

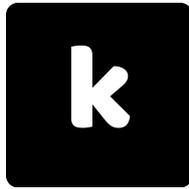
Directors: Ben Fitzgerald and Rosie Frost

KINDCODY POLICY - CAPABILITY & PERFORMANCE

Revised: 10 APRIL 2021

Policy

1. The primary aim of this capability & performance policy is to provide a framework within which KINDCODY can work with employees to maintain satisfactory performance standards and to encourage improvement where necessary. KINDCODY recognises the difference between a deliberate or careless failure on the part of the employee to perform to the standards of which they are capable, in which case KINDCODY will use its Disciplinary Procedure, and a case of incapability, where the employee is lacking in knowledge, skill or ability and so cannot perform to the standard required. In this latter case, KINDCODY will use this procedure in an attempt to improve the employee's performance.
2. KINDCODY also recognises that during an employee's employment their capability to carry out their duties may deteriorate. This can be for several reasons, the most common ones being that either the job changes over a period of time and the employee fails to keep pace with the changes, or the employee changes and can no longer cope with the work.



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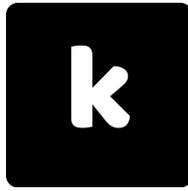
3. This capability and performance policy is in two parts. Section A generally applies to those employees who have less than one year's continuous employment with KINDCODY, although KINDCODY reserves the right to apply Section B instead to any such employee. Section B applies to those employees who have one or more years' continuous employment with KINDCODY.
4. This capability procedure is entirely non-contractual and does not form part of an employee's contract of employment.

Section A

5. Before taking a decision to dismiss an employee on the grounds of poor performance due to a genuine lack of capability, KINDCODY will, as a rule and subject to any permitted statutory exceptions, comply with the following procedure:

Stage 1: Notification of performance concerns

6. KINDCODY will notify the employee in writing of the concerns over performance and will invite them to a capability meeting to discuss the matter. KINDCODY will also notify the employee of the basis of the complaint of alleged poor performance.



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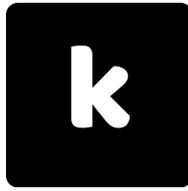
Stage 2: Capability meeting

7. Having given the employee a reasonable opportunity to consider their response to KINDCODY's concerns, a meeting will then take place at which the employee will be given the chance to state their case. The employee may be accompanied, if requested, by a person of their choosing. The employee must take all reasonable steps to attend that meeting. Following the meeting, the employee will be informed of KINDCODY's decision in writing and notified of their right to appeal against it.

Stage 3: Appeals

8. If the employee wishes to appeal against KINDCODY's decision, they can do so within five working days of the decision. Appeals must be made in writing and state the grounds for appeal. The employee will be invited to attend an appeal meeting chaired by the Chief of Staff and/or the Chairman. At the appeal meeting, the employee will again be given the chance to state their case and will have the right to be accompanied by a person of their choosing. Following the appeal meeting, the employee will be informed of the appeal decision in writing. KINDCODY's decision on an appeal will be final.
9. KINDCODY reserves the right not to follow this Section A procedure in relation to the issuing of a capability warning to any employee who has less than one year's continuous employment with KINDCODY.

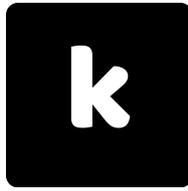
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Section B

10. Minor capability issues will be dealt with informally through counselling and training. Informal discussions may be held with a view to clarifying the required work standards and the level of performance expected of the employee, identifying areas of concern, establishing the likely causes of poor performance, identifying any training or supervision needs, setting targets for improvement and agreeing a time-scale for review.
11. In cases where informal discussion with the employee does not lead to a satisfactory improvement in performance, or where the performance issues are more serious, the following capability procedure will be used. At all stages of the procedure an investigation will be carried out.
12. KINDCODY will also consider whether the unsatisfactory performance is related to a disability and, if so, whether there are any reasonable adjustments that could be made to the requirements of the employee's job or other aspects of the working arrangements.
13. KINDCODY will notify the employee in writing of the concerns over performance and the basis for those concerns and will invite the employee to a capability hearing to discuss the matter. Having given the employee a reasonable opportunity to consider their response to the allegations, a formal capability hearing will then take place, conducted by the Director's, at which the employee will be given the chance to state



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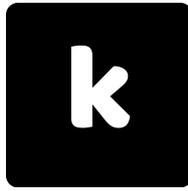
their case, accompanied if requested by a person of their choosing. The employee must take all reasonable steps to attend that meeting.

14. The purposes of the capability hearing include:
 - 14.1. To set out the required standards that KINDCODY considers the employee has not met;
 - 14.2. To establish the likely causes of poor performance (including any reasons why any measures taken so far have not led to the required improvement);
 - 14.3. To allow the employee the opportunity to explain the poor performance and to ask any relevant questions.

15. Except in the case where dismissal is proposed, the purposes of the capability hearing also include:
 - 15.1. To discuss measures, such as additional training or supervision, which may improve the employee's performance;
 - 15.2. To set targets for improvement and to set a reasonable time-scale for review (reflecting the circumstances of the case).

16. In a case where dismissal is proposed, the purposes of the capability hearing also include:
 - 16.1. To establish whether there are any further steps that could reasonably be taken to rectify the employee's poor performance;

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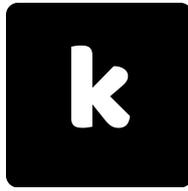
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- 16.2. To establish whether there is any reasonable likelihood of the required standards of performance being met within a reasonable time;
 - 16.3. To discuss whether there is any practical alternative to dismissal, such as redeployment to any suitable available job at the same or lower grade.
17. Following the capability hearing, the employee will be informed in writing of KINDCODY's decision in accordance with the stages set out below and notified of their right to appeal against that decision.

Stage 1: Capability warning

18. The employee will be given a formal capability warning. This will set out the areas in which the employee has not met the required performance standards, targets for improvement, any measures, such as additional training or supervision, which will be taken with a view to improving the employee's performance, a timescale for review and the likely consequences of failing to improve to the required standards within the review period. The capability warning will be recorded but nullified after six months, subject to satisfactory performance.
19. The employee's performance will be monitored and, at the end of the review period, KINDCODY will write to them to advise them of the next step. If KINDCODY is satisfied with the employee's performance, no further action will be taken. If, however, KINDCODY is not

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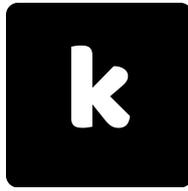
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satisfied with the employee's performance, the matter may be progressed to stage 2 or, if KINDCODY feels that there has been a substantial but insufficient improvement, the review period may be extended.

Stage 2: Final capability warning

20. Failure to improve performance in response to the procedure so far will result in a final capability warning being issued. This will set out the areas in which the employee has still not met the required performance standards, targets for improvement, any further measures, such as additional training or supervision, which will be taken with a view to improving the employee's performance, a further timescale for review and the likely consequences of failing to improve to the required standards within the further review period i.e. that dismissal will probably result. The final capability warning will be recorded but nullified after twelve months, subject to satisfactory performance.

21. The employee's performance will again be monitored and, at the end of the further review period, KINDCODY will write to them to advise them of the next step. If KINDCODY is satisfied with the employee's performance, no further action will be taken. If, however, KINDCODY is not satisfied with the employee's performance, the matter may be progressed to stage 3 or, if KINDCODY feels that there has been a substantial but insufficient improvement, the review period may be extended.



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Stage 3: Dismissal

22. Failure to improve performance in response to the procedure so far will normally lead to dismissal, with appropriate notice. KINDCODY may first consider redeploying the employee with their agreement to another available job at the same or lower grade which is more suited to their abilities. A dismissal decision will only be made after the fullest possible investigation. Dismissal can be authorised only by the Directors. The employee will be informed of the reasons for dismissal, the appropriate period of notice, the date on which their employment will terminate and how they can appeal against the dismissal decision.

Demotion

23. As an alternative to issuing a capability warning or as an alternative to dismissal, KINDCODY reserves the right to demote the employee for such period as is necessary to enable them to reach the desired standards. This period shall not exceed six months and will be reviewed by KINDCODY every month. KINDCODY also reserves the right to impose a reduction in the employee's pay for the period of the demotion and the written notice will detail any changes to the employee's terms and conditions of employment arising from such demotion. In particular, the notice will give details of any reduction to the employee's salary and/or loss of benefits arising from the demotion.

Appeals



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24. An employee may appeal against any decision under this capability procedure, including dismissal, within five working days of the decision. Appeals should be made in writing and state the grounds for appeal.
25. The employee will be invited to attend an appeal hearing chaired by the Director's. At the appeal hearing, the employee will again be given the chance to state their case and will have the right to be accompanied by a person of their choosing.
26. Following the appeal hearing, the employee will be informed of the appeal decision, and the reasons for it, in writing. KINDCODY's decision on an appeal will be final.

Professional advice

KINDCODY management will consult with external HR professionals on staffing matters as appropriate and ensure that KINDCODY operates within the law.

Entry into Force

27. This policy is effective immediately.

Chris Frost, Chief Operating Officer

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