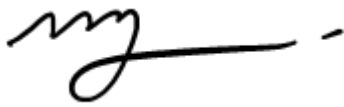


AGL Staff Disciplinary Policy

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Scope

This policy applies to all employees and workers at Apprentify Group Limited and all its subsidiaries.

Purpose

We expect our employees to meet high standards of conduct. Minor departures from our standards may be dealt with informally to avoid the need to engage this procedure. Nevertheless, we recognise that there will be occasions when informal action is not appropriate and, in such cases, this policy will be implemented.

This policy does not form part of employees' contract of employment and may be altered or amended at the absolute discretion of Apprentify Group Limited (AGL). We may start this procedure at any stage. We may, at our absolute discretion, use an external third party to carry out any part or parts of this procedure.

AGL's aim is to encourage improvement in individual conduct or behaviour where this falls short of required standards. This procedure sets out the action to take when the conduct of an employee is unsatisfactory.

In those cases where an employee is subject to disciplinary action:

- Every attempt will be made to establish the facts quickly and to investigate the matter fully.
- Before any disciplinary penalty (except an informal warning) is imposed the employee will be advised of the nature of the complaint and be given the opportunity to state their case, represented or accompanied by a union representative or colleague.
- The employee will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
- The employee has a right to appeal against any formal disciplinary action, including dismissal, taken against them.

The separate capability policy should be initiated for a reason related to their performance or capability for performing work of the kind which the member concerned is employed to do. The term 'capability' means capability assessed by reference to skill, aptitude, health, or any other physical or mental quality. Advice should be sought from the local HR representative if it is unclear which procedure is appropriate.

Before commencing formal disciplinary action (except in the case of gross or other serious misconduct), the individual's line manager will where appropriate make efforts to resolve the matter by informal discussion with the employee.

What we expect from our colleagues

- To comply with AGL's rules, policies and procedures at all times
- To carry out their job to the rules and standards expected in their role
- To maintain effective and professional work relationships and treat all individuals with dignity and respect
- To clarify expectations, behaviours and rules with their line manager if they are unsure about them
- To co-operate if they are asked to be involved with a disciplinary case
- To co-operate with those dealing with a potential disciplinary case concerning them
- To treat those dealing with a disciplinary case with courtesy and respect at all times

What can be expected from AGL

- To treat disciplinary matters fairly, consistently and reasonably across AGL.
- To act promptly when potential disciplinary matters come to light.
- To deal with minor conduct issues informally, using resolution-based methods where possible and appropriate.
- To investigate the facts as may be appropriate before taking action under the formal parts of this procedure.
- To advise employees in writing at all stages of the formal procedure of the nature of the complaint and give them the opportunity to state their case, present any evidence, witnesses and mitigating factors before a decision is reached.
- The right to be accompanied by a 'companion' (as defined by the ACAS Code of Practice) – an AGL work colleague or accredited trade union representative – at each stage of the procedure except the informal stage
- For the meeting to be rearranged (on one occasion) if the employee or their companion cannot attend a disciplinary hearing for a reason that was not reasonably foreseeable at the time the meeting was arranged
- To have the right of appeal against disciplinary penalties awarded
- To be treated with courtesy and respect at all times throughout their case
- To be given reasonable notice of any disciplinary hearing with hearings taking place at a reasonable time and location. All parties must take all reasonable steps to attend meetings punctually
- To record all cases of disciplinary action taken under these procedures and to supply on request to copies of any such records held which relate to the individual employee.

What we expect from AGL's managers

- Set an example to all staff through their own conduct and behaviour
- Reinforce clear standards for the conduct of all staff that they manage and provide appropriate feedback to their staff in respect of their conduct
- Raise and deal with issues in relation to conduct and behaviour promptly and not unreasonably delay meetings, decisions or confirmation of those decisions and use the informal resolution procedure where appropriate.
- Ensure any necessary investigations are carried out, where appropriate, to establish the facts of the case.
- Inform employees of the basis of the problem / allegations identified and give them an opportunity to put their case in response before any decisions are made.
- Seek and take account of professional advice from the local HR representative

The Role of HR

- Advise and guide managers on the application of the policy and the adherence with employment law.
- Ensure consistency, reasonableness and fairness in the application of the policy.
- Ensure the provision of all necessary information and documentation in relation to the process.
- Review the policy on an ongoing basis

Categories of Conduct under this policy

Types of conduct that may warrant disciplinary action under this policy come under two categories: misconduct and gross misconduct.

Misconduct

Misconduct is a less serious breach of AGL's rules which would not normally result in dismissal in the first instance. The severity and frequency of the breach will be considered when determining the level of warning.

Examples of misconduct are:

- Repeated lateness or persistent time wasting;
- Persistent minor breaches of our rules;
- Minor failure to observe our procedures;
- Unauthorised absences.

These examples are not exhaustive or exclusive. Offences of a similar nature will also be dealt with under this procedure.

Misconduct, short of gross misconduct, will, depending on severity, normally result in a written warning, which would normally last for 6 months, or a final written warning, which would normally last for 12 months.

Where there is a further act of misconduct whilst a warning remains live, or where an act of misconduct is sufficiently serious to warrant it, dismissal may result.

Gross Misconduct

Gross misconduct is a serious breach of AGL's policies and rules which amounts to a fundamental breach of trust and confidence between individual employees and the group.

Employees may be dismissed for a first offence which is considered to constitute gross misconduct, this type of dismissal is without notice or payment in lieu of notice.

Examples of gross misconduct include:

- unauthorised absence;
- theft, fraud and bribery (giving and receiving);
- falsification of records;
- breaches of confidentiality or trust;
- fighting or assault;
- insubordination;
- failure to obey a reasonable management order;
- deliberate or reckless acts of damaging company property or property of another person;

- serious breaches of company policies or procedures;
- bringing themselves or the company into disrepute;
- acting in a manner which undermines the trust and confidence in the employment relationship;
- bullying, victimisation and/or harassment towards an employee, or external representative of another organisation;
- being under the influence of alcohol (including below the drink drive limit) or drugs and/or consuming alcohol or drugs during working hours;
- acts of verbal abuse and/or acts of violence or threats of violence towards either an employee, customer/client or representative of another organisation;
- possession and/or use/being under the influence of illegal drugs or legal highs;
- negligence or incompetence that causes loss, damage or injury or a serious risk of injury;
- breaches of health and safety regulations;
- covert recording;

These examples are not exhaustive or exclusive and offences of a similar nature may be dealt with as gross misconduct. Gross misconduct will normally result in dismissal without notice or payment in lieu of notice.

Representation

Employees have the right to be accompanied at both investigatory meetings and any formal meeting covered by the formal procedure by a 'companion' as defined by the ACAS code of practice - namely an AGL work colleague or a trade union representative.

There is no right to be accompanied by a companion at meetings under the informal resolution procedure. However, there may be exceptional situations where the manager, HR and the employee agree for a companion to be present.

Informal Procedure

For minor conduct concerns, line managers will make every effort to resolve the matter by informal and confidential discussions. A written record of the conversation should be made, for instance by follow-up email, confirming any actions to be taken and any implications if there is a repetition of the behaviour.

Formal Procedure

Investigation

As soon as reasonably practicable after suspected misconduct or gross misconduct comes to light, the employee's line manager or another appropriate person will instigate an impartial investigation. The purpose of the investigation is to fact-find without unreasonable delay - ideally this should be carried out within 4 weeks.

The individual will be notified as soon as possible that the investigation is taking place and will be informed in writing. The individual will be interviewed as part of the investigation. The individual has the right to be accompanied to the investigation meeting by a companion.

Witnesses may be asked to provide a written account of what they have witnessed. Statements should be sent from the witnesses' AGL email account. Witnesses may also be asked to attend a witness interview where notes will be taken.

Suspension

If considered necessary and reasonable, the individual may be suspended from their duties whilst the investigation is undertaken. They will normally only be suspended if:

- There is a significant health and safety, business or other risk or the potential for such risk and/or
- their continued presence in the workplace may hinder an investigation taking place

The individual may be suspended at the beginning or at any time during the investigation depending on the circumstances. Suspension is a precautionary measure only, pending the outcome of disciplinary proceedings and does not indicate an outcome of the process. If suspension is deemed necessary, this will be confirmed in writing along with the full terms of the suspension.

Disciplinary Hearing

Once the facts have been established through the investigation process, if there is a reasonable belief that the employee's actions constitute conduct or misconduct as covered by this policy they will be invited to a disciplinary meeting. The meeting will usually be chaired by their line manager, or another appropriate person. The employee has the right to be accompanied by a companion. The employee will be sent a copy of the evidence to be considered at the meeting and will have the opportunity to state their case fully. The employee should also give copies of any papers or witness statements that they intend to discuss at the meeting at least two working days in advance of the meeting to the person dealing with the meeting.

The employee will be given at least five working days' notice to attend the meeting which they (and their companion) must make every effort to attend. The meeting will only be re-arranged if they provide a good reason why they are unable to attend, or their companion cannot make the arranged date. If the meeting has to be rearranged, at least two working days' notice of the rearranged date will be given.

The employee will be expected to attend the re-arranged meeting unless there are exceptional circumstances which mean that they are unable to be there in which case they must advise their manager in advance of the meeting. If they unreasonably fail to attend the rearranged meeting it will take place in their absence. If the rearranged meeting is more than five working days from the date of the original meeting and their companion cannot make the rearranged date, they must find a replacement.

A member of Human Resources may be present to provide advice on proceedings as appropriate, in cases of misconduct. In cases of gross misconduct, a member of Human Resources should be present. A note taker will normally be present to take written notes of the meeting, or the meeting will be digitally recorded to enable a transcript of the formal meeting to be produced, and the employee will receive a copy of the notes of the meeting.

Adjournment of the Disciplinary Hearing

Prior to making a decision the disciplinary meeting will be adjourned to consider all relevant information. The meeting may also be adjourned if necessary for the purpose of clarifying or gathering additional information. If new information is gathered or clarified, the employee will be advised of the new information and given a reasonable time to consider it prior to the meeting being reconvened.

Confirmation of the outcome

Following an adjournment and once the manager conducting the meeting is satisfied that all relevant information has been considered the employee will be advised of the decision and what, if any, disciplinary action.

The decision and action will be confirmed to the employee in writing, and they will receive a copy of the notes of the disciplinary hearing. If the employee considers that the notes do not properly reflect the discussion, they have the right to propose amendments to the record within 5 working days. Where these are agreed, the record will be amended where appropriate. Where the proposed amendments are not agreed, their comments will be attached to the record.

The employee's outcome letter will also detail their right to appeal against the decision.

Formal Warnings

Depending on the severity and circumstances of the case, AGL may issue a first or final written warning for misconduct. The warning issued will state the full reasoning for this level of warning, what is required to improve their conduct and a time scale for achieving this. This will also confirm that further disciplinary action will follow if there is a repeat of this misconduct within the time scale.

If a further offence occurs, or if conduct doesn't improve after a formal warning, the responsible person will investigate and interview the staff member.

Dismissal

In cases where it is concluded that gross misconduct has taken place, AGL may dismiss the individual without notice or payment in lieu of notice.

In cases of repeated misconduct, AGL may dismiss the individual with notice or payment in lieu of notice (unless that this constitutes gross misconduct in which case they may be dismissed in line with the above).

If an employee is dismissed, they will receive an outcome letter that will set out the nature of the misconduct that led to the dismissal and the right to appeal the decision.

How long will a warning remain on record?

Formal warnings (first or final) remain on actively on a employee record for 12 months from their date of issue. If the employee commits a further act of misconduct or gross misconduct, AGL will take the current warning into account when deciding what action to take. Once the warning has expired it will not be taken into account for disciplinary purposes.

Appeals

Employees have the right to appeal against any formal action under the disciplinary procedure. Appeals must be made in writing to the person designated in the outcome letter within five working days of receiving the outcome letter.

An appeal hearing will be conducted by an appropriate person, such as HR or a manager of similar seniority to the disciplinary manager. The appeal hearing will be held within ten working days, and the outcome will be provided within five working days, unless a delay is necessary, in which case the employee will be informed of the reasons and expected timeframe. The appeal decision is final.