

MONICA VINADER



DISCIPLINARY POLICY AND PROCEDURE



1. Purpose of this policy

We care deeply about all our interactions with employees, customers and suppliers and we will always make sure that everyone receives an outstanding and personal experience. This policy is introduced to provide a framework within which we can work with employees to maintain good standards of conduct and to encourage improvement where necessary.

This policy applies equally to every Monica Vinader employee and we will ensure that everyone is treated fairly and consistently. We will act swiftly to resolve issues as soon as they arise and aim to ensure a fair outcome, using sanctions such as dismissal as a last resort.

The policy does not apply to redundancy dismissals or the non-renewal of fixed-term contracts on their expiry. We reserve the right to change the process to accommodate the commercial and operational needs of the business or the circumstances of the employee. If you have suggestions as to how this policy can be improved, please contact a member of the HR Team.

2. Capability

Everyone is expected to work effectively and to perform to the best of their ability.

"Capability" relates to an employee's skills, aptitude or competences and ability to perform their duties to the standard expected. An individual's capability to perform a role will be assessed during the recruitment and selection process, then during the induction and probation period and, once the appointment has been confirmed, on an on-going basis via the appraisal process.

If any capability difficulties arise during induction, probation or appraisal, a "capability action plan", with timescales and specified standards of performance to address the issue(s) will be created. Where capability action plans are implemented, Managers will be responsible for monitoring the employee's performance. Employees must ensure that they attend any training identified and do all they can to improve their performance. Admitting the need for assistance will not be viewed as a weakness, but as a positive attempt to enhance performance.

At the completion of a capability action plan, if an employee is not making adequate progress and performance is still below standard, Managers may consider a number of possible outcomes, including, but not limited to:

- identification of further training, adjustments to the role or working patterns;
- moving the employee to a different role (by mutual agreement); and
- commencing a disciplinary process.

Employees will be advised that the capability action plan may result in the commencement of a disciplinary procedure. If disciplinary action is recommended, the disciplinary procedure should be followed in the same way as for a conduct issue.

3. Investigations

When concerns around misconduct or poor performance are raised, the company will commence an investigation. An appropriate Monica Vinader employee will be responsible for conducting the investigation, gathering as many facts as possible and, if necessary, arranging meetings with the

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employee and/or witnesses(es). This person will act fairly and impartially at all times and will seek to establish the facts required to resolve the complaint as quickly as possible.

We will write to staff under investigation, providing details of the complaint or allegation, advise them of the arrangements for the investigation and assure them that, at this stage, no presumption of wrongdoing is being made. Employees under investigation will have the opportunity to present their side of the case at all stages of the investigation.

In some cases, the investigation will require the holding of an investigation meeting with the employee. In others, the investigatory stage will be the collation of evidence by the company for use in the disciplinary procedure.

If an investigation meeting is necessary, the employee will be asked if they wish to be accompanied at the meeting by a companion. The companion may be a trade union representative or a work colleague, as long as the work colleague has indicated that they are happy to be involved. Requests to be accompanied by someone else will be considered, but it may not always be possible to accommodate such requests.

If an employee is persistently unable or unwilling to attend an investigation meeting without a good reason, the company will make a decision on the evidence that is available.

As soon as possible after the investigation is completed, the investigating employee will write to the employee(s) concerned to advise them of the outcome of the investigation. Possible outcomes include:

- the allegations have not been substantiated and the matter will not proceed any further;
- some concerns have been identified and the company has chosen to deal with the issue through performance management of the employee;
- the allegations have been substantiated and disciplinary action will be taken;
- the allegations have been substantiated and it is necessary to hold a disciplinary hearing; or
- the employee has engaged in gross misconduct and will be summarily dismissed without notice or with payment in lieu of notice.

An investigation report will be prepared by the investigating employee setting out the results of the investigation and the recommended course of action. No disciplinary action will be taken until the matter has been fully investigated.

4. Disciplinary Hearing

As a result of the investigation, the investigating employee may decide that it is necessary to hold a discipline hearing. Employees will be notified in writing if there is a disciplinary hearing. The hearing will be conducted by an employee other than the investigating employee. The purpose of a discipline hearing is to allow a second, impartial, person to review the results of the investigation and decide whether or not disciplinary action should be taken. It also provides the employee under investigation with a further opportunity to put their side of the case. The company is under no obligation to hold a discipline hearing.

Employees may be accompanied at discipline meetings by a companion. The companion may be a trade union representative or a work colleague, as long as the work colleague has indicated that they are happy to be involved. Requests to be accompanied by someone else will be considered, but it may



not always be possible to accommodate these requests.

The discipline hearing will be treated formally, ensuring that the employee has an opportunity to respond to the allegations contained in the investigation report and present their side of the case. Everyone involved should disclose any documents they think are relevant before the hearing takes place.

Where appropriate, the employee handling your appeal may nominate a member of the Senior Management Team or another employee to chair the meeting. The chair person will make a record of the meeting, which they will share with everyone that attended.

After the meeting, the investigating employee will write to inform you of the company's decision and will inform you of the appeals procedure and identify who you should appeal to in the event that you are not content with the action taken. Where appropriate, we may hold meeting to give you this information.

If an employee is persistently unable or unwilling to attend a discipline meeting without a good reason, the company will make a decision on the available evidence.

5. Appeals

Employees may appeal against decisions made as a result of investigations or discipline hearings. Any appeal against a decision must be made in writing to the identified employee within ten working days of receiving written notification of the decision. You must state your reasons for appealing the decision in your letter.

Appeal meetings will be arranged as soon as possible, without unreasonable delay, and will be conducted by a different employee to the employee who conducted the discipline meeting. Appeal meetings should be conducted in the same way as disciplinary hearings.

Employees will be notified of the outcome of the appeal as soon as possible after the appeal meeting has concluded.

6. Disciplinary Action

The following disciplinary actions may be taken by the company as a result of the investigation or discipline hearings. The company is not required to take each action sequentially, but may take any action it believes is appropriate depending on the severity of the misconduct or poor performance. Employees are entitled to appeal against any disciplinary action taken against them.

6.1 Informal Warnings

On some occasions, it might be appropriate for an employee to receive an informal warning prior to the commencement of a capability action plan or formal disciplinary procedure. This will give the employee the chance to address the issue quickly and quietly. An informal warning will not be officially recorded in writing, but in all cases it will be appropriate to make a note on the employee's personnel records and in PeopleLog. An informal warning may be accompanied by a capability action plan, which will assist the employee in the improvement of their conduct and/or behaviour



6.2 First Written Warning

If as a result of an investigation or discipline hearing, the company determines that an employee has engaged in misconduct or has failed to improve their performance as a result of a capability action plan, a first written warning may be issued. This is a formal written warning which will be recorded on your personnel file. Your formal written warning will be disregarded after twelve months as long as there are no further related incidents. If there are additional misconduct or continued performance concerns during those twelve months, the first written warning will remain on the employee's record. If a reference request is made within that time period, the disciplinary sanction may be disclosed. A first written warning may be accompanied by a capability action plan to assist the employee improve their conduct or performance.

6.3 Final Written Warning

If an offence is serious, or there are no improvements after a first written warning has been issued, or if a further offence of a similar kind occurs, a final written warning will be given. This will include the reason for the warning and a note that if no improvement results within a specific time frame, further disciplinary action will be taken. The record will be disregarded after twelve months if there are no further incidents or performance concerns. If a reference request is made within that time period, the disciplinary sanction may be disclosed.

6.4 Action Short of Dismissal

If an investigation or disciplinary hearing determines that the employee has engaged in misconduct, or that their conduct or performance has failed to improve, the employee may be demoted, given a disciplinary transfer, lose status or be dismissed. The company may also choose to commence a capability action plan. If a reference request is subsequently made, the disciplinary sanction may be disclosed.

6.5 Dismissal

In cases of gross misconduct, the company may dismiss the employee without notice or with payment in lieu of notice. The company may also consider dismissal if there are further instances of misconduct or concerns around poor performance after a final warning has been issued.

6.6 Other Actions

In the case of all sanctions other than dismissal, if the employee needs extra support, independent mediation or training to help them to improve their conduct, this should be considered.

7. Gross misconduct

Some acts, termed gross misconduct, are so serious or have such serious consequences that they may call for dismissal without notice for a first offence. These include, but are not limited to, the following:

- Theft, fraud, falsification of documents, bribery, dishonesty;
- Unauthorised access to computer systems, personal records of staff or other commercial in confidence or sensitive information;
- Serious misuse of company's e-mail, social media platforms and internet systems;



- Serious insubordination, such as the deliberate refusal to carry out a reasonable instruction;
- Unauthorised use of alcohol or drugs in the workplace;
- Unacceptable behaviour towards a customer, colleague or supplier;
- Serious negligence or breach of safety rules and procedure which causes, or could have caused, significant loss, damage or injury to the company, its employees or customers;
- Conviction of a criminal offence;
- Abusive, threatening or bullying behaviour or behaviour that otherwise undermines the creation of a safe working environment for Monica Vinader employees. This includes, but is not limited to, acts of harassment, discrimination or inappropriate behaviour on the basis of race, ethnicity, sex, marital status, pregnancy, sexual orientation, gender identity, religion, age, disability, political affiliation or trade union membership;
- False, exaggerated or vexatious claims against the company, its employees or agents, including misuse use of grievance policy; and
- A serious breach of trust or confidentiality, including the disclosure or sharing of any confidential information regarding our customers, suppliers, designs or plans for new collections.

If a decision is made to summarily dismiss an employee for gross misconduct, the employee will be informed as soon as possible of the reasons for the dismissal, the appropriate period of notice and their right of appeal. In most cases of gross misconduct, employees will be dismissed without notice after the conclusion of the investigation stage.

8. Suspension

In some cases, it may be necessary to suspend an employee on full pay while an investigation takes place. This period of suspension will be as brief as possible and will be kept under continual review. The employee should follow the directions of their manager concerning work-related contact with their colleagues during this period. Suspension is not a disciplinary action and there is no presumption of wrongdoing while the investigation is underway.

9. Acting as a companion

Employees may be accompanied at meetings by a companion. This person may be a trade union representative or a work colleague. The role of the companion is to provide support to the employee during the meeting and provide independent verification of the proceedings. Companions may not answer questions on behalf of the employee or prevent company's representative from speaking.

If you are a Monica Vinader employee, acting as a companion will in no way compromise your employment with the company. You are under no obligation to accept a request to act as a companion and it is up to you what level of support you provide. If you agree to be a colleague's companion, you will be allowed reasonable time off from your responsibilities without loss of pay to act as a companion.

10. Responsibilities

Everyone: to act with integrity and to perform to a high standard at all times. To fully co-operate with any disciplinary investigation and to follow instructions to retain confidentiality and discretion.

Managers: to familiarise themselves with the policy and ensure it is followed. To act fairly, sensitively and confidentially in the management of a disciplinary matter. To take swift action where conduct or capability issues arise and where necessary, to advise Senior Management of any disciplinary action

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taken.

11. Questions?

If you have any questions, please ask your Manager or a member of the HR Team.