

M.V. KELLY LTD

Civil Engineering & Building Contractors

Employee Handbook – Groundwork Apprentice



“Our success is down to our people”



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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

Wages 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. Wages 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.

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) Equal Opportunities & Diversity Policy

M.V. Kelly Limited is a civil engineering and building company specialising in infrastructure, groundworks and associated services. The Company is an equal opportunities employer, committed to encouraging equality, diversity and inclusion among our workforce, and eliminating unlawful discrimination. The company, through the course of our operations is also committed against unlawful discrimination of clients, customers or the public.

The policy's purpose is to:

- provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time
- not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil

- partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex and sexual orientation
- oppose and avoid all forms of unlawful discrimination. This includes in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities

The organisation commits to:

- Encourage equality, diversity and inclusion in the workplace as they are good practice and make business sense
- 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.

This commitment includes training managers and all other employees about their rights and responsibilities under the equality, diversity and inclusion policy. Responsibilities include staff conducting themselves to help the company provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.

All staff should understand they, as well as their employer, 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

- Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others in the course of the company's work activities.

Such acts will be dealt with as misconduct under the organisation's grievance and/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. 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.

- Make 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.
- Decisions concerning staff being based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).
- Review employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law.

The equality, diversity and inclusion policy is fully supported by senior management.

Details of the company's grievance and disciplinary policies and procedures can be found in the Employee Handbook.

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.

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) Modern Slavery Policy

Policy Statement

Modern slavery is a crime resulting in an abhorrent abuse of the human rights of vulnerable workers. It can take various forms, such as slavery, servitude, forced or compulsory labour and human trafficking. M.V. Kelly Ltd is committed to understanding modern slavery risks. The Company has a zero tolerance approach to modern slavery and is committed to acting ethically and with integrity and transparency in all of its business dealings and relationships and to implementing and enforcing effective systems and controls to ensure that modern slavery and human trafficking are not taking place anywhere within either its own business or in its supply chain, consistent with its obligations under the Modern Slavery Act 2015. The Company also expects the same high standards from all its suppliers, contractors and other business partners and, as part of its contracting processes, it includes specific prohibitions against the use of modern slavery and expects that its suppliers will in turn hold their own suppliers to the same standards.

Identifying potential victims of modern slavery can be a challenge because the crime can manifest itself in many different ways. There is a spectrum of abuse and it is not always clear at what point, for example, poor working practices and lack of health and safety awareness have become instances of human trafficking, slavery or forced labour in a work environment. In addition, some suppliers may go to great lengths to hide the fact that they are using slave labour. However, the Company accepts that it has a responsibility through its due diligence processes to ensure that workers are not being exploited, that they are safe and that relevant employment, health and safety and human rights laws and standards are being adhered to

This policy applies to all individuals working for the Company or on the Company's behalf in any capacity

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.

The board of directors has responsibility for implementing this policy, monitoring its use and effectiveness and auditing internal control systems and policies and procedures to ensure they are effective in preventing or remediating the risk of modern slavery.

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

Line managers are responsible for ensuring that those reporting to them understand and comply with this policy.

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.

If you believe or suspect that a breach of, or conflict with this policy has occurred or may

occur, you must notify your line manager or report it to a Director. 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. You can also contact the government's Modern Slavery Helpline on **08000 121 700** for further information and guidance on modern slavery or report any concerns on modernslavery.co.uk the modern slavery website.

The Company encourages openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken. Adequate protection will be provided for whistle-blowers as assured in our Whistleblowing Policy. 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 business 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 into new or renewed contracts with them.

Breach of the 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.

4) Drugs & Alcohol Policy

Purpose

This Policy is designed to help protect workers and the general public who may be affected by our operations, from the dangers of alcohol, drug and other substance misuse and to encourage those with an alcohol, drugs or other substance problem to seek help.

M.V Kelly Ltd is committed to providing a safe, healthy and productive working environment and to protecting its employees, associates and third parties from the risks associated with the use and misuse of alcohol and drugs. 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 problems will be dealt with confidentially (subject to the provisions of the law).

Scope

This Policy applies to all persons 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 “relevant persons”. It applies at any location which a relevant person 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, shift work, breaks/rest periods 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 will be applied equally, regardless of position.

Definitions

For the purposes of this policy the following definitions apply:

Unfit for duty through drug or alcohol misuse - A person has drugs or alcohol in their body at a level that would cause them to test positive in the Company’s drugs or alcohol test.

Dismissal - Termination of employment.

Drug - Any substance that affects the way in which the body functions physically, emotionally or mentally. This includes, but is not limited to, solvents, over-the-counter and prescribed medicines, nootropics, new legal highs and illegal substances.

Alcohol - Refers to any beverage that contains ethyl alcohol including but not limited to beer, wine, pre-mix drinks and other spirits.

Employee - A person directly employed by M.V. Kelly Ltd.

Incident - Unplanned, uncontrolled event which could have resulted in or did result in death, ill health, injury or other loss, including commercial loss, damage to reputation and so on.

Safety-critical - Refers to tasks or activities that have the potential to import risk onto the Company’s premises or vehicles.

Laboratory - A testing facility accredited to UKAS 17025 standards where the sample collected is analysed to screen and/or confirm the presence of a specific drug or its metabolite(s).

RULES

- No relevant person may report for work while unfit to do so through the use or misuse of drugs or alcohol.
- No relevant person may possess (unless for legitimate medical reasons), sell or give away drugs or alcohol whilst at work or during working hours.
- No relevant person may consume drugs (unless for legitimate medical reasons) or alcohol whilst at work or during working hours.
- Relevant persons cannot store alcohol or drugs within works areas or work premises, excluding prescribed drugs for a current condition which need to be taken during work time and stored securely.
- No relevant person 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.
- Relevant persons involved in Court proceedings arising from a drug or alcohol related offence must report the matter immediately to their Line Manager.

- Relevant persons 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.
- Nothing in this policy or its application shall be construed so as to prevent or inhibit the law.

Communication, education and training

The Policy will be communicated to all relevant persons 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.

Relevant persons 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

Assistance with dependency issues

Where a relevant person seeks assistance from M.V. Kelly Ltd for a drug or alcohol dependency problem and M.V. Kelly Ltd acknowledges this problem to exist, M.V. Kelly Ltd will treat the problem as a medical condition and offer the relevant person assistance/ advice with rehabilitation. Early identification and treatment is important.

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

Management support

The company understands that managers may from time to time be unsure how best to deal with substance misuse incidents. The company provides managers and supervisors with Director level support and guidance to assist them in dealing with these issues in a sensitive and professional manner. Professional help will be sought when required.

Support

We actively encourage individuals to seek support from the Company, however relevant persons may from time to time have concerns relating to drug or alcohol misuse that they

feel they are unable to discuss with the company. The company provides the following support resources;

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

The programme;

- 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 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 (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.

Control measures

Testing

All relevant persons 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.

A process will be used to maintain and document the chronological history of a sample in order to guarantee the identity and integrity of the sample from collection through to the test result.

Circumstances for testing

Reasonable suspicion – Whenever a manager, supervisor or other Company official has reasonable cause to suspect that a relevant person has misused drugs or alcohol and is unfit to continue working, then a reasonable suspicion test may be instigated. Observations will be documented and such documentation shall be kept in a confidential file.

Post incident – Drug and alcohol testing of relevant persons 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 between 15-20% of all relevant persons each year on an unannounced random basis. M.V. Kelly Ltd will provide the third-party testing agency with selected sites, including offices, to test 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.

Rehabilitation & Follow up – As part of a rehabilitation programme, the Company may require the relevant person to consent to a series of drug and alcohol tests, some of which may be unannounced. These tests will be used to monitor the relevant persons progress during and following rehabilitation. The cost of any further tests will be met by the Company.

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.

Relevant persons may be requested to leave 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 for employees. For other relevant persons the Company may review the current work arrangements. However, we understand that there may be sensitive reasons to refuse a test. It is not an immediate assumption that the individual may have a positive test result. We would require some substantive and genuine reason for refusal to undertake a test and we would consider all information provided.

Positive Results of Testing

Drugs – A laboratory confirmed positive drug test result will be recorded if a drug is detected in the donor's sample for which no legitimate explanation, medical or otherwise, can be found. A relevant person will be in breach of this policy if they receive a laboratory confirmed positive drug test result.

Alcohol – A positive alcohol test result will be recorded if alcohol is detected in the donor's breath sample at a concentration equal to or above 22 micrograms of alcohol per 100 millilitres of breath in two consecutive breath tests. A relevant person will be in breach of this policy if they receive a positive alcohol test result.

Action following a positive test result

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

Employees:

Where employees have received a positive result, we will refer to our Disciplinary Policy. Where an alcohol or drugs problem is a factor (through testing, misconduct or performance) we will deal with this on an informal basis initially.

Line Managers will consider whether an employee should be removed from their place of work following a positive test, seeking the advice of the safety team when required.

We may agree to suspend disciplinary action in cases of misconduct, where alcohol or drugs are a problem, on condition that the employee follows a suitable course of action. Where gross misconduct is involved, an alcohol or drugs problem may be taken into account in determining disciplinary action.

Individuals will 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 of time.

Employees 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 and discussed in the event of a failure. Employees are expected to comply reasonably with the management of his/ her condition.

Some employees are essential car users and drive for work, others use cars to get to and from work. We aim to assist employee's, but we would always have to look at individual circumstances. Whilst the Company aims to support individuals, we must consider the impact of misuse on others. Individuals with benefits under the Car policy may have these suspended or removed. Other drivers may have conditions placed on them during periods of rehabilitation such as only using public transport.

Individuals will be allowed a second course of treatment in the cases of relapse.

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

Other relevant persons

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

People other than employees may be removed from company premises/ sites and prevented from undertaking any work for the company in the future. Relevant persons 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.

First time breaches may be dealt with more informally and an opportunity for treatment and rehabilitation to take place will normally be given. Due to the nature of work, relevant persons may be unable to undertake work for the Company during this period. The company are unable to financially support time off or rehabilitation for non-employed persons.

The company will review each case and make a decision as to whether an individual is removed from site and for what length of time, depending on the tasks being completed. This decision will be made by the site management team with support from the SHE Advisor.

Medication

Many medicines obtained with or without prescription can affect performance at work. These include, but are not limited to, tranquillizers, anti-depressants, painkillers, sleeping pills, some antihistamines, nootropics, and some medicines for cough, colds and indigestion.

All relevant persons undertaking safety-critical tasks must ascertain if they are taking drugs which may affect their work performance. If so, they should declare the use of the medication at the company induction through the Medical History Questionnaire. If medication is prescribed to the person after an induction, this must be reported to their Line Manager or a suitable Company Manager before undertaking such safety critical tasks, so that the Company can ascertain the effects and decide how best to manage those effects.

All discussions with individuals regarding medical information are strictly confidential subject to the provisions of the law.

Searches

The Company reserves the right to search relevant persons or any of their property held on Company premises at any time if there are reasonable grounds to believe that the prohibitions on alcohol or drugs are being or have been infringed.

If the relevant person refuses to comply with a reasonable search, the Company may draw such inferences as it sees fit from such refusal and that refusal may be treated as amounting

to gross misconduct and entitling the Company to take disciplinary action for employees or suitable action for non-employees.

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 relevant persons 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.

Review

This Policy has the support of the Board of Directors and worker representatives have been consulted. The policy will be kept under regular review to evaluate its effectiveness.

Contact details for help and guidance

- Employee Assistance Program
- Talk to your Line Manager, or a suitable manager such as a Foreman or Contracts Manager.
- Contact the HR Department – email MVKHR@mvkelly.co.uk or call 0121 708 5010.
- Talk to Frank; a national helpline that offers free confidential advice and information about drugs 0300 1236600 or talktofrank.com
- Release; a confidential helpline offering advice on drug use and legal issues 0845 4500 215.
- Drinkaware; offers confidential advice, support and information for people with alcohol problems and their families, friends and carers. 0300 123 1110 (Weekdays 9am–8pm, Weekends – 11am – 4pm) or www.drinkaware.co.uk which has a chat option too.
- Alcohol Change; Call Drinkline 020 3907 8480 or visit the website at www.alcoholchange.org.uk
- Adfam provides support to people working with family members who are affected by drugs and alcohol www.adfam.org.uk
- Alcoholics Anonymous; Offers help and advice to overcome drinking problems. 0800 9177 650 or visit the website at www.alcoholics-anonymous.org.uk.
- Narcotics Anonymous; <https://ukna.org/>. Offers on line and regular local meetings to help individuals remove their dependency from drugs. 0300 999 1212

- Betel.uk – Christian addiction residential centres. Free to enter subject to acceptance via admissions. Admissions only accepted when individuals want to attend themselves not being forced to attending. Usually, an 18 month minimum residential - 01564 822356.

5) Annual Leave Policy

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

You will receive a paid annual leave entitlement of 28 working days during each complete holiday year, including 8 Bank Holidays (28 days annual leave). This will be calculated pro rata for employees who start employment part way through the holiday year.

The Company reserves the right to require that you take (or do not take) any unused holiday entitlement during any period of notice, regardless of by who notice was given. If on termination of your employment the Company has not exercised this right, you will be paid a sum equivalent to the value of any unused holiday (less tax and NI). This will be calculated on a pro-rata basis. If you have exceeded your holiday entitlement for the period worked a deduction will be made, and employees have agreed to this by accepting the terms of this policy.

Where booked holidays coincide with sickness absence, the absence will be treated as holiday and not sickness absence unless the sickness was notified to us and a satisfactory sick note signed by a general practitioner has been provided.

Specific conditions applying to your annual holiday entitlement

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 1/260th 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 1/260th 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.

The company shuts down for the Christmas period and this must be taken as annual leave. The number of days to be taken will be announced as early as possible each year. The remaining holidays may be taken at any time during the annual leave year subject to the prior agreement of your foreman and notification to the Payroll Department.

No holiday may be carried over to the next holiday year.

Paid/Unpaid Leave

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

Employees on paid leave for whatever reason will continue to accrue annual leave entitlement throughout the period.

If on termination of employment, holiday has been taken which has not been earned pro-rata in the holiday year, the appropriate payments will be deducted from final wages/salary and employees consent to such a deduction.

This is an express written term of the Company contract of employment in compliance with Section 13 Employment Rights Act 1996.

Holiday Booking Procedure

Do not book annual leave during your college dates. You must check if the dates you would like for holiday are suitable with your foreman, if they are you must ring the Payroll Department to authorise the holiday. You must not make any reservations/firm plans until holiday has been authorised.

Holidays 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. Because of this, employees are requested not to make any firm holiday plans until their request has been approved. The Company will not be liable for any losses sustained by individuals as a result of holidays booked before requests have been approved.

Generally, two weeks period of notice is required of an employee's intention to take holidays of more than one day. For holidays of one day only, one weeks' notice is required. We will always try and be flexible.

The maximum holiday duration is two weeks taken at any one time. Requests for holidays of longer than two weeks duration should be submitted in writing to the Human Resources Director.

Each request will be considered on its own merits and written approval or refusal will be made.

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 to what work they do. Therefore, we will offer holiday and/or unpaid leave to the majority of staff. Certain staff will receive additional training to enable them to cover/assist other positions so that in the event that they cannot do their normal duties they will still be able to 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.

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 your line manager.

Time off will also be granted in accordance with any prevailing legislation for Maternity and Parental Leave, Adoption Leave and Paternity Leave. If you have any queries about any of these please contact the HR department.

6) Absence Policy

Notification Procedure

Good communication is essential, we understand that everyone will be ill at some point in their working life but you must follow our rules on how to report it.

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-certification 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 if you are running late to advise 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 divided 5 x 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.

Statutory Sick Pay

You will be paid at the current rates of statutory pay. If you are sick for four or more consecutive days, you will be paid Statutory Sick Pay (SSP) by us, provided you meet the criteria in the SSP Regulations, subject to your compliance with their obligations relating to notification.

SSP is treated like wages and is subject to Income Tax deductions and National Insurance contributions. SSP is paid at current statutory rates (details available from Payroll Department) and is paid for a maximum 28 weeks.

You are only entitled to SSP on qualifying days; these are days on which you 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.

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 their GP for reports.

Any question regarding this policy should be referred to the Human Resources Department.

7) Time off for Dependants

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

www.acas.org.uk

10) 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 11th 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 15th 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

www.acas.org.uk

11) 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 25th 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 15th 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 15th 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 15th week before the expected week of childbirth, two weeks of paternity leave will be at full pay.

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.

12) 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.

13) 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

www.acas.org.uk

14) 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

www.acas.org.uk

15) 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.

16) 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.

17) 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

18) 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.

19) 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.

20) 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.

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.

21) 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.

22) 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.

23) 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.

24) 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.

25) 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

26) 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 it be 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 cooperate 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
Personnel Records	

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
Payroll Records	
Payroll registers (gross and net)	7 Years
Corporate Records	
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
Accounting and Finance	
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
Legal and Insurance Records	
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

27) 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>

28) 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.

29) 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.

30) *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.

31) *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

32) 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