leave, employees are entitled to benefit from all their usual terms and conditions of employment, except for remuneration.

### Notification

Pregnant employees must tell us at least 15 weeks before the baby is due;

- That they are pregnant
- When the expected week of childbirth is
- The date they intend to start maternity leave (leave can normally be any date which is no earlier than the beginning of the 11<sup>th</sup> week before the baby is due).

If a pregnant employee wants to change the start date of their maternity leave date they must give 28 days' notice (or mutually agree a new start date).

We will write to the employee within 28 days of being advised of the pregnancy, setting out their return date (we will assume a leave of 52 weeks is being taken unless we have been advised otherwise).

If, in the four weeks before the baby is due, a pregnant employee is off work with a pregnancy related illness, maternity leave automatically begins on the following day.

## **Premature or sick babies**

If the baby arrives early, maternity leave will automatically start on the day after the birth.

If the baby is stillborn after the twenty fourth week of pregnancy or if the baby is born alive at any point (even if the baby later passes away) the employee is entitled to full maternity rights.

## **Pregnancy Related Illness**

If an employee is unable to attend work due to a pregnancy-related illness, they should report in sick in the usual way. We will record these absences, but keep them separate to any other sickness absences.

There is no automatic right to be paid in full for a pregnancy-related absence. An employee will be paid whatever they would usually be paid under the Absence Policy.

## **Return to Work**

**If an employee takes maternity leave for six months or less**, they have the right to return to their job on the same terms and conditions as before they left, if the job still exists and depending on how their employment contract defines 'the job'.

**If an employee takes maternity leave for more than six months**, they still have the right to return to their old job - however, if it is not reasonably practicable to do so, they can be offered a similar job where terms and conditions must be as good.

**If an employee wants to return to work before taking their full maternity entitlement**, they must inform the Company of their intentions at least eight weeks before the date they intend to return.

**If an employee wants to amend their hours or duties on their return from maternity leave**, they have the right to make a flexible working request; see our Policy in relation to Flexible Working.

If an employee decides not to return to work at the end of your maternity leave you must give the Company your normal contractual notice.

## **Keeping In Touch Days**

During your maternity leave period the Company will remain in contact with you to ensure that you are kept up to date on new developments and on matters relating to your role which you would normally be aware of if you were still working.

Although there is no obligation for you to do so, you may agree with the Company to carry out a maximum of 10 days work for the Company whilst on maternity leave without bringing your maternity leave to an end and without losing any entitlement to SMP or Maternity Allowance (MA).

Work in this context may include attending work, training courses or any other activity which assists you in keeping in touch with the Company during your maternity leave. These can be taken any time after the first two weeks of leave. Payment will be made at your normal basic

wage. It is at the discretion of the Company to offer keeping in touch days. You will not be treated any less favourably by refusing to take up keeping in touch days.

## **Annual Leave**

An employee continues to accrue all of their paid annual leave while on maternity leave.

HR/ Payroll department will confirm your annual leave entitlement whilst you are on maternity leave and agree with you how and when these days will be taken.

## **Risk Assessment**

When you notify the Company that you are pregnant we will arrange for a risk assessment for expectant mothers to be undertaken by the Health and Safety Department.

## **Statutory Maternity Pay (SMP)**

As well as taking Maternity Leave you will be entitled to 39 weeks SMP provided you;

- Have had 26 weeks continuous service at the 15<sup>th</sup> week before the expected week of childbirth.
- Earn more than the current statutory minimum.

SMP is currently paid at:

- The first 6 weeks – 100% of your average weekly earnings (AWE) before tax.
- The remaining 33 weeks – current statutory minimum or 90% of your AWE (whichever is lower).
- Tax & National Insurance will be deducted.

SMP is paid monthly through the payroll in the normal way. If you are not entitled to SMP you will be given a SMP1 form as you may be entitled to Maternity Allowance which you would claim from your local job centre. You must provide the Company with a copy of MAT B1 form which will be provided to you by your doctor or midwife.

## **Ante Natal Care**

You have the right to a reasonable amount of paid time off to attend ante-natal classes. This not only includes GP and midwife appointments but can include relaxation or parent classes provided the GP or midwife has recommended it.

You should try to arrange appointments outside of working hours but if this is not possible you will be entitled to reasonable time off provided you have given evidence of your appointment (except for your first one).

## **Useful Links**

For further information and guidance on current statutory rates and your maternity rights you may wish to speak to the HR/ Payroll Department and/ or look at the following links;

[www.gov.uk](http://www.gov.uk)

[www.acas.org.uk](http://www.acas.org.uk)

## **12) Paternity Leave**

When you take time off because your partner's having a baby, adopting a child or having a baby through a surrogacy arrangement you might be eligible to take one or two consecutive weeks paternity leave, a week is the same amount of days that you normally work in a week.

You can choose to start your leave from one of the following;

- The actual date of birth/ placement.
- An agreed number of days after the birth/ placement or expected week of childbirth, ending within 56 days of the birth.

You do not have to give a precise date when you want to take leave (for example 25<sup>th</sup> March) instead you can give a general time such as the day birth or one week after the birth.

In order to qualify for paternity leave you must be;

- the father
- husband or partner of the mother (or adopter), this includes same-sex partners
- the child's adopter
- the intended parent (if you are having a baby through a surrogacy arrangement)
- have worked for the Company for 26 weeks by the end of the 15<sup>th</sup> week before the expected week of childbirth.
- Be classed as an employee for paternity leave.
- Be employed with the Company up to the date the child is born or placed – for paternity pay.
- Earn the statutory minimum in an 8 week relevant period for paternity pay.
- Give correct notice.

You must inform the payroll department of your intention to take paternity leave by the end of the 15<sup>th</sup> week before the baby is expected, unless this is not reasonably practicable. You will be given the relevant form to complete and will need to let us know:

- the week the baby is due;
- whether you wish to take one or two weeks' leave;
- when you want your leave to start (which you may change by giving 28 days notice).

### **Statutory Paternity Pay**

During paternity leave most employees are entitled to Statutory Paternity Pay (SPP).

Statutory Paternity Pay is paid by the Company for either one or two consecutive weeks as the employee has chosen.

For employees who have worked for the Company for 26 weeks by the end of the 15<sup>th</sup> week before the expected week of childbirth, two weeks of paternity leave will be at full pay. You may choose to take annual leave instead.

If your average weekly earnings are below the Lower Earnings Limit for National Insurance Purposes you will not qualify for SPP.

### **Return to work after paternity leave**



You are entitled to return to the same job following paternity leave, and your employment rights are protected whilst you are on paternity leave.

### ***13) Right to accompany a pregnant woman to an antenatal appointment***

Fathers and partners of pregnant women are entitled to unpaid time off to attend two antenatal appointments (time off is capped at six and a half hours for each appointment). Please discuss your requirements with your Line Manager/ HR department as the Company aims to be as supportive as possible.

### ***14) Shared Parental Leave***

If you are considering Shared Parental Leave (SPL) you are encouraged to contact the HR Department to arrange an informal discussion as early as possible regarding your potential entitlement, to talk about plans and to enable the company to support you as an individual.

You and your partner may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if you are having a baby, using a surrogate to have a baby or adopting a child.

You can share up to 50 weeks of leave and up to 37 weeks of pay between you.

You need to share the pay and leave in the first year after your child is born or placed with your family.

You can use SPL to take leave in blocks separated by periods of work, or take it all in one go. You can also choose to be off work together or to stagger the leave and pay.

To get SPL and ShPP, you and your partner need to:

- meet the eligibility criteria
- give notice to your employers.

#### **Eligibility for birth parents**

To be eligible for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP), both parents must:

- share responsibility for the child at birth
- meet work and pay criteria - these are different depending on which parent wants to use the shared parental leave and pay

You are not eligible if you started sharing responsibility for the child after it was born.

The eligibility criteria are different if you're adoptive parents or parents using a surrogate.

You can check if you can get SPL and ShPP. You'll need to know:

- your child's due date or birth date

- your and your partner's employment status and earnings
- if you and your partner can get Statutory Maternity Pay or Statutory Paternity Pay

### **If both parents want to share the SPL and ShPP**

To be eligible for SPL and ShPP, you and your partner must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until you start your SPL

To be eligible for SPL, you must be 'employees' (not 'workers') - check your employment status. If either of you is a 'worker', you might be able to share ShPP but not SPL.

To be eligible for ShPP, you must each earn a minimum weekly average (refer to gov.uk for current rates).

### **If the mother's partner wants to take the SPL and ShPP**

For the mother's partner to take SPL and ShPP, both the mother and the mother's partner must meet some eligibility requirements.

The mother must:

- have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row)
- have earned a minimum amount in total across any 13 of the 66 weeks (refer to gov.uk for current rates).

The mother's partner must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until they start their SPL

To be eligible for SPL, the partner must be an 'employee' (not a 'worker') - check their employment status. If the partner is a 'worker', they might be able to get ShPP but not SPL.

To be eligible for ShPP, the partner must earn a minimum weekly average (refer to gov.uk for current rates).

### **If the mother wants to take the SPL and ShPP**

For the mother to take SPL and ShPP, both the mother's partner and the mother must meet some eligibility criteria.

The mother's partner must:

- have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row)
- have earned a minimum amount in total across any 13 of the 66 weeks (refer to gov.uk for current rates).

The mother must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until they start their SPL

To be eligible for SPL, the mother must be an 'employee' (not a 'worker') - check their employment status. If the mother is a 'worker', they might be able to get ShPP but not SPL.

To be eligible for ShPP, the mother must earn a minimum weekly average (refer to gov.uk for current rates).

### **Eligibility for adopters or parents using a surrogate**

To be eligible for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP), both adoptive parents or both parents using a surrogate must:

- share responsibility for the child on the child's due date or birth date if you're using a surrogate, or the date they're placed with you if you're adopting
- meet the work and earnings criteria - these are different depending on which one of you wants to use the shared parental leave and pay

The eligibility criteria are different if you're birth parents.

You can check if you can get SPL and ShPP. You'll need to know:

- your child's due date or birth date if you're using a surrogate, or the match date if you're adopting
- your and your partner's employment status and earnings
- if you and your partner can get Statutory Adoption Pay or Statutory Paternity Pay

### **If both parents want to share the SPL and ShPP**

To be eligible for SPL and ShPP, you and your partner must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the week your child was placed with your family
- stay with the same employer until you start your SPL

To be eligible for SPL, you must be 'employees' (not 'workers') - check your employment status. If either of you is a 'worker', you might be able to share ShPP but not SPL.

To be eligible for ShPP, you must each earn a minimum weekly average (refer to gov.uk for current rates).

### **If only one of the parents wants to take the SPL and ShPP**

Both parents must meet some eligibility criteria.

The parent who wants to take the leave and pay must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the week your child was placed with your family
- stay with the same employer until they start their SPL

To be eligible for SPL, they must be an 'employee' (not a 'worker') - check their employment status. If they are a 'worker', they might be able to get ShPP but not SPL.

To be eligible for ShPP, they must earn on a minimum weekly average (refer to gov.uk for current rates).

The other parent must:

- have been working for at least 26 weeks out of the 66 weeks before the week the child was placed with you (the 26 weeks do not need to be in a row)
- have earned a minimum amount in total across any 13 of the 66 weeks (refer to gov.uk for current rates).

### **What you'll get**

If you are eligible and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- take the rest of the 52 weeks of maternity or adoption leave as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of maternity or adoption pay (or Maternity Allowance) as Statutory Shared Parental Pay (ShPP)

You can check when you and your partner can take your leave and how much statutory pay you'll get using the Shared Parental Leave and Pay planning tool on gov.uk.

### **How much pay you'll get**

ShPP is paid at the current statutory rate per week or 90% of your average weekly earnings, whichever is lower.

This is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

### **When you can start**

You can only start Shared Parental Leave (SPL) or Shared Parental Pay (ShPP) once the child has been born or placed for adoption.

You can check when you and your partner can start your leave using the Shared Parental Leave and Pay planning tool on gov.uk.

### **For SPL to start**

The mother (or the person getting adoption leave) must either:

- return to work, which ends any maternity or adoption leave
- give their employer 'binding notice' of the date when they plan to end their leave (you cannot normally change the date you give in binding notice)

You can start SPL while your partner is still on maternity or adoption leave as long as they've given binding notice to end it.

You can give binding notice and say when you plan to take your SPL at the same time.

A mother cannot return to work before the end of the compulsory 2 weeks of maternity leave following the birth (4 weeks if they work in a factory). If you're adopting, the person claiming adoption pay must take at least 2 weeks of adoption leave.

### **If the mother or adopter does not get maternity or adoption leave**

The mother or adopter must end any maternity pay, adoption pay or Maternity Allowance so that they or their partner can get SPL.

### **For ShPP to start**

The mother (or the person getting adoption pay) must give their employer binding notice of the date when they plan to end any maternity or adoption pay.

If they get Maternity Allowance, they must give notice to Jobcentre Plus instead.

They cannot restart maternity pay, Maternity Allowance or adoption pay once it's ended.

You can start ShPP while your partner is still on maternity pay, adoption pay or Maternity Allowance as long as they've given binding notice to end it.

You can give binding notice and say when you plan to take your ShPP at the same time.

### **Change the decision to end maternity or adoption leave**

The mother or adopter may be able to change their decision to end maternity or adoption leave early. They must let their employer know.

They can only change the decision if both:

- the planned end date has not passed
- they have not already returned to work

One of the following must also apply:

- you find out during the 8-week notice period that neither of you is eligible for SPL or ShPP
- the mother or adopter's partner has died
- the mother tells their employer less than 6 weeks after the birth (and they gave their employer notice before the birth)

### **Booking blocks of leave**

You can book up to 3 separate blocks of Shared Parental Leave (SPL) instead of taking it all in one go, even if you are not sharing the leave with your partner.

If your partner is also eligible for SPL, you can take up to 3 blocks of leave each. You can take leave at different times or both at the same time.

You must tell your employer about your plans for leave when you apply for SPL. You can change these plans later but you must give your employer at least 8 weeks' notice before you want to begin a block of leave.

You can check when you and your partner can take your leave using the Shared Parental Leave and Pay planning tool.

### **Splitting blocks of leave**

If your employer agrees, you can split blocks into shorter periods of at least a week.

### **Shared Parental Leave in touch (SPLIT) days**

You and your partner can each work up to 20 days while you're taking SPL. These are called 'Shared Parental Leave in touch' (or SPLIT) days.

These days are in addition to the 10 'keeping in touch' (or KIT) days available to those on maternity or adoption leave.

KIT and SPLIT days are optional - both you and your employer must agree to them.

### **Applying for leave and pay**

To get Shared Parental Leave (SPL) or Shared Parental Pay (ShPP) you must:

- follow the rules for starting SPL and ShPP
- give your employer at least 8 weeks' written notice of your leave dates

If the mother (or person taking adoption leave) plans to take SPL or ShPP, they must apply to their employer.

If the partner plans to take SPL or ShPP, both the partner and the mother (or person taking adoption leave) must apply to their employers.

You can use the Shared Parental Leave forms and templates on the Acas website to:

- give your employer notice that you plan to take SPL and ShPP
- give your employer notice of when the mother or adopter is going to end their maternity or adoption leave, and when they'll stop getting maternity or adoption pay
- book your leave dates

You can change your mind later about how much SPL or ShPP you plan to take and when you want to take it. You must give notice of any changes at least 8 weeks before the start of any leave.

### **Giving more information**

Your employer can ask you for more information within 14 days of you applying for SPL or ShPP. They can ask for:

- a copy of the birth certificate
- a declaration of the place and date of birth (if the birth has not been registered yet)
- the name and address of your partner's employer or a declaration that your partner has no employer

If you're adopting, your employer can ask for the:

- name and address of the adoption agency
- date you were matched with the child
- date the child will start to live with you
- name and address of your partner's employer or a declaration that your partner has no employer

You must give this information within 14 days of being asked for it.

### **Useful Links**

For further information and guidance on requests for Shared Parental Leave you may wish to speak to the HR Department and look at the following links;

[www.gov.uk](http://www.gov.uk)

[www.acas.org.uk](http://www.acas.org.uk)

## **15) Adoption Leave**

Statutory Adoption leave and pay are only available to you if you are matched for adoption with a child by an approved adoption agency and have given the correct notice.

Statutory Adoption Leave is 52 weeks. It is made up of;

- 26 weeks of Ordinary Adoption Leave
- 26 weeks of Additional Adoption Leave

Only 1 person in a couple can take adoption leave. The other partner could get paternity or shared parental leave instead. If a child's placement ends during the adoption leave period, the adopter is able to continue Adoption Leave up to 8 weeks after the placement ends.

If you get adoption leave, you can also get paid time off work to attend 5 adoption appointments after you have been matched with a child.

### **Notification**

Within 7 days of being matched with a child you must notify us of the following;

- Duration of leave;
- Leave start date – this can be the date when the child is placed with you or up to 14 days before (when the child arrives in the UK or within 28 days for overseas adoption);
- The date of placement – the date the child is expected to be placed with you.

We will confirm the start and end dates within 28 days.

### **Statutory Adoption Pay**

Statutory adoption pay (SAP) is payable for up to 39 weeks. To qualify for Statutory Adoption Pay you must;

- Have no less than 26 weeks continuous service by the week you are matched with a child;
- Give the correct notice;
- Provide proof of the adoption;
- Earn the minimum statutory required amount before tax.

You must give us notice advising when you wish your SAP to start, at least 28 days before the start date. If that is not reasonably practicable, then you must give notice as soon as reasonably practicable. SAP is paid at current statutory rates.

### **Keeping in Touch Days**

You are not obliged to complete any work whilst on Adoption Leave. However if we both agree you can work for up to 10 days during Adoption Leave. These days can be undertaken at any time after the first two weeks of leave. Payment will be made at your normal basic wage.

It is at the Company's discretion to offer keeping in touch days. We will not treat you less favourably should you refuse to agree to keeping in touch days.

### **Return to Work**

When you return to work from Ordinary Adoption Leave you are entitled to return to the same job. If you are returning from Additional Adoption Leave you are entitled to return to the same job unless it is not reasonably practicable for the Company to permit you to do so. In this case you are entitled to return to another job which is both suitable and appropriate in the circumstances.

### **Useful Links**

For further information and guidance on current statutory rates you may wish to speak to the HR/ Payroll and look at the following links;

[www.gov.uk](http://www.gov.uk)

[www.acas.org.uk](http://www.acas.org.uk)

## **16) Bereavement Policy**

### **Policy**

M.V. Kelly Ltd acknowledges the personal nature of bereavement and grief and is committed to supporting employees in practical and reasonable ways.

### **Paid leave**



Bereavement leave is paid leave that allows an employee time off to deal with their personal distress and related practical arrangements, primarily, but not limited to, when a member of their family dies.

M.V. Kelly Ltd acknowledges that bereavement impacts all individuals differently. Not all employees want to take much time off work whilst some employees will need additional time, depending on their relationship with the person who has died and the circumstances of the death.

In the event of the death of a relative, your line manager will advise the number of working days paid leave that will be granted. Leave days do not have to be taken consecutively.

Employees have a statutory right to 2 weeks leave for a child under the age of 18 who has died or a still born after 24 weeks of pregnancy. These 2 weeks can be taken consecutively or separately and can start on or after the date of the death or the stillbirth and must finish within 56 weeks of the date of the death or the stillbirth. Statutory parental bereavement pay will be paid at full pay.

Child includes children in respect of whom the employee is the adoptive parent and legal guardians and carers

An employee should notify their line manager of their need to take leave as soon as possible and continue to keep line managers informed to enable them to provide support, and plan work.

### **Annual leave**

In the event of a bereavement, an employee will be able to take unpaid leave or annual leave at short notice to supplement their bereavement leave.

An employee who suffers a family bereavement while on annual leave can convert their annual leave into bereavement leave and take their annual leave at a future date.

### **Unpaid leave**

Employees may also wish to consider requesting unpaid leave on compassionate grounds and this should be discussed with their line manager.

### **Return to work**

In certain circumstances a full return to work may not be possible for an employee following the death of an immediate relative – for example, when the employee's grief is likely to impact on their ability to perform their role, or where new childcare arrangements have to be sourced or responsibility for the care of an elderly parent has transferred to the employee.

In such instances M.V. Kelly Ltd will allow a phased return to work on a part-time or reduced hours basis where practicable. Alternative duties may also be considered. Any such arrangement would need to be agreed in advance by the line manager, would be subject to an agreed maximum number of days and would be managed in line with the Company's flexible working policy.

### **Employee support**

M.V. Kelly Ltd acknowledges that bereavement leave is intended to support employees in the immediate period around the death of a relative. However, the process of grief, the natural reaction and adjustment to loss and change may take a significant time and will be personal to each individual.

An employee with any concerns about the grieving process impacting on their work performance should discuss this in confidence with their line manager, to ensure that any reasonable adjustments that may be necessary are discussed and put in place and that the employee is supported in their return to the full range of duties and responsibilities that they had prior to the bereavement or their duties and responsibilities are adjusted (as necessary) with the prior agreement of line manager.

The Company recognises that the majority of people do not require counselling to cope effectively with their grief. However, employees are referred to the Employee Assistance Program if required.

### **Health and safety**

Bereavement can have an impact on concentration, sleep, and decision-making. Any employee who is concerned about their ability to conduct their duties safely in the weeks following a bereavement must discuss this with their line manager. If required, the Company will undertake a risk assessment of the job role to ensure that it can be conducted safely.

### **Culture and diversity**

M.V. Kelly Ltd recognises that different cultures respond to death in significantly different ways.

Line managers will check whether the employee's religion or culture requires them to observe any particular practices or make special arrangements which would necessitate them being off work at a particular time. Employees should not assume that their line manager is aware of any such requirements and should draw this to their line manager's attention as soon as possible.

Line managers who are unsure of how to respond to a bereaved employee from a different culture should ask the bereaved employee or someone else from their cultural group about what is appropriate.

## **17) Stress at Work Policy**

### **Introduction**

M.V Kelly Ltd is a civil engineering and building company specialising in infrastructure, groundwork's and associated services. We are committed to protecting the health, safety and welfare of our employees and we recognise our responsibility regarding the mental health and welfare of our staff. We acknowledge the importance of identifying and reducing workplace stressors.

This policy will apply to everyone in the company. Managers are responsible for implementation and the company is responsible for providing the necessary resources.

### **Definition of Stress**

The Health & Safety executive define stress as *"the adverse reaction people have to excessive pressure or other types of demands placed on them"*. Most staff benefit from a certain amount of pressure in their work which can keep them motivated however there is a distinction between pressure and *stress* which can be detrimental to health.

## **Policy**

- The Company will identify all workplace stressors and conduct risk assessments to eliminate stress or control the risks from stress. These risk assessments will be regularly reviewed.
- The company will provide training for all managers and supervisory staff in good management practices.
- The company will provide confidential counselling for staff affected by stress, through the Mental Health First Aider's and/ or the Employee Assistance Program.

## **Responsibilities**

Managers will;

- Arrange and/ or conduct and implement recommendations of risk assessments within their jurisdiction.
- Ensure good communication between management and staff, particularly where there are organisational and procedural changes.
- Ensure all staff are fully trained to discharge their duties.
- Ensure all staff are provided with meaningful development opportunities.
- Monitor workloads to ensure that people are not overloaded.
- Monitor working hours and overtime to ensure that staff are not overworking.
- Monitor holidays to ensure that staff are taking their full entitlement.
- Attend training as requested in good management practice and Health & Safety.
- Ensure that Bullying & Harassment is not tolerated within their jurisdiction.
- Be vigilant and offer additional support to any member of staff who is experiencing stress outside work e.g., bereavement or separation.

Human Resources will;

- Give guidance to managers on the stress policy.
- Help monitor the effectiveness of measures to address stress by collating sickness absence statistics.
- Advise managers and individuals on training requirements.
- Provide continuing support to managers and individuals in a changing environment and encourage referral to occupational workplace counsellors where appropriate.

Employees will;

- Raise issues of concern with their line manager
- Be aware that it is not always possible to see when an individual is in a stressful situation and keep us informed if they have any concerns about the demands of their job.
- Accept opportunities for counselling when recommended

Safety Representatives;

- Will be meaningfully consulted on any changes to work practices or work design that could precipitate stress.

- Can consult with members on the issue of stress.
- Will be meaningfully involved in the risk assessment process
- Will be allowed to collect anonymous data from HR

This statement of company policy will be made available to all interested parties on request.

M.V. Kelly Ltd is committed to continual improvement in our quality performance and our objectives will be monitored for achievement through the Management Review Process.

This stress at work policy will be reviewed regularly in light of changes to legislative requirements as a result of monitoring the system for effectiveness or other requirements.

## **18) Employee Assistance Program**

M.V. Kelly Ltd adopts an Employee Assistance Program to help employee's with issues which may impact them in and out of work.

The programme;

- Confidential & free 24 hour helpline **0800 048 2702** - You can use this helpline for support with a range of topics affecting health, family, money, work and wellbeing.
- Online Portal with further resources and content relating to the above topics <https://unum-uk.lifeworks.com/> - Log in details UserID: **unum** Password: **lifeworks**
- Mobile App available as a free download via Google and Apple store - Login using the same credentials as above. You can then create a personal account to use the live chat facilities and complete personal mini assessments/questionnaires that can give you guidance and recommendations on how to manage areas of your life such as relationships, finance etc.
- 8 face to face consultations per year, per employee, per issue. (This is excluding dependants)
- Legal Support – consisting of 1 consultation per issue, per year
- Cover also includes family/ partner/ young people aged from 16-24 years of age who live in the same household.
- Perks & Savings – Digital gift card discounts, online cashback, coupons and other lifestyle offers such as savings on cinema tickets

## **19) Dress Code**

### **Expectations - general**

Personal appearance and hygiene are important to both employees and the Company. We expect employees to be neat, clean, well-groomed, and presentable at work.

### **Expectations – Head Office**

We have adopted a flexible approach and employees based at Head Office can choose 'smart casual' or 'business smart', based on personal choice whilst having regard to any meetings or visitors who may expect the more traditional 'business smart' wear.

Whilst we have adopted a more flexible approach, the standard we expect in relation to dress at work is for people to wear clothing that is suitable for a work environment.

This policy is not exhaustive in defining acceptable and unacceptable standards of dress and appearance and employees must therefore use common sense in adhering to the principles underlying the policy.

### **Expectations – Regional Office**

The standards we expect in relation to dress for work for employees at our regional offices is for employees to wear 'business smart' attire that is suitable for an office environment. Ties are not required.

### **Guidelines**

As standards and expectations can vary, we have given the following guidelines;

- Minimal and subtle jewellery/ piercings/ tattoos.
- No flip flops/ loose footwear.
- Denim/ chino's/ Leggings etc. are allowed at Head Office but no frayed/ torn etc. jeans. Chino style trousers are acceptable at regional offices if they are 'business smart' rather than casual style trousers.
- No revealing/ provocative clothing including see through blouses/ shirts/ crop tops.
- No tracksuits, sports or yoga clothing, for example tracksuits and football shirts or tops with slogans that could cause offence.

### **Implementation**

It is the personal responsibility of all employees to apply the Company's Dress Code policy in practice. Management and supervisory staff have the responsibility for implementing this Policy throughout the Company. Line managers will discuss with employees if they feel that they are inappropriately dressed; please ask your line manager if you feel that you need further guidance.

## ***20) Healthy Workplace Policy***

M.V. Kelly Ltd aims to:

- Build and maintain a workplace environment and culture that supports a healthy lifestyle.

- Increase knowledge and awareness of health, wellbeing and healthy lifestyle behaviours.
- Encourage workers to be more physically active.
- Provide information to all staff on workstation set up, DSE and correct work posture.

### **Cycling to work**

All members of staff who wish to cycle to work as part of their daily routine have the following facilities:

- Head Office provides cycle parking in the bike lock up. Shower facilities are available in the office for staff use.
- Northampton Office has a purpose-built bike shed available for all for staff to use.
- Oxford Office has a secure area where bikes may be left.
- Coalville office has an additional unit where bikes may be left.
- Bromsgrove and Stafford have facilities where bikes may be secured if required.

### **Healthy Living Payment**

A Healthy Living Payment is offered to directly employed monthly paid staff when they have worked continuously for the Company for;

- 12 months to 18 months, £20 (gross)
- 19 months to 24 months, £30 (gross)
- 25 months and over, £40 (gross)

Payment will be included with salary and subject to tax and NI deductions.

### **What are the criteria?**

Healthy Living Payments can be claimed for gym membership or other sport related activity such as fitness/ dance and swimming classes. We will also support activities that promote wellbeing such as mindfulness or meditation classes. Essentially activities that promote physical and mental health and wellbeing.

### **Are payments contractual?**

You will not be tied in to stay at a gym/ classes by the Company; what you do with any contractual arrangement with providers is your personal choice. The payment is non-contractual from the Company and may be withdrawn giving reasonable notice.

### **Making a claim**

As soon as you have been employed for 12 continuous months, you are eligible to join the scheme on the next available pay date.

Claims can be made by sending suitable receipts or proof of membership to the Payroll Department. The deadline to have payments incurred paid within that month will be the 10<sup>th</sup> of the month. Payments cannot be backdated i.e. if you are eligible to join in June but do not apply until September there will be no backdated payments for June/ July/ August.

### **Questions/ Queries**

Any questions/ queries relating to the policy should be referred to the HR Department, any questions/ queries regarding payments should be referred to the Payroll Department.

## **21) Smoking Policy**

### **Statement of Policy**

M.V. Kelly Ltd will comply with the regulations introduced by the Health Act 2006 and protect all employees, associates and third parties working for the Company from the harmful effects of second-hand smoke. Smoking is not permitted in any company vehicles or in any company buildings, entrances to buildings, grounds or sites at any time except in specifically designated areas. Drivers should note that it is illegal to smoke in cars and other vehicles with someone under 18 present. It is against the law for a driver not to stop someone smoking in these circumstances

### **Aim of the Policy**

The policy is part of our approach to promoting health and preventing risks at work, and we aim to ensure that your working environment will be free of any exposure to smoke. The policy will ensure that all parties including smokers and non-smokers have a clear understanding of their rights and responsibilities, and to ensure that the company complies with the law.

Exposure to other people's smoke has been shown to cause lung cancer, heart disease and increased risk of asthma and stroke in adults. Tobacco smoke includes such poisons as carbon monoxide, ammonia, arsenic, mercury and formaldehyde and a range of cancer-causing pollutants. Although inhaling tobacco smoke directly is obviously harmful, being exposed to other people's smoke also raises the amount of tobacco-related poisons and carcinogens in non-smokers bodies.

The Health Act 2006 effectively banned smoking in all enclosed workplaces and public places, with some exemptions. The offences created under the Act are:

- Smoking in no-smoking premises.
- Permitting others to smoke in no-smoking premises.
- Failing to display warning notices in no-smoking premises.
- Failing without reasonable cause to give a name and address.

If an offence is committed it is likely the culprit will receive a fixed fine penalty fine of up to £200, but for whoever controls the premises the fine could be £2,500. This policy does not discriminate against smokers who may continue to smoke in designated areas (see each site for further details). We recognise that there are people who would like to give up smoking but need help in doing so. If this is the case, then please contact the Human Resources Department who will provide details of organisations who can help you.

### **E Cigarettes**

These are to be treated the same as normal cigarettes and the same policy applies as above. This policy does not discriminate against e-cig smokers who may continue to smoke in designated areas (see each site for further details).

### **Visitors**

This policy extends to all visitors to our premises.

## **22) Anti Bullying & Harassment Policy**

M.V. Kelly Limited is a civil engineering and building company specialising in infrastructure, groundworks and associated services. This policy is to ensure that our workplace remains free from any form of bullying and harassment.

Bullying and harassment is behaviour that makes someone feel intimidated or offended. Harassment is unlawful under the Equality Act 2010.

Examples of bullying or harassing behaviour include:

- Spreading malicious rumours
- Unfair treatment
- Picking on or regularly undermining someone
- Denying someone's training or promotion opportunities

Bullying and harassment can happen;

- Face to face
- By letter
- By email
- By phone

MV Kelly Ltd wishes to make clear that such behaviour will not be tolerated and that we all have responsibilities to each other; to treat everyone fairly and with respect, responding sensitively to differences with each other.

### **Implementation**

It is the personal responsibility of all employees to apply the Company's Anti Bullying & Harassment policy in practice, which extends to the treatment of all employees, associates and third parties working for MV Kelly Ltd. Management and supervisory staff have the responsibility for implementing this Policy throughout the Company.

If an employee feels that they are being bullied or harassed, they should see if they can sort out the problem informally first. If they cannot, they should talk to their manager. If the manager is believed to be part of the issue the employee should talk to another manager or the HR Department.

An investigation will take place into the alleged bullying/harassment, and action taken as necessary. Employees will not be victimised in any way for making such a complaint in good faith. Complaints of this nature will be dealt with seriously, in confidence and as soon as possible.

Breaches of this policy will be regarded as misconduct and may lead to disciplinary proceedings. Equally, allegations of bullying/harassment which are not made in good faith will also be considered as a disciplinary matter and dealt with under the Company's disciplinary procedure.



## **23) Performance Management Policy**

Managing performance is a continuous process, ensuring that the performance of individuals contributes to the goals of their teams and MV Kelly Ltd. Good performance management helps everyone in the company to know:

- what the business is trying to achieve
- their role in helping the business achieve its goals
- the skills and competencies they need to fulfil their role
- the standards of performance required
- how they are currently performing and how they can further develop their performance
- how can they contribute to the development of MV Kelly Ltd
- when there are performance problems and what to do about them.

We aim to ensure we have a fair and effective performance management system so that individuals understand their role, have a clear understanding of their current performance and how their performance enables the company to achieve its objectives.

### **Line Managers;**

- Create Job Specs and agree competencies for job roles, liaising with HR
- Agree objectives, competencies and development needs with individuals so that they contribute to business goals; it is essential individuals understand their objectives and how to achieve them
- Review individual performance against objectives and competencies throughout the year giving regular feedback - informal and formal
- Give feedback and discuss amendments to individual objectives as circumstances change and update/amend their job specifications; keeping HR informed
- Agree the most important skills and behaviours necessary to do the job well
- Help individuals to achieve objectives through coaching and provide access to training or other development opportunities
- Manage under performance
- Hold formal performance reviews at agreed intervals with their team members

### **Objectives**

Set objectives will be SMART (Specific, Measurable/ Achievable/ Relevant and Timebound) i.e.

- Specific – what does the individual need to achieve?
- Measurable – how will we/ individual know when the objective has been achieved?
- Achievable – the objective must be challenging but something that the individual can achieve.
- Relevant – the objectives must relate to those of the team and the business.
- Timebound – when does it need to be achieved?

### **Key Principles**

As part of our performance management, we expect individuals at all levels to work within standards for behaviour at work as defined in our Code of Conduct, which is available in the Employee Handbook and HR Folder. All individuals are trained in our Code of Conduct.

## **New Starters**

New starters will have a follow up to their induction with HR 2 weeks after commencing employment to ensure that they have settled into the Company and understand our policies and ethics. At 6 weeks their performance will be formally reviewed by their line manager and again at 3 months as part of their end of probation.

## **Appraisals**

Individuals will be invited to an appraisal by their line manager giving them adequate notice to prepare. The appraisal will be held during working hours and may be held outside of the office if the line manager and individual prefer. Individuals should plan and prepare for their appraisal by thinking about what things they think have gone well throughout the year, how they might build on their achievements and/ or if there is anything they are concerned about/ might need help on?

In line with our standards in our Code of Conduct individuals are expected to reflect on their own performance and objectives and take an active part in their appraisal.

When preparing for performance reviews line managers may seek views of others. This is not a formal requirement at MV Kelly but may help the manager conduct a more valuable performance review particularly where the employee may work for other departments or service site requirements as part of their role.

### **Structure**

Appraisals are generally conducted annually. Line Managers may alter the period at which an appraisal is next due (it may be needed sooner due to a change in role or it may not be required every year due to length of service / job role of the individual).

Due to regular informal feedback there should be no surprises within the appraisal. Any issues of underperformance will be dealt with at the point of occurrence and both the individual being appraised and line manager will know how performance has been throughout the year.

The appraisal meeting is to review the individual's performance against their performance plan/ performance objectives and discuss;

- How well they have achieved their objectives/ progress
- How well they have demonstrated the behaviours and competencies needed to meet their objectives

## **How under performance is managed**

Managers are expected to consistently informally appraise employees on the job and give relevant feedback. We expect to identify problems early on and action can normally be agreed between the line manager and employee to rectify any problems quickly.

Support and coaching by managers will assist the employee to understand the requirement to improve their performance and take any agreed necessary action. Practical solutions will be agreed which may take the form of meeting specific objectives and / or retraining. Where adequate support has been given and the employees performance consistently fails to meet

the required standard the line manager will need to consider a formal approach and may refer to the Company Disciplinary Policy.

In cases of unsatisfactory performance the employee will be advised;

- What the performance problem is
- The improvement that is required
- The timescale for achieving this improvement
- A review date
- Any support or training, that MV Kelly will provide to assist the employee.

## **Summary**

We expect our performance management system to positively contribute to our ability to grow and sustain a successful business. Whilst some level of formal documentation and meetings is required this will not be at the expense of empowering individuals to perform well within their role. Feedback which is consistent, relevant and fair will ensure that individuals know what they need to do to be successful within their job.

## **24) IT Policy**

### **About this policy**

This policy covers all employees, officers, consultants, contractors, volunteers, interns, casual workers, agency workers and anyone who has access to our IT and communication systems.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

Our IT and communications systems are intended to promote effective communication and working practices within our organisation. This policy outlines the standards you must observe when using these systems, the circumstances in which we will monitor your use, and the action we will take in respect of breaches of these standards.

Misuse of IT and communications systems can damage the business and our reputation. Breach of this policy may be dealt with under our disciplinary policy (see Employee Handbook), taking legal recourse and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

### **Personnel responsible for the policy**

The Head of IT has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.

Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

The IT Department will deal with requests for permission or assistance under any provisions of this policy, and may specify certain standards of equipment or procedures to ensure security and compatibility.

### **Equipment security and passwords**

You are responsible for the security of the equipment allocated to or used by you, and must not allow it to be used by anyone other than in accordance with this policy.

You are responsible for the security of any computer terminal used by you (this includes desktop computers, laptops, tablets and mobile phones). You should lock your terminal or log off when leaving it unattended or on leaving the office, to prevent unauthorised users accessing the system in your absence. Anyone who is not authorised to access our network should only be allowed to use terminals under supervision.

Desktop PCs and cabling for telephones or computer equipment should not be moved or tampered with without first consulting the IT Department.

You should use passwords on all IT equipment, particularly items that you take out of the office. You must keep your passwords confidential and change them regularly (every 90 days). You must not use another person's username and password or make available or allow anyone else to log on using your username and password unless authorised by the Privacy Officer or IT Department. On the termination of employment (for any reason) you must provide details of your passwords to the IT Department and return any equipment, key fobs or cards.

If you have been issued with a laptop, tablet computer, smartphone or other mobile device, you must ensure that it is kept secure at all times, especially when travelling. Passwords must be used to secure access to data kept on such equipment to ensure that confidential data is protected in the event of loss or theft. You should also be aware that when using equipment away from the workplace, documents may be read by third parties, for example, passengers on public transport.

If you have been issued with a laptop you must, where possible, take the laptop home at the end of each working day. If you are unable to take the laptop home, please speak with your line manager or the IT department.

If you use a laptop or desktop computer, you must restart it regularly. This will ensure that important security updates run and will help clear any software glitches that build up over time. A daily reboot is recommended.

### **Systems and data security**

You should not delete, destroy or modify existing systems, programs, information or data (except as authorised in the proper performance of your duties).

You must not download or install software from external sources without authorisation from the IT Department. This includes software programs, instant messaging programs, screensavers, photos, video clips and music files. Incoming files and data should always be virus-checked by the IT Department before they are downloaded. If in doubt, staff should seek advice from the IT Department.

You must not attach any device or equipment (other than those approved or provided by the organisation) to our systems without authorisation from the IT Department. This includes any USB flash drive, MP3 player, tablet, smartphone or other similar device, whether connected via the USB port, infra-red connection or in any other way.

We monitor all emails passing through our system for viruses. You should exercise particular caution when opening unsolicited emails from unknown sources or an email which appears suspicious (for example, if it contains a file whose name ends in .exe). Inform the IT Department immediately if you suspect your computer may have a virus. We reserve the right

to delete or block access to emails or attachments in the interests of security. We also reserve the right not to transmit any email message.

You should not attempt to gain access to restricted areas of the network, or to any password-protected information, except as authorised in the proper performance of your duties.

You must be particularly vigilant if you use our IT equipment outside the workplace and take such precautions as we may require from time to time against importing viruses or compromising system security. The system contains information which is confidential and/or subject to data protection legislation. Such information must be treated with extreme care and in accordance with our Data Protection Policy.

### **Email**

Although email is a vital business tool, you should always consider if it is the appropriate method for a particular communication. Correspondence with third parties by email should be written as professionally as a letter. Messages should be concise and directed only to relevant individuals. Our standard disclaimer should always be included.

You must not send abusive, obscene, discriminatory, racist, harassing, derogatory, defamatory, or otherwise inappropriate emails. Anyone who believes that they have been harassed or bullied, or are offended by material received from a colleague via email should inform their line manager or the Human Resources Department.

You should take care with the content of email messages, as incorrect or improper statements can give rise to claims for discrimination, harassment, defamation, breach of confidentiality or breach of contract. Remember that you have no control over where your email may be forwarded by the recipient. Avoid saying anything which would cause offence or embarrassment if it was forwarded to colleagues or third parties, or found its way into the public domain.

Email messages may be disclosed in legal proceedings in the same way as paper documents. Deletion from a user's inbox or archives does not mean that an email cannot be recovered for the purposes of disclosure. All email messages should be treated as potentially retrievable, either from the main server or using specialist software.

In general, you should not:

- send or forward private emails at work which you would not want a third party to read;
- send or forward chain mail, junk mail, cartoons, jokes or gossip;
- contribute to system congestion by sending trivial messages, copying or forwarding emails to those who do not have a real need to receive them, or using "reply all" unnecessarily on an email with a large distribution list;
- sell or advertise using our communication systems;
- agree to terms, enter into contractual commitments or make representations by email unless appropriate authority has been obtained. A name typed at the end of an email is a signature in the same way as a name written at the end of a letter;
- download or email text, music and other content on the internet subject to copyright protection, unless it is clear that the owner of such works allows this;

- send messages from another person's email address (unless authorised) or under an assumed name; or
- send confidential messages via email or the internet, or by other means of external communication which are known not to be secure.

If you receive an email in error you should inform the sender.

Do not use your own personal email account to send or receive email for the purposes of our business. Only use the email account we have provided for you.

### **Using the internet**

Internet access is provided primarily for business purposes.

When a website is visited, devices such as cookies, tags or web beacons may be employed to enable the site owner to identify and monitor visitors. Such a marker could be a source of embarrassment to the visitor and us, especially if inappropriate material has been accessed, downloaded, stored or forwarded from the website. Such actions may also, in certain circumstances, amount to a criminal offence if, for example, the material is pornographic in nature.

You should not access any web page or download any image, document or other file from the internet which could be regarded as illegal, offensive, in bad taste or immoral. Even web content which is legal in the UK may be in sufficient bad taste to fall within this prohibition. As a general rule, if any person (whether intended to view the page or not) might be offended by the contents of a page, or if the fact that our software has accessed the page or file might be a source of embarrassment if made public, then viewing it will be a breach of this policy.

You should not under any circumstances use our systems to participate in any internet chat room, post messages on any internet message board or set up or log text or information on a blog or wiki, even in your own time.

### **Personal use of our systems**

We permit the incidental use of our internet, email and telephone systems to send personal email, browse the internet and make personal telephone calls subject to certain conditions set out below. Personal use is a privilege and not a right. It must not be overused or abused. We may withdraw permission for it at any time or restrict access at our discretion.

Personal use must:

- be minimal and take place substantially out of normal working hours (that is, during lunch hours, before 7am or after 5:30pm);
- not interfere with business or office commitments;
- not commit us to any marginal costs; and
- comply with this policy and our other policies.

You should be aware that personal use of our systems may be monitored and, where breaches of this policy are found, action may be taken under the Disciplinary Procedure. We reserve the right to restrict or prevent access to certain telephone numbers or internet sites if we consider personal use to be excessive.

### **Monitoring**

Our systems enable us to monitor telephone, email, voicemail, internet and other communications. For business reasons, and in order to carry out legal obligations in our role as an employer, use of our systems including the telephone and computer systems, and any personal use of them, may be continually monitored by automated software or otherwise. Monitoring is only carried out to the extent permitted or as required by law and as necessary and justifiable for business purposes.

We reserve the right to retrieve the contents of email messages or check internet usage (including pages visited and searches made) as reasonably necessary in the interests of the business, including for the following purposes (this list is not exhaustive) to:

- monitor whether the use of the email system or the internet is legitimate and in accordance with this policy;
- find lost messages or to retrieve messages lost due to computer failure;
- assist in the investigation of alleged wrongdoing; or
- comply with any legal obligation.

### **Prohibited use of our systems**

Misuse or excessive personal use of our telephone or email system or inappropriate internet use will be dealt with under our Disciplinary Procedure. Misuse of the internet can in some circumstances be a criminal offence. In particular, it will usually amount to gross misconduct to misuse our systems by participating in online gambling, forwarding chain letters, or by creating, viewing, accessing, transmitting or downloading any of the following material (this list is not exhaustive):

- pornographic material (that is, writing, pictures, films and video clips of a sexually explicit or arousing nature);
- offensive, obscene, or criminal material or material which is liable to cause embarrassment to us or to our clients;
- a false and defamatory statement about any person or organisation;
- material which is discriminatory, offensive, derogatory or may cause embarrassment to others (including material which breaches our Equal Opportunities Policy or our Anti-harassment and Bullying Policy);
- confidential information about us or any of our staff or clients (except as authorised in the proper performance of your duties);
- any other statement which is likely to create any criminal or civil liability (for you or us); or
- music or video files or other material in breach of copyright.

Any such action will be treated very seriously and is likely to result in summary dismissal.

Where evidence of misuse is found we may undertake a more detailed investigation in accordance with our Disciplinary Procedure, involving the examination and disclosure of monitoring records to those nominated to undertake the investigation and any witnesses or managers involved in the Disciplinary Procedure. If necessary, such information may be handed to the police in connection with a criminal investigation.

## 25) Privacy Policy

### Definitions

The following definitions apply in this policy:

PO	Privacy Officer
Personal Data	data which relates to a living individual who can be identified from that data, or from that data and other information which is in the possession of, or is likely to come into the possession of, the Data Controller, and includes any expression of opinion about the individual and any indication of the intentions of the Data Controller or any other person in respect of the individual
Data Subject	a living individual who is the subject of Personal Data
Data Controller	a person (usually an organisation) who (alone or jointly or in common with other persons) determines the purposes for which and the manner in which any Personal Data is, or is to be, processed. However, two or more persons (usually organisations) can be joint Data Controllers where they act together to decide the purpose and manner of any data processing. The term “in common” applies where two or more persons share a pool of Personal Data that they process independently of each other
Data Processor	in relation to Personal Data, any person (other than an employee of the Data Controller) who processes the data on behalf of the Data Controller
ICO	Information Commissioners Office
GDPR	General Data Protection Regulation
M.V.K	M.V. Kelly Limited
Employees	All employees, officers, consultants, contractors, volunteers, interns, casual workers, and agency workers of M.V. Kelly Limited

### Purpose

This Policy sets out how M.V.K complies with the GDPR.

The importance of keeping clients' affairs confidential, protecting Personal Data and special personal data and keeping information secure is fundamental. This Policy is designed to ensure that all Employees comply with their obligations to protect data and ensure confidential information is kept confidential.



This policy covers all Employees but does not form part of any Employee's contract of employment and we may amend it at any time.

### **Responsibility**

All Employees must familiarise themselves and comply with this Policy and related procedures. Failure to comply with this Policy and the related procedures will result in disciplinary action because of the significant risks of fines and enforcement action, reputational consequences against M.V.K.

All Employees are responsible for ensuring that all types of data they process are properly protected. Any issues or concerns about the GDPR must be raised with the PO.

### **Principles**

The GDPR establishes a framework of rights and duties designed to protect Personal Data. The GDPR requires that Personal Data is processed in compliance with the GDPR principles and individuals rights.

Article 5 of the GDPR requires that Personal Data is:

- processed lawfully, fairly and in a transparent manner in relation to individuals;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that Personal Data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- kept in a form which permits identification of Data Subjects for no longer than is necessary for the purposes for which the Personal Data are processed; Personal Data may be stored for longer periods insofar as the Personal Data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- processed in a manner that ensures appropriate security of the Personal Data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The GDPR provides the following rights for individuals:

- **The right to be informed** - This encompasses your obligation to provide 'fair processing information', typically through a privacy notice. It emphasises the need for transparency over how you use Personal Data.
- **The right of access** - Individuals have the right to access their Personal data and supplementary information. The right of access allows individuals to be aware of and verify the lawfulness of the processing.
- **The right to rectification** - The GDPR gives individuals the right to have Personal data rectified. Personal Data can be rectified if it is inaccurate or incomplete.
- **The right to erasure** - The GDPR gives individuals the right to have Personal Data rectified. Personal Data can be rectified if it is inaccurate or incomplete.
- **The right to restrict processing** - Individuals have a right to 'block' or suppress processing of Personal Data.
- When processing is restricted, you are permitted to store the Personal Data, but not further process it.
- You can retain just enough information about the individual to ensure that the restriction is respected in future.
- **The right to data portability** - The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. It allows individuals to move, copy or transfer Personal Data easily from one IT environment to another in a safe and secure way, without hindrance to usability.
- **The right to object** - Processing based on legitimate interests or direct marketing (including profiling and statistics).
- **Rights in relation to automated decision making and profiling** – We do not use automatic decision making or profiling.

Employees are reminded that under the Computer Misuse Act 1990, there are three criminal offences:

- Unauthorised access to computer material;
- Unauthorised access with intent to commit or facilitate the commission of further offences; and / or
- Unauthorised modification of computer material.

Employees who are unsure as to whether they are able to access or modify material must contact the PO for guidance. Any commission of or attempt to commit a criminal offence by an employee will be dealt with in accordance with the Disciplinary Procedure.

All employees must keep Personal Data and information about M.V.K secure at all times. If an employee is concerned that data or confidential information is at risk, he or she must immediately contact the PO.

## **Data Subjects Rights**

Data subjects have rights when it comes to how we handle their Personal Data. These include rights to:

- Withdraw consent to processing at any time;
- Receive certain information about the Data Controller's processing activities;
- Request access to their Personal Data that we hold;
- Prevent our use of their Personal Data for direct marketing purposes;
- Ask us to erase Personal Data if it is no longer necessary in relation to the purpose for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;
- Restrict processing in specific circumstances;
- Challenge processing which has been justified on the basis of our legitimate interests;
- Request a copy of an agreement under which Personal Data is transferred outside of the EEA;
- Object to decisions based solely on automated processing, including profiling;
- Prevent processing that is likely to cause damage or distress to the Data Subject or anyone else;
- Be notified of a Personal Data breach which is likely to result in high risk to their rights and freedoms;
- Make a complaint to the supervisory authority; and
- In limited circumstances, receive or ask for their Personal Data to be transferred to a third party in a structured, commonly used and machine readable format.

If a request is made quoting any legislation including but not limited to the GDPR, or references the ICO or the PO, or if an individual makes a clear request, that request must be referred to the PO immediately. Individuals may also ask for details of information held about them without mentioning the word data or the data protection legislation; all such requests must be forwarded immediately to the PO.

There are strict timescales for compliance with an access request and failure to comply can result in a significant fine from the ICO. Employees must comply with the Breach and Escalation Procedure.

## **Accuracy of Data**

Employees must ensure that data is as accurate as possible; if data is or appears to be inaccurate, misleading or not up to date, employees must take reasonable steps to amend / update the information as soon as possible. Data only needs to be kept up to date where

necessary and employees should seek guidance if they are not sure whether the data needs to be updated. Any concerns must be discussed with the PO.

### **Retention and Destruction of Data**

Personal Data must be retained or disposed of securely in accordance with M.V.K's Data Retention Policy.

### **Data Controllers / Processors**

Personal Data must not be disclosed to another party unless they are a Data Controller or a Data Processor (as defined by this Policy), [and] it is for the purposes of the case. The client must always be advised to whom the data will be disclosed and why.

Before sending data to a Data Controller or to a Data Processor, the employee must ensure that proper contractual arrangements are in place to protect the data. Alternatively, the employee must contact the PO to determine whether there is already a contractual arrangement or what further steps need to be taken.

The Firm must ensure that the Data Controller or Data Processor is clear as to the basis on which they will hold the data, when they will return it, what the security arrangements are and what will happen if there is any data loss.

The PO is responsible for ensuring that appropriate due diligence is undertaken. The PO will record the details of the Data Controller or Data Processor on the **Data Controller / Data Processor log**. If an employee has any queries about the way in which a Data Controller or Data Processor is dealing with data, he or she must contact the PO.

## ***26) Bring Your Own Device Policy***

### **About this policy**

This policy is in place to minimise the risks to our business where users access their work email and other applications from their own device or other devices other than those provided by the Organisation. This approach can be supported by transferring the SIM card to the alternative device, this will ensure the mobile number and cost will remain as part of the Organisations contract.

This policy applies to anyone using their own device in their job role.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

### **IN ORDER TO SUPPORT THIS MODEL, USER WILL NEED TO COMPLY WITH THE FOLLOWING CRITERIA**

The alternative device will be viewed as the user's personal device and supplied entirely at the user's expense.

The standard Organisation device will be returned with all cables, chargers and where possible, original packaging.

The Organisation reserves the right to manage the device through MDM software. This will provide a secure 'ring-fence' around the business applications, keeping them separate from personal data.

In the event of loss or damage, a remote 'Wipe' will be issued that will remove all business applications only.

When the user leaves the Organisation the SIM card will be returned. Failure to do so will result in a 'Stop' being placed on the SIM card preventing any further activity.

The Organisation (including IT), will only be responsible for supporting the business applications stored on the device. All other issues should be referred to the supplier at the user's expense.

Individuals who do not meet the criteria for an Organisation mobile phone may wish to use their personal devices for business applications. This model can be supported using the same criteria as above but excluding the use of an Organisation SIM card.

#### **Prohibited use**

The Organisation will not prohibit the users from using the Organisations phone to download games and applications without prior approval. Where a cost is required this will be the responsibility of the user.

Individuals are responsible for ensuring that all additional software, music, games and applications are legally licensed to the authorised user. No illegal software of any type may be installed on the Organisations mobile phone.

In the event of a mobile phone needing upgrading or repair the user is responsible for taking a backup of any additional software. It is often necessary to 'Wipe' the phone in order to repair or reconfigure. This will result in the loss of all data. The IT Team will be responsible for securing Organisation related data only.

The organisation will not be responsible for the purchase of any additional accessories for a mobile phone such as hands-free kits or headsets. Staff are welcome to purchase their own equipment to use with the Organisations phones and the IT Team will only support these attachments on a best endeavours basis.

## ***27) Removable Media Policy***

#### **About this Policy**

This policy covers all employees, officers, consultants, contractors, volunteers, interns, casual workers, agency workers and anyone who has access to our IT and communication systems.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

The purpose of this Removable Media Policy is to;

establish the principles and working practices that are to be adopted by all users in order for data to be safely stored and transferred on removable media; and

minimise the risk of loss or exposure of sensitive information maintained by the organisation and to reduce the risk of acquiring malware infections on computer systems operated by the organisation.

This Policy aims to ensure that the use of removable media devices is controlled in order to:

- Enable the correct data to be made available where it is required;
- Maintain the integrity of the data;
- Prevent unintended or deliberate consequences to the stability of the Organisation's network;
- Avoid contravention of any legislation, policies or good practice requirements;
- Build confidence and trust in the data that is being shared between systems;
- Maintain high standards of care in ensuring the security of protected and restricted information;
- Prohibit the illegal disclosure of information.

### **Scope**

This Policy refers to all types of computer storage which are not physically fixed inside a computer and includes the following:

- Memory cards (like those used in cameras), USB pen drives etc;
- Removable or external hard disk drives;
- Solid State Drives (SSD);
- Mobile devices (iPod, iPhone, iPad, MP3 player);
- Optical disks (DVD and CD);
- Backup tapes;
- This Policy also covers all data including:
- Teaching and learning data;
- Administration and management information data.

### **Risk**

This Policy aims to mitigate the following risks:

- Disclosure of protected and restricted information as a consequence of loss, theft or careless use of removable media devices;
- Contamination of the organisation's networks or equipment through the introduction of viruses through the transfer of data from one form of IT equipment to another;
- Potential legal action against the organisation or individuals as a result of information loss or misuse;
- Damage to the reputation of the organisation as a result of information loss or misuse.

**Responsibility**

All considerations of this Policy must be adhered to at all times when using all types of removable media devices.

All data stored on removable media devices must be encrypted where possible;

Virus and malware checking software must be used when the removable media device is connected to a machine;

Only data that is authorised and necessary to be transferred should be saved on to the removable media device. Data that has been deleted can still be retrieved.

Removable media devices must not to be used for archiving or storing records as an alternative to other storage equipment.

Special care must be taken to physically protect the removable media device and stored data from loss, theft or damage. Anyone using removable media devices to transfer data must consider the most appropriate way to transport the device and be able to demonstrate that they took reasonable care to avoid damage or loss.

**Security of Data**

Data that is only held in one place and in one format is at much higher risk of being unavailable or corrupted through loss, destruction or malfunction of equipment than data which is frequently backed up. Therefore, removable media should not be the only place where data obtained for Organisation purposes is held.

Copies of any data stored on removable media must also remain on the source system or networked computer until the data is successfully transferred to another networked computer or system.

In order to minimize physical risk, loss, theft or electrical corruption, all storage media must be stored in an appropriately secure and safe environment;

Each user is responsible for the appropriate use and security of data and for not allowing removable media devices, and the information stored on these devices, to be compromised in any way whilst in their care or under their control;

All data stored on removable media devices must, where possible, be encrypted or password protected.

Where a removable media device has been used to transfer data from one source to another and the data on the removable media device is no longer required, then all data must be deleted from the removable media device.

**Preventing Information Security Incidents**

Damaged or faulty removable media devices must not be used. It is the duty of all users to contact IT should removable media devices be damaged, except for faulty or damaged optical disks which should be disposed of securely.

Virus and malware checking software approved by IT must be operational on both the machine from which the data is taken and the machine on to which the data is to be loaded. The data must be scanned by virus checking software products, before the data is uploaded to the receiving machine.

Whilst in transit or storage, the data held on any removable media devices must be given appropriate security according to the type of data and its sensitivity. Encryption or password control must be applied to the data files unless there is no risk to the Organisation, other organisations or individuals from the data being lost whilst in transit or storage.

### **Incident Management**

It is the duty of all users to immediately report any actual or suspected breaches in information security to the Privacy Officer.

Any misuse or irresponsible actions that affect business data, or any loss of data, should be reported as a security incident to the IT Department and Privacy Officer.

### **Disposing of Removable Media Devices**

Removable media devices that are no longer required, or have become damaged, must be disposed of securely to avoid data leakage. Any previous contents of any reusable media that are to be reused, either within the Organisation or for personal use, must be erased. This must be a thorough removal of all data from the media to avoid potential data leakage using specialist software and tools.

All removable media devices that are no longer required, or have become damaged, must be returned to the IT Department for secure disposal.

For advice or assistance on how to thoroughly remove all data, including deleted files, from removable media devices contact the IT Department.

## ***28) Clear Desk Policy***

### **About this policy**

This policy covers all employees, officers, consultants, contractors, volunteers, interns, casual workers, agency workers and anyone who has access to our offices, IT and communication systems.

This policy does not form part of any employee's contract of employment and we may amend it at any time. This policy identifies the procedures to follow to ensure information is protected and secured.

A clear desk policy reduces the risk of data loss by ensuring no confidential information is left unattended throughout the organisation. This protects the confidentiality and integrity of information by ensuring it is not accessible to unauthorised persons outside the normal working hours or when the owner of the information is not there.

### **Personnel responsible for this policy**

The Head of IT and Privacy Officer has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.

Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

### **Aims**



This procedure aims to establish minimum requirements for maintaining a clear desk – where sensitive / critical information about employees, contractors and intellectual property is secure in locked areas and out of site.

The key principles of adhering to the clear desk policy are listed below:

- To reduce the risk of a security breach or information theft;
- To reduce the risk of confidential and sensitive information / documentation being stolen or accessed by unauthorised individuals which could damage the integrity of MV Kelly;
- To help demonstrate compliance with the Data Protection Act 2018 and General Data Protection Regulation;
- To create a culture of staff responsibility in relation to the handling and care of personal data and other confidential information

### **Clear Desk Procedure**

Confidential and sensitive information, whether held electronically or in paper format, must be secured appropriately when staff are absent from their workplace and at the end of each working day.

In order to ensure that this is applied with MV Kelly, the below procedure is to be followed:

- Employees are required to ensure that all confidential and sensitive information in hardcopy or electronic form is secure in their work area at the end of the day or, if they leave their desk, at any point during the working day.
- To reduce the risk of a breach of confidentiality and to adhere to the Data Protection Act and GDPR Regulation, confidential and sensitive documents including personally identifiable information, when no longer required, must be disposed of immediately, using MV Kelly provided shredders.
- Computer desktops and laptops must be logged off or have a password locked screensaver when the employee is away from the working area.
- Filing cabinets, office cupboards or desk drawers must be kept closed and locked when not in use or unattended if they contain any confidential and sensitive information.
- Keys for the locked areas must be reasonably secured. Keys should remain with an employee at all times. If an employee will be on annual leave or working outside the office, if appropriate, the keys should be left with a colleague of the same department.
- When any confidential and sensitive information is requested over the telephone, all employees must ensure they are speaking to the correct person to whom the information can be disclosed. This can be confirmed by calling the recipient back on a number that is already recorded in the MV Kelly database or asking relevant questions to which the recipient would know the answer.
- Documents that contain confidential and sensitive information and which are being sent via email must be encrypted (password protected). Employees must call the recipient of the email to give the password once the document has been emailed across. The password must not be sent in the same email as the document.
- When saving confidential and sensitive information to the company file shares, it is the responsibility of the employee to check who has access to the file and ensure that the information is only shared with those authorised to access the information.
- No confidential or sensitive information is to be saved to USB drives or other external drives, even if the documents are encrypted (password protected). If there is a requirement for any of this information to be saved to external drives, the employee is required to obtain permission from MV Kelly's Privacy Officer before proceeding.
- All employees are advised to assess whether any confidential or sensitive information need to be printed before doing so. If it is not required to print the

information, MV Kelly advises the information is stored electronically. If printed, it must be stored securely and shredded when no longer required.

- Desks and other work spaces must be sufficiently tidy during work hours to allow MV Kelly's cleaning staff to perform their duties. Desks must be clear at the end of the working day in any case.

### **Printer and Photocopiers**

When sending scanned confidential or sensitive information from the printer to an email address, all employees must send the documents from the printer to their work email address and then forward on to the required person to ensure that only the correct recipient receives the information. It is not recommended that documents are scanned and sent from the printer to the recipient directly.

If it is necessary to copy any confidential or sensitive information, the employee must remain at the printer whilst the copy is being completed and ensure all copies are removed from the printing tray on completion.

### **Policy Changes**

This policy may only be amended or withdrawn by MV Kelly's Privacy Officer.

## ***29) Social Media Policy***

### **About this policy**

This policy is in place to minimise the risks to our business through use of social media.

This policy deals with the use of all forms of social media, including but not limited to Facebook, LinkedIn, Twitter, Wikipedia, Slack, Instagram and all other social networking sites, internet postings and blogs. It applies to use of social media for business purposes as well as personal use that may affect our business in any way.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

### **Personal use of social media**

Personal use of social media is never permitted during working hours or by means of our computers, networks and other IT resources and communications systems.

### **Prohibited use**

You must avoid making any social media communications that could damage our business interests or reputation, even indirectly.

You must not use social media to defame or disparage us, our staff or any third party; to harass, bully or unlawfully discriminate against staff or third parties; to make false or misleading statements; or to impersonate colleagues or third parties.

You must not express opinions on our behalf via social media, unless expressly authorised to do so by your manager. You may be required to undergo training in order to obtain such authorisation.

You must not post comments about sensitive business-related topics, such as our performance, or do anything to jeopardise our trade secrets, confidential information and intellectual property. You must not include our logos or other trademarks in any social media posting or in your profile on any social media.

The contact details of business contacts made during the course of your employment are our confidential information. On termination of employment you must provide us with a copy of all such information, delete all such information from your personal social networking accounts and destroy any further copies of such information that you may have.]

Any misuse of social media should be reported to your manager or Privacy Officer

### **Guidelines for use of social media**

You should make it clear in social media postings, or in your personal profile, that you are speaking on your own behalf. Write in the first person and use a personal email address.

Be respectful to others when making any statement on social media and be aware that you are personally responsible for all communications which will be published on the internet for anyone to see.

If you disclose your affiliation with us on your profile or in any social media postings, you must state that your views do not represent those of your employer (unless you are authorised to speak on our behalf as set out in paragraph 3.3). You should also ensure that your profile and any content you post are consistent with the professional image you present to clients and colleagues.

If you are uncertain or concerned about the appropriateness of any statement or posting, refrain from posting it until you have discussed it with your manager.

If you see social media content that disparages or reflects poorly on us, you should contact your manager or the Privacy Officer.

### **Breach of this policy**

Breach of this policy may result in disciplinary action up to and including dismissal. Any member of staff suspected of committing a breach of this policy will be required to co-operate with our investigation, which may involve handing over relevant passwords and login details.

You may be required to remove any social media content that we consider to constitute a breach of this policy. Failure to comply with such a request may in itself result in disciplinary action

## ***30) Retention Policy***

### **About this policy**

The information of M.V. Kelly Limited, including data subject data is vital to how it conducts its business and manages employees.

Certain laws require us to retain certain records, usually for a specific amount of time. The accidental or intentional destruction of these records during their specified retention periods could result in the following consequences:

- Fines and penalties.

- Loss of rights.
- Obstruction of justice charges.
- Inference of spoliation of evidence and spoliation tort claims.
- Contempt of court charges.
- Serious disadvantages in litigation.

We must retain certain records because they contain information that:

- Has business value (for example, it provides a record of a business transaction, evidences our rights or obligations, protects our legal interests or ensures operational continuity).
- Must be kept to satisfy legal, accounting, or other regulatory requirements.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

This policy explains the differences among records and disposable information.

### **Records**

A record is any type of information created, received, or transmitted in the transaction of business, regardless of physical format. Examples of where the various types of information are located include:

- Appointment books and calendars.
- Audio and video recordings.
- Computer programs.
- Contracts.
- Electronic files.
- Emails.
- Handwritten notes.
- Invoices.
- Letters and other correspondence.
- Memory in mobile phones and other mobile devices.
- Online postings, such as on Facebook, Twitter, Instagram, Slack, and other social media platforms and websites.
- Performance reviews.
- Voicemails.

Any records that hold Personal Data (any information which can be used to identify a living individual, e.g. name, address, telephone number, email) are to be considered part of the relevant category listed in the Records Retention Schedule contained in the Appendix to this policy and must be retained for the amount of time indicated in the Records Retention Schedule.

All records are to be considered and treated as confidential information and should not be disclosed to any third party (including police, courts or other investigatory bodies) without the permission of a Director and/or Privacy Officer.

A record should not be retained beyond the period indicated in the Record Retention Schedule, unless a valid business reason (or other situations, e.g. litigation) requires that is retained beyond the set period. If you are unsure whether to retain a certain record, contact the Privacy Officer.

### **Disposable Information**

Disposable information consists of data that may be discarded or deleted at the discretion of the user once it has served its temporary useful purpose and/or data that may be safely destroyed because it is not a record as defined by this policy. Examples include:

- Duplicates of originals (that have not been annotated).
- Preliminary drafts of letters, memoranda, reports, worksheets, and informal notes that do not represent significant steps or decisions in the preparation of an official record.
- Books, periodicals, manuals, training binders, and other printed materials obtained from sources outside of the company and retained primarily for reference purposes.
- Spam and junk mail.

### **Guidelines for destruction**

Each member of staff is responsible for the continuing process of identifying the records that have met their required retention period and supervising their destruction. The destruction of confidential, financial, and personnel-related records must be conducted by shredding if possible or may be outsourced to a reputable third party who provides record destruction services. Non-confidential records may be destroyed by recycling. The destruction of electronic records must be coordinated with the Privacy Officer.

The destruction of records must stop immediately upon notification from the Privacy Officer, a Director or on notice that the company may be involved in a lawsuit or an official investigation.

### **Breach of this policy**

Breach of this policy may result in disciplinary action up to and including dismissal. Any member of staff suspected of committing a breach of this policy will be required to co-operate with our investigation, which may involve handing over relevant passwords and login details.

You may be required to remove any social media content that we consider to constitute a breach of this policy. Failure to comply with such a request may in itself result in disciplinary action.

## **APPENDIX**

### **RECORD RETENTION SCHEDULE**

Employees should give special consideration to the categories of documents listed in the record retention schedule below. Avoid retaining a record if there is no business reason for doing so, and consult with the Privacy Officer if unsure.

RECORD	RETENTION PERIOD
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<b>Personnel Records</b>	
Benefits descriptions per employee	7 years
Employee applications and resumes	1 year
Employee offer letters (and other documentation regarding hiring, promotion, demotion, transfer, lay-off, termination or selection for training)	7 years from the date of termination
Records relating to background checks on employees	5 years from when the background check is conducted
Employment contracts; employment and termination agreements	7 years from the date of termination
Employee records with information on expenses and non-salaried pay	7 years
Hazardous material exposures	Indefinitely
Supplemental record for each occupational injury or illness	Indefinitely
Job descriptions, performance goals and reviews; garnishment records	7 years from the date of termination
Employee tax records	7 years from the date tax is due or paid
Medical exams	30 years from the termination of employment
Pension plan and retirement records	Indefinitely
<b>Payroll Records</b>	
Payroll registers (gross and net)	7 Years
<b>Corporate Records</b>	
Articles of Incorporation, Bylaws, Corporate Seal	Indefinitely
Annual corporate filings and reports to secretary of state and attorney general	Indefinitely
Board policies, resolutions, meeting minutes, and committee meeting minutes	Indefinitely
Contracts	14 years from the date of termination
Construction documents	Indefinitely
Emails (business related)	14 years
Fixed Asset Records	Indefinitely
Sales and purchase records	Indefinitely
Resolutions	Indefinitely
<b>Accounting and Finance</b>	
Accounts Payable and Receivables ledgers and schedules	7 years
Annual audit reports and financial statements	Permanent
Annual plans and budgets	7 years
Bank statements, cancelled checks, deposit slips	7 years
Business expense records	7 years
Electronic fund transfer documents	7 years
Employee expense reports	7 years
General ledgers	Indefinitely
Journal entries	7 years
Invoices	7 years
Petty cash vouchers	7 years

<b>Legal and Insurance Records</b>	
Appraisals	Indefinitely
Environmental studies	Indefinitely
Insurance claims/ applications	Indefinitely
Insurance contracts and policies	Indefinitely
Leases	7 years after termination
Patents, patent applications, supporting documents	Indefinitely
Real estate documents (including loan and mortgage contracts, deeds)	Indefinitely
Stock and bond records	Indefinitely
Trade mark registrations, evidence of use documents	Indefinitely
Warranties	Duration of warranty + 7 years

## **31) Whistleblowing Policy**

### **Introduction**

M.V. Kelly Ltd is committed to the highest standards of openness, integrity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Company to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Company has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Company nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the Company.

### **Scope of policy**

This policy is designed to enable employees of the Company to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

## **SAFEGUARDS**

### **Protection**

This policy is designed to offer protection to those employees of the Company who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### **Confidentiality**

The Company will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### **Anonymous Allegations**

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

### **Untrue Allegations**

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

### **Procedures for making a disclosure**

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the appropriate Director unless the complaint is against the Director or is in any way related to the actions of the



Director. In such cases, the complaint should be passed to the Managing Director or a Main Board Director for referral.

- In the case of a complaint, which is any way connected with but not against the Director, the Managing Director will nominate a Senior Manager to act as the alternative investigating officer.
- Complaints against the Managing Director/ Main Board Director should be passed to the Owners who will nominate an appropriate investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Owners who have the right to refer the complaint back to management if they feel that the management without any conflict of interest can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

- Tianna Thomas (Human Resources)
- Emma Harris (Intercompany Accountant)

If there is evidence of criminal activity, then the investigating officer should inform the police.

The Company will ensure that any internal investigation does not hinder a formal police investigation.

### **Timescales**

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations. The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

### **Investigating procedure**

The investigating officer should follow these steps:

Full details and clarifications of the complaint should be obtained.

- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the Company auditors and the Police at this stage and should consult with the Board of Directors/ Managing Director or Owners as appropriate.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Board of Directors/ Managing Director or Owners as appropriate.
- The Board of Directors/ Managing Director or Owners will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures.

- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Company Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Board of Directors/ Managing Director or Owners, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Company recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

Employees can find more information on whistleblowing at

<https://www.gov.uk/whistleblowing>

## **32) Disciplinary Policy**

### **Purpose and scope**

This Policy is intended to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for everyone in the Company.

### **Principles**

Many potential disciplinary issues can be resolved informally, and informal action will be considered, where appropriate, to resolve problems.

Where this is not possible or has been exhausted the company will deal with issues fairly and promptly. No disciplinary action will be taken against an employee until the case has been fully investigated.

For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

### **Employee's with less than two years' service**

The Company reserves the right not to apply this disciplinary procedure to any employee who has less than two years continuous service. For the absolute avoidance of doubt this is non-contractual for any employee with less than two years' service.

## **Procedure**

When informal action has been exhausted, we will move on to the formal procedure.

### **First stage of formal procedure**

This will normally be either:

- an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 12 months, but will then be considered spent – subject to achieving and sustaining satisfactory performance

**or**

- a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (usually 12 months).

### **Final Written Warning**

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be retained but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

### **Dismissal or other sanction**

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer. Dismissal decisions can only be taken by the appropriate senior manager, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. Any change to pay and benefits (without compensation) will be notified in writing. A copy of the written warning will be retained but will be disregarded for disciplinary purposes after 12 months subject to achievement and sustenance of satisfactory conduct or performance.

### **Gross Misconduct**

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of the Company's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- Gross negligence
- bringing the Company into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of the data protection regulations
- Breaches of the Equal Opportunities Policy
- a serious breach of confidence.

This is not an exhaustive list. If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the company is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

### **Appeals**

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The senior manager will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

## **33) *Grievance Procedure***

### **Dealing with grievances informally**

If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.

Although it may not be possible to solve all problems to everyone's complete satisfaction, this policy forms an undertaking by the Company that it will deal objectively and

constructively with all employee grievances, and that anyone who decides to use the procedure may do so with the confidence that their problem will be dealt with fairly.

This grievance procedure is not a substitute for good day-to-day communication in the Company where we encourage employees to discuss and resolve daily working issues in a supportive atmosphere. Many problems can be solved on an informal footing very satisfactorily if all employees are prepared to keep the channels of communication between themselves open and working well. This procedure is designed to deal with those issues that need to be approached on a more formal basis so that every route to a satisfactory solution can be explored and so that any decisions reached are binding and long lasting.

This grievance procedure is entirely non-contractual and does not form part of an employee's contract of employment.

### **Formal grievance**

If the matter is serious and/or you wish to raise the matter formally you should set out the grievance, without delay, in writing to your manager. You should stick to the facts and avoid language that is insulting or abusive.

Where your grievance is against your manager and you feel unable to approach him or her you should talk to another manager or the owner.

### **Grievance hearing**

Your manager will call you to a meeting, normally within five days, to discuss your grievance. You have the right to be accompanied by a colleague, a trade union representative or an official employed by a trade union, at this meeting if you make a reasonable request. After the meeting the manager will give you a decision in writing, normally within 48 hours.

If it is necessary to gather further information before making a decision your manager will inform you of this and the likely timescale involved.

### **Appeal**

If you are unhappy with your manager's decision and you wish to appeal you should let your manager know.

You will be invited to an appeal meeting, normally within five days, and your appeal will be heard by a more senior manager (or a Company Director). You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

After the meeting the manager (or owner) will give you a decision, normally within 48 hours. The manager's (or directors) decision is final.

## **34) *Bribery Policy***

### **Overview**

M.V. Kelly Limited is a civil engineering and building company specialising in infrastructure, groundworks and associated services. This policy applies to all persons working for or on

behalf of M.V. Kelly Limited in any capacity. This includes but is not limited to all employees, associates and third parties working for M.V. Kelly Ltd.

The Company has a zero-tolerance approach towards bribery and corruption, it is company policy to conduct all our business dealings in an honest and ethical manner.

### **M.V. Kelly Ltd Approach**

We will -

- Ensure compliance with anti-bribery laws, rules and regulations.
- Equip employees and any persons associated with the Company with the information & training to understand the risks associated with bribery and encourage them to be vigilant and effectively recognise, prevent and report any wrongdoing, whether by themselves or others.
- Provide suitable and secure reporting and communication channels and ensure that information is properly and effectively dealt with.
- Create and maintain a vigorous framework for dealing with any suspected instances of corruption or bribery.

It is illegal to -

- Offer, promise or give a financial reward or other advantage (i.e. bribe a person) with the intention of inducing or rewarding improper conduct.
- Request, agree to receive or accept a financial or other advantage (i.e. receive a bribe) for or in relation to improper conduct.
- Bribe a foreign public official.
- Bribe another person in the course of doing business intending either to obtain or retain business, or to obtain or retain an advantage in the conduct of business for the company. The Company can be liable for this offence where it has failed to prevent such bribery (unlimited fine).

Employees, sub-contractors, self-employed persons or other associated persons are required to -

- Comply with any anti-bribery and anti-corruption legislation that applies in any jurisdiction in any part of the world in which they might be expected to conduct business.
- Act honestly, responsibly and with integrity.
- Safeguard and uphold the Company's core values by operating in an ethical, professional and lawful manner at all times.

As a commercial business we understand the need to uphold good relationships within the sector and individuals must apply knowledge, common sense and correct behavior when developing good relationships with clients. Reasonable hospitality aimed at meeting, networking and improving relationships with customers is a normal part of business and we will not penalise this, hospitality will be proportionate and reasonable.

### **Reporting action**

You must immediately disclose to your line manager or a Director any knowledge or suspicion you may have that you, or anyone working for or on behalf of M.V. Kelly Ltd in any capacity, has plans to offer, promise or give a bribe or to request, agree to receive or accept a bribe in connection with the business of the Company. For the avoidance of doubt this includes reporting your own wrongdoing. You may choose to refer to the Whistleblowing Policy.

Be vigilant and report any unlawful conduct, suspicions or concerns promptly. The company will act in confidence and support anyone who raises a genuine concern in good faith under this policy even if it turns out to be mistaken. Under no circumstances will the Company accept

bribery (actual or attempted) hence there is no need for a transaction to have actually been completed.

Any breach of this policy by an employee will be dealt with in accordance with the Company's disciplinary procedure and may be considered an act of Gross Misconduct. For non-employees a breach of this policy could lead to the suspension or termination of any contract, subcontract or other agreement.

Bribery is a serious offence for which you can be held personally responsible. If found guilty there are severe penalties including imprisonment for a term not exceeding 12 months on summary conviction, or to a fine not exceeding the statutory maximum or to both. For conviction on indictment the penalty is imprisonment for a term not exceeding 10 years, or a fine or both.

### **Implementation**

The Board of Directors has overall responsibility for ensuring that this policy complies with legal obligations and that employees and associates comply. In the event of any difficulty in implementing this policy, the matter should be referred to one of the Directors who will take immediate action.

This statement of company policy will be made available to all interested parties on request.

## **35) Gifts & Hospitality Policy**

### **Statement of policy**

The purpose of this policy is to ensure that staff and other representatives of M.V. Kelly Ltd understand the Company rules regarding gifts and hospitality and ensures that ethical business practices are followed in relation to gifts and hospitality. It may be read in conjunction with the Expenses Policy and Bribery Policy.

From time to time, employees may be offered gifts or hospitality by M.V. Kelly Ltd customers or business associates. Similarly, an employee may wish on behalf of the company to offer gifts or hospitality to MV Kelly Ltd customers or business associates. A gift is given *without the expectation* of receiving anything in return and may include hospitality or services.

Employees must not ever make improper use of their position within M.V. Kelly Ltd to request or obtain gifts and/ or favours from any individual or company that currently does or may wish to do business with the Company. This policy applies even if the gift or hospitality is offered outside of the workplace and applies whether the employee is a potential donor or recipient.

### **Gifts & hospitality**

It is important that gifts or hospitality are not allowed to influence or be perceived by others to have influenced a business decision. Any gifts/ hospitality must be managed openly to avoid any claims of bribery.

For the purpose of this policy, gifts include (but are not exclusive to) items such as bottles of wine, hampers, building materials and/or services, branded gifts and gift vouchers.

For the purpose of this policy, hospitality includes (but is not exclusive to) meals, overnight stays, and sporting events (e.g. golf days, rugby, cricket and football matches).

Employees should consult with their line manager prior to accepting any offer of a gift. If an employee feels that a gift would be significantly more generous than anything M.V. Kelly Ltd would be likely to provide then as a general principal, these gifts or hospitality should be

declined. Cash gift offers or equivalent such as vouchers, will usually be declined as it is unlikely that this would be considered a gift within the terms of this policy.

If the employee or the line manager considers that the gift might constitute a bribe or other inducement, the gift will be returned to the sender together with a suitable letter explaining the company's policy and asking that this Policy be respected in future. Our underlying principle is that gifts/ hospitality must not be solicited or given in return for our service.

### **Promotional gifts**

This policy does not apply to promotional gifts, such as stationery, pens or mugs that have the logo or company name of another organisation, provided that these have minimal significant value. These items should be shared amongst other employees where appropriate. Note that a Director or member of the Senior Management Team may decide that a gift(s) should be divided amongst team members, offered as an incentive prize or saved as a charity donation prize/ used to raise funds for charities.

### **Offering gifts or hospitality on behalf of M.V. Kelly Ltd**

To maintain good relations, some employees may offer gifts or hospitality to third parties provided that it is appropriate to M.V. Kelly Ltd business interests and not intended to induce improper conduct or decisions.

When making these offers, employees should be confident that these gifts or events are offered in the interests of good business relationships and are not being offered with any expectation of receiving anything in return.

Any employee who has concerns that a gift or hospitality has been offered with an expectation of something in return (a bribe), should refer to the Bribery Policy.

### **Non-compliance with M.V. Kelly Ltd Policy**

Failure to comply with the Company policy on gifts and hospitality may be considered to be a disciplinary matter and subject to the disciplinary procedure. Failure to comply includes accepting gifts or hospitality of any value without declaring them to the company, accepting gifts or hospitality (including building materials and services) above an acceptable value, or offering gifts or hospitality that is given in the company's interests.

## **36) *Expenses Policy***

### **Statement of policy**

The purpose of this policy is to ensure that staff are reimbursed for all expenditure reasonably incurred in the performance of their duty. This policy sets out the procedure for claiming expenses at M.V. Kelly Ltd.

Only expenses which have been pre-authorised (in principle) will be paid. Expenses should be submitted monthly or as soon as possible after they have been incurred for one off claims, using the relevant Expense Claim form stored in the HR Folder.

All claims should be accompanied by original receipts which should be a VAT receipt when required.

### **Travel**



Employees who receive any form of expense or payment in relation to cars should refer to the Car Policy. Should there be a requirement to travel by rail then tickets should if possible be booked by the Company. If this is not possible and you have to book rail tickets we will not pay First Class unless this has been expressly authorised by a Director.

Reasonable car parking expenses incurred whilst on business will be paid. Toll/ Congestion Charges will only be paid where the level of the expense outweighs alternative routes/ travel options.

Fines in relation to driving/ parking offences must be paid by the individual promptly. If the Company has to pay on behalf of an employee (due to lease agreements etc) then we will deduct from the employee in accordance with our statement on lawful deduction from wages. We will not cover parking fines/ fines in relation to driving offences no matter how or when they are incurred.

### **Overnight Accommodation**

When incurred as a business expense, overnight accommodation which has been authorised should be paid by the Company in advance. If an employee has to incur the expense they must ensure it has been preauthorised and submit an expense form with accompanying receipts.

### **Hospitality and entertainment**

M.V. Kelly recognises that it is necessary to provide business hospitality. Authorised employees who are required to entertain clients on behalf of the Company or otherwise to incur expenses on the Company's behalf can do so. Where possible events will be paid by the Company in advance; any expenses incurred must be claimed on the expense claim form, supported by receipts.

### **Subscriptions to professional organisations**

The Company will only pay subscriptions in exceptional circumstances and employees should be aware that there may be a taxable benefit to consider. These will only be paid with the express permission of a Director.

### **General**

All expense claims must be authorised by your line manager who will ensure that they are satisfied with it or reject it/ return it for correction prior to you submitting it to the Finance Department.

The Finance Department will ensure expense claims meet our internal procedure criteria and are responsible for confirming authorisation and processing.

Any queries will be referred to the Finance Director

## **37) Study Policy**

### **Policy Statement**

MV Kelly Ltd recognises a joint interest in providing support to employees seeking to acquire appropriate development and professional qualifications.

The purpose of these guidelines is to promote employee development and the attainment of high professional standards throughout the company.

The Company may request some employees to consider undertaking training to enhance their performance or role. Alternatively, employees may request financial support and/ or time off work for study or training providing that it is for the purpose of improving effectiveness at work and the performance of our business. This is not an automatic entitlement. Employees must have provided evidence of initial and continuing commitment to any agreed course of study, their own satisfactory work performance and how training will meet the needs of the business.

The amount of time given off work to attend courses, prepare for and sit first attempt examinations is at the discretion of the employee's line manager and department Director.

Generally, you will be given the time to attend the training, day release etc. at full pay but additional study should be completed in your own time. You will be allowed time off work for exams, but additional preparation / revision is expected to be completed in your own time. For example, if you wish to spend the morning revising for an afternoon exam, we expect you to book a half day as holiday.

### **Reimbursement of fees and costs**

The Company may reimburse authorised courses, tuition, books and examination fees up to an agreed amount. Any costs exceeding these will only be reimbursed in exceptional circumstances. . If payment has been met by the employee rather than the Company any claims for payment must be accompanied by authorised receipts or invoices.

The employee is generally responsible for any travelling expenses incurred in connection with their study. Any examination resit costs must be paid by the employee

Employees supported by the Company will be asked to sign a Training Fee's Agreement which will allow for costs to be reimbursed to the Company in the event of the employee leaving the Company during the course or within a specified period of time following completion of the course.

### **Procedure**

Employees wishing to request study leave must do so to their Line Manager. Unless the request can be granted without requiring further information, the employees manager should meet with the employee within 28 days of receiving the request to discuss details of the study and agree whether their request will or will not be put forward to the relevant Director. The Director will then review the application with the line manager and make a decision on whether to authorise the study or not.

Should an employee be unhappy with the decision then an appeal may be made to the Managing Director in writing within 14 days to ask them to review the decision. The decision of the Managing Director is final.

## **38) Employee Referral Policy**

### **Policy Statement**

At M.V. Kelly Ltd we recognise that people are our most important resource and are the foundation on which we have built our success. That is why we are always on the lookout for more talented and committed people like you. If you already work with us as a directly employed member of staff and have a friend, family member or ex-colleague who you think would fit in with our culture and work ethos and work here then you may be able to make that happen. You may also qualify for a bonus for it too.

### **Eligibility for Referral Bonus**

You must be currently employed by M.V. Kelly Ltd as a PAYE employee. This policy does not apply to consultants, self employed, sub contractors and so on. You must advise the HR Department of the person that you are referring prior to their application. Their application may then come via you or direct to the HR Department. If the applicant is making their application directly they should refer to you/ advise us of your name.

To qualify for a bonus your referral;

- Must be successful in the recruitment process;
- Be directly employed (i.e. not self employed/ sub contractor etc);
- Commence employment within 3 months following the date of the referral;
- Remain employed and not under notice of termination three months after their start date;
- Not be subject to disciplinary or performance management proceedings;
- You must also remain employed and not under notice of termination/ disciplinary proceedings.

### **Procedures/ Rules**

We will only undertake interviews with referred candidates who meet our required needs and will only offer jobs to the best candidate irrespective of referral.

There is no limit to the number of bonuses you are able to achieve for successful genuine referrals. If you are referring from a previous employer please ensure that there is no restriction on you being able to do this.

Previous employees of M.V. Kelly Ltd cannot be referred under the scheme.

Only referrals for permanent PAYE staff will be able to attract a bonus. A bonus will not be payable if the candidate has previously made an application to M.V. Kelly Ltd within the last 12 months.

The bonus payable is £750 net and will be paid via salary in the next available pay period when the qualifying terms have been achieved.

Overall responsibility for the policy lies with the Human Resources Director. M.V. Kelly Ltd reserves the right to withdraw or modify this policy at any time.

## **Employee's Acknowledgement of Receipt & Understanding**

### **STATEMENT OF EMPLOYEE**

I have read the Employee Handbook and understand and accept its content as forming part of my Contract of Employment.

I will keep myself informed of its contents

Employee Name - Print: \_\_\_\_\_

Employee signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please return this signed form to the Human Resources Department