Disciplinary Rules and Procedures

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1. Introduction

The purpose of this disciplinary procedure is to ensure that any concerns over employees’ conduct are handled in a fair, consistent and timely manner with the intention of bringing about an improvement, and to protect the proper operation of the Company’s business and the health and safety of its employees. The procedure exists to help and encourage employees to act responsibly and to achieve and maintain acceptable levels of conduct.

The procedure explains how issues relating to misconduct and gross misconduct whilst at work will be handled. The procedure explains the actions we will take and your rights and responsibilities. In some instances, the procedure will be applied to your conduct outside of work if it impacts on the Company. Should any reasons relating to disability affect your ability to comply with the requirements set out in the policy, please advise your line manager or the HR Department as soon as ever possible.

This procedure may be review and updated from time to time, any amendments will be notified to employees in writing.

This procedure does not apply to cases of redundancy, genuine sickness absence or capability. Those cases will be managed by reference to separate policies and procedures.

2. Informal discussions

Where appropriate, your manager will deal with any minor issues on an informal basis as part of normal management practice. This does not form part of the formal disciplinary procedure. We expect most issues to be resolved at this level and this is why such discussions do not form part of the formal disciplinary procedure. Any informal warning will not amount to a formal disciplinary sanction, however a note will typically be kept of any such informal discussions. Formal steps will be taken under the procedure if the matter is not resolved or an informal discussion is not appropriate.
3 Misconduct

The following non-exhaustive list gives examples of offences that the Company will normally regard as misconduct which, if upheld at a disciplinary hearing, will lead to a formal disciplinary sanction.

- Poor timekeeping
- Any purposeful conduct that leads to under or poor performance
- Time wasting
- Minor breaches of the Company’s policies
- Minor breaches of the employee’s contract
- Damage to, or unauthorised use of, the Company’s property;
- Unauthorised excessive personal e-mail or internet usage;
- Smoking in no-smoking areas;
- Persistent behaviour, which causes offence to fellow employees (e.g. deliberate or malicious talk to the detriment of another employee).

4 Gross Misconduct

The following non-exhaustive list gives examples of offences that the Company will normally regard as gross misconduct:-

- Deliberate damage to, or misuse of, company property;
- Unauthorised absence or AWOL;
- Possession of mobile device in a restricted area;
- Any activity that would or could jeopardise a Firstsource client relationship – for example cutting of calls, inappropriate call transfers, mis-selling of client products to its customers and inappropriate use of the phone system;
- Call Conduct / red flags / customer escalations;
- Inappropriate behavior towards customers, colleagues or clients;
- Breach of confidence and trust;
- Theft, fraud, dishonesty or deliberate falsification of records;
- Fighting, assault or other violent behaviour;
• Deliberate use of internet, email and/or social media to access or distribute material of a pornographic, offensive, obscene or inappropriate nature;
• Consumption of alcohol and/or non-prescribed drugs during working hours including breaks/lunches; or around company premises;
• Possession, custody or control of illegal drugs on company premises;
• Possession of offensive or dangerous items;
• Misuse of company/client systems;
• Serious breach of the Company’s rules, policies and procedures;
• Serious negligence which causes loss, damage or injury;
• Conviction of a criminal offence that the company renders you unsuitable for your work;
• Conduct likely to bring the Company’s name into disrepute;
• Bullying, harassment, victimisation or discrimination;
• Serious acts of insubordination;
• Accepting gifts, bribes or other secret payments in connection with your employment;
• Making any obscene, malicious, nuisance, or indecent communications e.g. phonecalls, faxes, email etc;
• Unresponsive / sleeping during working hours;
• Abuse of Internet/Intranet/Email security policies;
• Inappropriate use of social networking sites that may include posting statements or personal opinions about the Company, its business, customers, patients, service users or employee

The company reserves the right to consider any other conduct as amounting to gross misconduct as appropriate.
5  Formal Procedure

Disciplinary matters will be handled with a high degree of confidentiality as is practicable, particularly when the issue is of a sensitive nature.

Suspension

The Company reserves the right to suspend you from work as appropriate, while an investigation is being concluded.

Suspension is not to be regarded as a form of disciplinary action and should be seen as a neutral act. Careful consideration should be given to alternatives to suspension. Suspension should last for as short a period as practicably possible. It is important to keep the period of suspension under review.

Suspension is usually paid. There may be some circumstances where pay is withheld, eg not meeting the conditions of right to work in the UK.

During suspension you will be required to be available upon request to attend any meetings or available to contact as required by the company. The arrangements of the suspension will be confirmed in writing. Any annual leave will be cancelled during suspension. You should not visit your place of work whilst under suspension unless requested by the company.

Company monitoring

The Company reserves the right to monitor activities including telephone calls, email messages, social media forums, swipe card access and internet use at any time, whether as part of a disciplinary investigation or otherwise. You should therefore not consider such activities and methods of communication to be confidential when conducted at work. The Company also reserves the right to search your desk, bags, pockets, vehicle or other company property or personal possessions where such action is considered necessary in the reasonable opinion of the Company. A search will only be carried out by an appropriate person in the presence of a witness and you may request the presence of a work colleague.
Investigations

There will be a careful investigation where appropriate by the investigating officer of any alleged offence before disciplinary action is taken considered. All investigations will be carried out without delay where possible, although if the investigation involves third parties, such as the Police, this may lead to some delay.

The investigating officer will arrange to interview the employee in question. It is not necessary to offer the employee the right to be accompanied by a colleague or trade union representative to an investigation meeting, nor is it necessary to provide the employee with any formal period of notice to attend an investigation meeting; reasonable notice will be given.

Once the investigation has been completed and if the investigation officer considers there are reasonable grounds to believe that you have committed an act of misconduct you will be asked to attend a disciplinary hearing. The disciplinary hearing will be carried out by another manager, who was not involved in the investigation.

Disciplinary hearings

In the event of a disciplinary hearing, the Company will:-

- Undertake a detailed investigation, ensuring that all relevant facts are available, such as disciplinary records and other relevant documents (for instance absence or sickness records) and where appropriate, written statements from witnesses.

- Give you a minimum of two working days advance notice of the disciplinary hearing in writing (this can be email or letter), making it clear that the meeting is being held under the Company’s formal disciplinary procedure and detailing the alleged misconduct.

- Remind you of your right to be accompanied at the disciplinary hearing by a work colleague or trade union official. If your chosen companion cannot accompany you on the date set for the hearing, it may be postponed for up to 5 working days at your
request and rearranged. If your companion still cannot attend on the new date the disciplinary manager has the right to proceed, in which case you will be required to select another companion or attend the hearing alone.

- Allow you a reasonable amount of time to prepare your case.
- Provide all relevant papers and witness statements in advance of the meeting.
- Give you, at the disciplinary hearing, a full explanation of the allegations and the evidence collated during the investigation.
- Give you, at the disciplinary hearing, every opportunity to challenge allegations against you, state your case, put forward an explanation of your conduct and any mitigating factors.
- Take all relevant factors into account before reaching decisions about any disciplinary action.
- You must make all reasonable efforts to attend the hearing. Failure to attend without good reason may lead to the hearing being held and disciplinary action being taken in your absence. If you are due to attend a formal hearing and are absent or do not attend the hearing, any current warnings will remain live until the hearing is completed.
- Confidential records of disciplinary matters will be kept in your personnel file in accordance with Data Protection legislation. Copies of meeting notes will be provided to you, although the Company reserves the right to withhold certain information (e.g. to protect a witness).

Please note;

All meetings will be recorded by a note taker; other types of recording may be permitted, Dictaphone recording etc only if agreed by the HR Manager or Disciplinary chairperson.
6 Sanctions

The outcome of the formal disciplinary hearing will be issued by Manager. Possible disciplinary sanctions are set out below.

If a warning does not bring about the desired level of improvement in your conduct then you will normally progress to the next stage of the formal procedure as explained below.

6.1 First stage (Written Warning)

The Line manager will conduct the meeting that may result in a First Written Warning.

This is a sanction for:

- an accumulation of minor conduct or for which an informal warning has been given; or
- conduct which is viewed as serious enough to warrant immediate implementation of a First Written warning.
You will be provided with the same information in terms of the rationale for the decision and what improvements are needed etc as per the Formal Verbal Warning. You will be informed of your right to appeal the decision. A First Written Warning will remain on your file for a period of 6 months. This letter will be held on your file for the duration of the warning and for 6 months following it.

Further action under this procedure may be considered if there is no satisfactory improvement in conduct or any further incident of misconduct during the lifetime of the warning.

6.2 Second Stage (Final Written Warning)

The Line manager will conduct the meeting that may result in a Final Written Warning. HR will be present in any meetings which may result in a Final Written Warning.

This sanction should be used in cases of:

- very serious conduct offences which fall short of warranting dismissal; or

- continuing disciplinary problems following a recorded discussion or first written warning.

Notification of the decision will be handled as for the first written warning. After the hearing you will receive a formal letter confirming what you have been told and this letter will be held on your file for the duration of the warning and for 12 months following it. You will be informed of your right to appeal the decision. A file note will be written and a copy given to you.

Further action under this procedure may be considered if there is no satisfactory improvement in conduct or any further incident of misconduct during the lifetime of the warning.
6.3 Dismissal

This stage will be conducted by appropriate manager. Where dismissal is possible outcome of a disciplinary meeting the manager will be supported by a member of the HR team, present in the meeting.

If your misconduct is deemed to be sufficiently serious or if your conduct is still unsatisfactory following a final written warning, this sanction will normally be applied. The company may dismiss summarily, for example in cases of gross misconduct.

6.4 Alternative Sanctions

Where appropriate, the Company reserves the right to impose disciplinary penalties as an alternative to dismissal/and or in conjunction with a formal warning. Such penalties may include, for example: unpaid suspension, demotion, transfer, loss of seniority, or loss of pay/benefits.

7. Appeal

When lodging an appeal, the employee should state:

a. the grounds and basis of appeal; and

b. If he/she is appealing against the finding that he/she has committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.
The employee must provide written notice of the appeal within five working days of being informed of the disciplinary sanction.

The appeal will be heard by a senior manager who has not been involved in the original disciplinary.

Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal.

The chair of the appeal reserves the right to impose a different disciplinary sanction where appropriate.

A letter confirming the outcome of the appeal will be issued and the decision is final. There is no further right of appeal. The company specifically reserves the right to determine, in appropriate circumstances, following an appeal hearing that the allegation against the employee be reconsidered at a fresh disciplinary hearing.

The disciplinary procedure does not apply to:

- termination of employment during or at the end of a new employee’s probationary period or
- termination of employment by reason of redundancy; or
- termination of employment by reason of capability; or
- termination of employment by mutual consent

*Please note this policy is not contractual and may be amended in line with changes in business needs.*