

The company disciplinary procedure is intended to provide clear guidelines and set expectations in relation to the company's handling of disciplinary situations, including misconduct and/or performance issues. In every organisation it is usual to have rules and procedures which must apply to promote high standards of conduct and performance in the workplace and to ensure there is a system of fairness and consistency in the treatment of individuals.

The Company will follow the approved Advisory, Conciliation and Arbitration Service (ACAS) Code of Conduct before taking any form of disciplinary action against an employee who has allegedly committed an act of misconduct or who is failing to perform to the required standard.

This procedure does not apply during probationary periods.

General principles

At our discretion, we may choose to deal with minor instances of misconduct and initial unsatisfactory levels of performance informally by way of counselling, guidance or instruction or informal cautioning. If a problem continues or we judge it to be sufficiently serious, the following procedure will apply.

Before making any formal disciplinary decision under this procedure, we will carry out the following steps.

- Investigations will be conducted to establish the facts. This may require holding an investigatory (fact-finding) meeting with you before proceeding to a disciplinary meeting (hearing) or the investigatory stage will be the collation of evidence by the company for use at any disciplinary meeting. Where practicable, different people will carry out the investigation and the disciplinary meeting.
- If it is decided that there is a disciplinary case to answer, we will give you or send you a letter setting out the complaint made against you and inform you of the possible outcomes of the disciplinary meeting. The letter will inform you that you must attend a disciplinary meeting to discuss the matter and will confirm the time, date and location of that meeting. The letter will also tell you that you have the right to be accompanied at the disciplinary meeting by a work colleague or Trade Union official. If you do not understand the letter, you should ask HR for an explanation.
- Prior to the meeting, you will receive sufficient information about the alleged misconduct or poor performance and its possible consequences to enable you to prepare to answer the case. Where appropriate, you will receive copies of any written evidence which may include witness statements. We will give you, together with any permitted person that you may choose as a companion, reasonable time to prepare your response.
- At the meeting, we will explain the company's case and go through the evidence that has been gathered. You will be given the opportunity to set out your case and answer any allegations that have been made against you. It may be appropriate to adjourn the meeting if further investigation is necessary.

We retain the discretion to choose whether to hold an investigatory meeting or disciplinary meetings in person or remotely, as appropriate, depending on the circumstances.

If a meeting/hearing is to be held remotely:

- we will ensure that all participants (including, if applicable, any permitted person that you choose as a companion) can access the necessary technology and materials.
- we ask you to inform us if you have a disability or other accessibility issue that could affect your ability to use video conferencing technology so that we can consider any reasonable adjustments; and
- you must not have anyone else in the room with you during the meeting (other than your permitted chosen companion, if applicable, if they are attending from the same physical location as you).

You have the right to appeal against any formal action taken against you under the procedure. See 'Disciplinary Appeals Procedure' below.

We may miss out stages of the procedure if we think this would be reasonable in the circumstances.

Depending on the circumstances, it may be appropriate to suspend you from work on full pay in order that an investigation can take place. Suspension on full pay does not amount to a disciplinary sanction and does not imply that any decision has already been made about the allegations.

No sanction will be imposed on a trade union official without the matter first being discussed with a senior or full-time official of the trade union.

Each stage of this procedure will be carried out without unreasonable delay.

If you have difficulty at any stage of the disciplinary procedure because of a disability, you should discuss the situation with your line manager or HR as soon as possible.

Examples of Misconduct

Gross Misconduct

The following are examples of behaviour which fall within the definition of 'gross misconduct': Employees may face disciplinary action for acts of gross misconduct that occur in and outside of the workplace.

Examples of gross misconduct include:

- Refusal to accept and act on reasonable instructions from a supervisor or other member of management
- Serious negligence that could, or does, result in unacceptable loss, damage or injury
- Fighting, assault, or threatening or bullying behaviour whilst on Company property/business or any other Company related activity
- Harassment (including sexual harassment) or deliberate discrimination or victimisation
- Theft, fraud, accepting or offering a bribe, falsification of company records (including timecards)

or the recording of information for wages) or any dishonesty involving the company, its employees, customers or authorised visitors, or attempts to commit such offences

- Deliberate and/or serious breach of any of our company policies
- Deliberate or reckless damage to property belonging to the company, its employees, customers, or authorised visitors
- Reporting for work in an intoxicated condition or under the influence of drugs or bringing alcoholic drink or drugs (other than medically prescribed) onto the premises
- Unauthorised disclosure of confidential information
- Any action or behaviour which could seriously damage the company's reputation
- Failing to comply with the use and wearing of personal protective equipment (PPE)
- Sleeping on the Company premises during designated working hours
- Using Company time and/or equipment and/or materials for personal work, or work not related to Company business, without special permission.
- Flagrant disregard or abuse of safety rules, precautions, or equipment
- Criminal acts against the Company
- Deliberately clocking another employee's clock card or knowingly having one's timecard clocked by another employee.
- Smoking & vaping in unauthorised areas and during company time
- Failure to follow Company absence reporting procedures and/or unauthorised absence with no contact.

The above list is *not* exhaustive. It illustrates the type of conduct that may merit dismissal for a first offence. Other types of offence may also be treated as gross misconduct, depending on the seriousness of the particular facts.

Following investigation and a disciplinary meeting, if we are satisfied that you have committed gross misconduct, we will be entitled to dismiss you without notice or payment in lieu of notice.

Less Serious Acts of Misconduct

Certain cases of misconduct can be defined as being less serious and whilst in many cases it may be necessary to take some form of disciplinary action, there may be instances where the employee is given management words of advice as an alternative to disciplinary action. Management words of advice can be issued to formally notify of a required change in behaviour. Repetitive acts of misconduct may be regarded as gross misconduct.

Examples of less serious acts of misconduct include:

- Repetitive or unexplained absence and/or lateness
- The improper use of desktop computers, personal computers, tablets, telephones, mobile telephones, cameras, facsimile machines and any other electronic facility for the transmission or reception of data
- Failing to achieve specified targets/criteria.
- Taking photographs or video recordings whilst on Company premises. This applies to both standard cameras and cameras on mobile telephones.
- Failure to clock in or out when entering or leaving the company premises (including meal break periods), other than on company business or with the Manager's permission to do so.

- Driving vehicles without due care and attention on any part of the company premises and more than five mph
- Bringing persons into the works without permission
- Gambling on Company premises
- Selling or buying goods or equipment of any kind on Company premises
- Failure to report accidental damage to company property
- Bringing any electrical appliance that can be plugged into or connected to any electrical circuit on the Company

It must also be accepted that disciplinary action may be taken on other offences which are not specifically listed in the examples of gross misconduct and less serious acts of misconduct.

Capability and Qualifications

The company recognises the difference between:

- A deliberate failure on the part of the employee to perform to the standards of which they are capable, in which case the company will enact the disciplinary policy.
- A case of incapability, where an employee is lacking knowledge, skill or ability and so cannot perform their duties to the standard required, in which case the company will operate its capability policy, in an attempt to improve performance. The Disciplinary Policy will be used when all attempts have failed at improving performance under the Capability Policy and a disciplinary meeting will be held.

Conduct of meetings under the policy, including appeals

All disciplinary meetings, including appeals, will be held at a reasonable time and place. If you are invited to attend a disciplinary meeting, you must take all reasonable steps to attend. If, without good cause, you are persistently unable or unwilling to attend, we will hear the matter in your absence and make a decision based on the evidence available to us.

An appropriate level of the leadership team will conduct meetings. They will then explain the case against you and go through the evidence that has been gathered. You will be given the opportunity to respond in full. This will include time to ask questions and present evidence. If you intend to call any witnesses, you must give us advance written notice that you intend to do this.

If any matters come to light during a disciplinary meeting which require further investigation, we may, at our discretion, adjourn a disciplinary meeting to enable us to investigate them.

Right to be accompanied in formal meetings

Employee

In any formal disciplinary meetings under this policy, including appeals, you have a statutory right to make a reasonable request to be accompanied by a fellow worker or trade union official of your choice.

A companion is allowed reasonable time off from their duties without loss of pay, but nobody is obliged to act as a companion if they do not wish to do so. If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than 5 working days afterward, we may request that you choose an alternative companion.

Your companion may address the meeting to put your case, sum up your case or respond on your behalf to any view expressed at the meeting. He or she may confer with you during the meeting but does not have the right to answer questions on your behalf, address the meeting if you do not want him or her to do so, or prevent anyone from making his or her contribution to the meeting.

If you decline to be accompanied by a colleague or trade union representative, this decision will be recorded.

Management Representation

The Supervisor, Manager or Director conducting the meeting should be accompanied by another management representative or a member of HR.

Types of Disciplinary Action

Dependent upon the outcome of the disciplinary meeting, the seriousness of the offence and the employee's past record, one of the following types of disciplinary action will be taken. No penalty should be imposed without a disciplinary meeting.

Verbal Warning

Verbal Warnings will be issued for minor infringements of work's rules.

Where, at the conclusion of the disciplinary meeting, we decide to issue such a warning, you will be informed of the following:

- the nature of the misconduct or poor performance that has led to the warning
- the action or improvement (if any) which is required of you
- if appropriate, the timescale for taking any such action
- the consequences if you do not take the required action or fail to improve, or if there is further misconduct
- when the warning will cease to have effect, subject to satisfactory conduct or performance. This will normally be after three months, but an alternative period may be stated in exceptional cases
- the right of appeal

All these matters will be confirmed to you in writing. When a verbal warning is deemed necessary the employee will be advised in writing although the written confirmation does not convert the verbal warning into a written warning, it is only intended to be a written record of the verbal warning that

has been issued to the employee.

Formal Written Warning

We may issue a formal written warning if:

- the required improvement is not achieved within the timescale stated in the first warning
- further misconduct or poor performance occurs while a first written warning is still in effect, whether or not involving a repetition of the conduct or poor performance which was the subject of the first warning
- the seriousness of the misconduct or poor performance merits it, regardless of whether or not a verbal warning has already been issued

Where, at the conclusion of the disciplinary meeting, we decide to issue a formal written warning, you will be informed of the following:

- the nature of the misconduct or poor performance that has led to the warning, including any prior warning(s) which have been taken into account
- the action or improvement (if any) which is required of you
- if appropriate, the timescale for taking any such action
- the consequences of not taking the required action or failing to improve, or of further misconduct, which could be a final written warning
- when the warning will cease to have effect, subject to satisfactory conduct or performance. This will normally be after six months, but an alternative period may be stated in exceptional cases
- the right of appeal

All these matters will be confirmed to you in writing.

Final Written Warning

We may issue a final written warning if:

- the required improvement is not achieved within the timescale stated in the formal written warning
- further misconduct or poor performance occurs while a formal written warning is still in effect, whether or not involving a repetition of the conduct or poor performance which was the subject of a previous warning

- the seriousness of the misconduct or poor performance merits it, regardless of whether we have issued any previous warnings

Where, at the conclusion of the disciplinary meeting, we decide to issue a final written warning, you will be informed of the following:

- the nature of the misconduct or poor performance that has led to the final warning, including any prior warning(s) which have been taken into account
- the action or improvement (if any) which is required of you
- if appropriate, the timescale for implementing any such action
- when the warning will cease to have effect, subject to satisfactory conduct or performance. This will normally be after twelve months, but an alternative period may be stated in exceptional cases
- the right of appeal

All these matters will be confirmed to you in writing.

Dismissal & Alternatives to Dismissal

We may dismiss you if:

- the required improvement is not achieved within the timescale stated in the final written warning
- further misconduct or poor performance occurs while a final written warning is still in effect, whether or not involving a repetition of the conduct or poor performance which was the subject of a previous warning
- it is reasonably believed that you have committed an act of gross misconduct

Unless dismissal is for gross misconduct, you will be dismissed with notice.

You will be dismissed only after you have received a written invitation to a disciplinary meeting and the meeting has been held. If the manager decides to dismiss you, as soon as is reasonably practicable after the end of the disciplinary meeting, he or she will:

- state the reason for your dismissal
- state, where applicable, the length of notice you are being given
- state the date on which your employment will terminate
- inform you of your right to appeal

These matters will be confirmed in writing.

In exceptional circumstances, we may seek your agreement to a demotion or suspension without pay instead of dismissal. If you are transferred, demoted or suspended without pay, we may also give you a final warning.

Authority for Administering Disciplinary Action

Where it is necessary to invoke disciplinary action, a system of fairness and consistency in the treatment of employees is maintained by reference to other Management colleagues and the HR Manager, to ensure that the disciplinary action to be taken is like that applied to other employees who have committed the same or similar offences.

Management Representatives' limits of authority to administer disciplinary action are as follows:

Supervisors

Supervisors have the authority to issue verbal and formal written warnings.

Managers

Managers have the authority to issue warnings up to and including final written warnings.

Directors & Senior Management

Directors & senior members of the management team have authority to invoke all types of disciplinary action, including dismissal.

Disciplinary Appeals Procedure

If you are dissatisfied with a disciplinary decision that has been taken about you, you can appeal against that decision. Appeals should be in writing, setting out the reasons for the appeal, and should be delivered to the HR department within two working days of the disciplinary decision. We will then invite you to an appeal hearing (meeting). The appeal hearing may take place after the disciplinary decision has taken effect. If you are appealing against dismissal and your appeal is subsequently upheld, you will normally be treated as having continued in employment pending the hearing of the appeal and will be reinstated with back pay. However, if your appeal is not successful, the original date of your dismissal will stand.

You have the right to be accompanied to an appeal hearing by a fellow worker or a trade union official.

The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case.

Wherever possible, your appeal will be heard by someone more senior than the person who took the decision to take disciplinary action against you. If this is not practicable, the appeal will be heard by another manager who has not previously been involved in the matter. If you have been dismissed, the appeal will be heard by a director. We will inform you of the outcome of the appeal and confirm it in writing. Following the appeal hearing, we may either confirm the original decision; revoke the original decision; or substitute a different penalty. This decision will be final.

Confidentiality, data protection and record keeping

We aim to deal with disciplinary and performance matters sensitively and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with a disciplinary or performance matter, including investigations.

Conducting disciplinary or performance investigations and meetings under this policy involves us processing the personal data of the employees concerned. We use this personal data in order to investigate and deal with conduct and performance issues. Our legal grounds for doing so are that it is necessary:

- to comply with our legal obligations (e.g. to conduct disciplinary and performance proceedings fairly, ensure a safe working environment, etc.)
- for performance of the employment contract (i.e. to enforce employees' obligations not to commit misconduct and to perform their duties to an acceptable standard)
- in our legitimate interests to deal effectively with disciplinary or performance matters, whether you are the subject of them or are otherwise connected to the issues raised
- in the public interest, for the prevention or detection of crime (e.g. where suspected workplace misconduct may also amount to criminal conduct)

Special category data¹ and data about criminal convictions or offences may occasionally need to be processed under this disciplinary procedure – for example, where alleged misconduct involves bullying/abuse based on race or sexual orientation, or where a person involved in the procedure requires reasonable adjustments to accommodate a disability. Our additional legal grounds for using such data are that this is necessary: to exercise legal rights/comply with legal obligations in relation to employment; to establish, exercise or defend legal claims; or in the public interest for the prevention or detection of crime.

Where we take witness statements from employees with information about the conduct or performance in issue as part of the investigations under this procedure, such statements will be treated confidentially and will only be shared with individuals who need to be involved in the disciplinary or performance management process. This will ordinarily be: HR; the person/people conducting investigations; and the managers conducting any formal disciplinary or performance meeting or appeal. In addition, witness statements may be shared with the employee whose conduct or performance is the subject of disciplinary or performance proceedings, to enable them to prepare for the meeting and respond to the allegations against them.

We will ordinarily keep records of disciplinary and performance issues dealt with under this procedure. We will decide how long records should be retained in accordance with the criteria set out in our main employee privacy notice.

More general information regarding data protection, including details of who your personal data is shared with, your individual rights under data protection law and who you should contact if you have

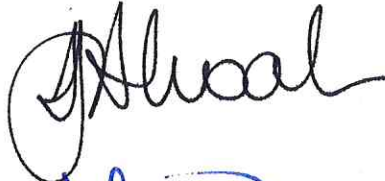
¹ (i.e. personal data about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sex life or sexual orientation, biometrics (if used for identification purposes) or genetics)

any concerns, is contained in our employee privacy notice, which can be accessed via <https://www.wmlee.co.uk/financial-data-protection-info/> or a copy obtained from the HR department.

Status of this procedure

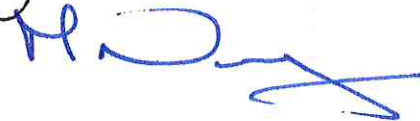
This procedure does not give contractual rights to individual employees. The company reserves the right to alter any of its terms at any time although we will notify you in writing of any changes.

Signed on behalf of Wm. Lee Ltd



DATE: 24 Jan 2025

Signed on behalf of Unite the Union



DATE: 21-1-25