

Disciplinary Procedure for McBride Racing Limited

1. Introduction and Purpose

This Disciplinary Procedure outlines the steps McBride Racing Limited will take when an employee's conduct or performance falls below the required standards. Its purpose is to ensure that all disciplinary matters are dealt with fairly, consistently, and in accordance with relevant employment legislation in both Northern Ireland (NI) and the Republic of Ireland (ROI).

This procedure aims to encourage improvement in conduct and performance, rather than simply imposing penalties. It provides a framework for addressing issues promptly, transparently, and with due regard for natural justice.

2. Scope

This procedure applies to all employees of McBride Racing Limited across all its operations, including:

- Retail betting shops
- Dial-A-Bet service
- Casino experience gaming terminals
- Betting website operations
- Prize competitions website operations
- Head Office and support functions

It covers issues related to conduct, performance, and any breaches of Company policies, procedures, or legal/regulatory obligations.

3. Principles

The following principles will underpin all disciplinary actions:

- **Fairness and Consistency:** All employees will be treated fairly and consistently, with similar issues leading to similar outcomes.
- **Natural Justice:** Employees will be informed of the allegations against them, given the opportunity to state their case, and have the right to be accompanied at formal meetings.
- **Timeliness:** Disciplinary matters will be dealt with promptly and without undue delay.
- **Confidentiality:** All information relating to disciplinary matters will be treated with appropriate confidentiality.

- **Right to Appeal:** Employees will have the right to appeal against any formal disciplinary decision.
- **Focus on Improvement:** The primary aim is to encourage improvement in conduct or performance.
- **Legal Compliance:** The procedure will comply with the Labour Relations Agency (LRA) Code of Practice on Disciplinary and Grievance Procedures in NI, and the Workplace Relations Commission (WRC) and relevant employment legislation in ROI.

4. Stages of the Disciplinary Procedure

Disciplinary action will typically follow a progressive approach, with the severity of the action increasing with the seriousness or persistence of the misconduct/poor performance.

4.1. Informal Stage (Guidance/Counseling)

For minor issues of conduct or performance, a Supervisor or Manager may address the matter informally. This might involve:

- A private discussion with the employee.
- Clarifying expectations and standards.
- Offering advice, coaching, or training.
- Setting a clear timeframe for improvement.

A brief note of the discussion may be kept by Management, but this is not considered a formal disciplinary record. If the issue is not resolved or recurs, the formal procedure will be initiated.

4.2. Formal Stage 1: First Written Warning

This stage is typically used for:

- Failure to meet required standards of conduct or performance after informal attempts to resolve the issue.
- Minor breaches of Company policy or procedure.

Process:

1. **Investigation:** A thorough investigation will be conducted (see Section 6).
2. **Disciplinary Hearing:** A formal disciplinary hearing will be arranged (see Section 7).
3. **Decision:** If misconduct/poor performance is confirmed, the employee will receive a First Written Warning.
4. **Warning Details:** The warning will:
 - State the nature of the misconduct/poor performance.
 - Explain the required improvement.
 - Specify the timeframe for improvement (e.g., 3-6 months).
 - State that failure to improve may lead to a Final Written Warning.
 - Inform the employee of their right to appeal.

5. **Record:** The warning will be placed on the employee's personnel file for a specified period (e.g., 6-12 months), after which it will be disregarded for future disciplinary purposes, provided there is no further recurrence of similar issues.

4.3. Formal Stage 2: Final Written Warning

This stage is typically used for:

- Failure to improve conduct or performance following a First Written Warning.
- A more serious instance of misconduct or poor performance that, while not gross misconduct, warrants a more severe warning.

Process:

1. **Investigation:** A thorough investigation will be conducted.
2. **Disciplinary Hearing:** A formal disciplinary hearing will be arranged.
3. **Decision:** If misconduct/poor performance is confirmed, the employee will receive a Final Written Warning.
4. **Warning Details:** The warning will:
 - State the nature of the misconduct/poor performance.
 - Explain the required improvement.
 - Specify the timeframe for improvement (e.g., 6-12 months).
 - State that failure to improve, or further misconduct, may lead to dismissal or other severe sanctions.
 - Inform the employee of their right to appeal.
5. **Record:** The warning will be placed on the employee's personnel file for a specified period (e.g., 12-18 months), after which it will be disregarded for future disciplinary purposes, provided there is no further recurrence of similar issues.

4.4. Formal Stage 3: Dismissal or Other Sanction

This stage is typically used for:

- Failure to improve conduct or performance following a Final Written Warning.
- An act of Gross Misconduct (see Section 5).
- A series of repeated acts of misconduct or poor performance.

Process:

1. **Investigation:** A thorough investigation will be conducted.
2. **Disciplinary Hearing:** A formal disciplinary hearing will be arranged.
3. **Decision:** If misconduct/poor performance is confirmed, McBride Racing Limited may decide to:
 - **Dismissal:** Termination of employment, with or without notice depending on the circumstances (e.g., summary dismissal for gross misconduct).
 - **Other Sanctions:** This could include demotion, transfer to another role, loss of privileges, or a period of unpaid suspension (used cautiously and typically only where contractually permitted or for investigation purposes).

4. **Details:** The employee will be informed in writing of the decision, the reasons for it, the effective date, and their right to appeal.

5. Gross Misconduct

Gross Misconduct is misconduct of such a serious nature that it may warrant immediate (summary) dismissal without notice or pay in lieu of notice, following a full investigation and disciplinary hearing. Examples of gross misconduct, particularly relevant to a betting company, include but are not limited to:

- Theft, fraud, or deliberate falsification of records (e.g., betting slips, financial reports, customer accounts).
- Serious breach of confidentiality (e.g., sharing customer data, internal betting strategies).
- Serious breach of regulatory requirements or licensing conditions (e.g., allowing underage gambling, money laundering offences, failure to adhere to responsible gambling policies).
- Deliberate damage to Company property or reputation.
- Physical violence, bullying, or harassment towards colleagues, customers, or third parties.
- Serious insubordination or refusal to obey a reasonable instruction.
- Being under the influence of alcohol or illegal drugs during working hours.
- Serious misuse of Company systems or equipment (e.g., accessing inappropriate content, unauthorised betting activity on company systems).
- Gambling on Company premises or using Company systems in breach of policy.
- Bringing the Company into serious disrepute.
- Any other act that fundamentally breaches the trust and confidence required in the employment relationship.

6. Investigation Process

Before any formal disciplinary hearing, a thorough and impartial investigation will be conducted to establish the facts.

1. **Appointment of Investigator:** An appropriate Investigating Officer, who has not been involved in the initial incident, will be appointed to conduct the investigation.
2. **Gathering Evidence:** The investigator will gather all relevant information, which may include:
 - Interviewing the employee concerned.
 - Interviewing witnesses.
 - Reviewing documents, CCTV footage, system logs, emails, call recordings (Dial-A-Bet), betting records, and other relevant data.
 - Taking written statements.
3. **Employee Notification:** The employee will be informed of the nature of the allegations and that an investigation is underway. They may be suspended during the investigation if their continued presence at work could impede the investigation, pose

a risk to the business, or compromise the safety of others. Suspension is not a disciplinary action.

4. **Report:** A report summarising the findings of the investigation will be prepared.

7. Disciplinary Hearing

If the investigation indicates that there is a case to answer, a formal disciplinary hearing will be convened.

1. **Notification:** The employee will be invited in writing to a disciplinary hearing, giving them sufficient notice (e.g., 5 working days). The letter will:
 - State the specific allegations of misconduct or poor performance.
 - Provide copies of all relevant evidence gathered during the investigation.
 - Inform them of their right to be accompanied (see Section 9).
 - State the potential outcomes of the hearing.
 - Inform them of who will be conducting the hearing and who will be taking notes.
2. **Conduct of Hearing:**
 - The hearing will be conducted by an appropriate officer who is sufficiently senior to make a decision.
 - The employee will be given the opportunity to present their case, respond to the allegations, call witnesses, and present any mitigating circumstances.
 - Notes of the hearing will be taken.
3. **Decision:** The officer conducting the hearing will consider all the evidence presented. The decision will be communicated to the employee in writing, usually within a few working days of the hearing. The letter will explain the decision, the reasons for it, and the right to appeal.

8. Appeals

An employee has the right to appeal against any formal disciplinary decision.

1. **Grounds for Appeal:** Appeals may be lodged on grounds such as:
 - The decision was unfair or too severe.
 - New evidence has become available.
 - The procedure was not followed correctly.
2. **Process:**
 - The employee must submit their appeal in writing, stating the grounds for appeal, within a specified timeframe (e.g., 5 working days) of receiving the disciplinary decision.
 - An appeal hearing will be arranged.
 - The employee will have the right to be accompanied at the appeal hearing.
 - The decision of the appeal hearing is final.

9. Right to be Accompanied

At any formal disciplinary or appeal hearing, the employee has the right to be accompanied by:

- A work colleague.
- A trade union representative (if applicable).

The companion may:

- Present and sum up the employee's case.
- Respond on behalf of the employee to any views expressed at the meeting.
- Confer with the employee during the meeting. The companion may not answer questions on the employee's behalf or obstruct the meeting.

10. Record Keeping

Detailed and accurate records will be kept of all stages of the disciplinary process, including:

- Dates and times of meetings.
- Attendees.
- Allegations made.
- Evidence considered.
- Decisions made and reasons for them.
- Copies of all correspondence (invitation letters, warning letters, appeal letters).
- Notes of meetings.

These records will be kept securely and confidentially in the employee's personnel file in accordance with data protection legislation (GDPR).

11. Key Considerations for Northern Ireland and Republic of Ireland

While the core principles of fairness and natural justice apply in both jurisdictions, there are specific legal frameworks and nuances to consider:

Northern Ireland (NI)

- **Labour Relations Agency (LRA) Code of Practice:** McBride Racing Limited will adhere to the LRA Code of Practice on Disciplinary and Grievance Procedures. Failure to do so may result in an uplift or reduction in compensation awarded by an Industrial Tribunal.
- **Employment Rights (Northern Ireland) Order 1996:** This legislation governs unfair dismissal and other employment rights.
- **Specific Offences:** Be particularly mindful of breaches related to the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 and subsequent amendments, as well as the Gambling Act 2005 (though primarily GB, some aspects may influence NI operations).

Republic of Ireland (ROI)

- **Workplace Relations Commission (WRC) Codes of Practice:** McBride Racing Limited will have regard to relevant WRC Codes of Practice, particularly the Code of Practice on Grievance and Disciplinary Procedures (S.I. No. 146 of 2000, as amended). Adherence to these codes is crucial for defending unfair dismissal claims.
- **Unfair Dismissals Acts 1977-2015:** This legislation governs unfair dismissal claims. Employees generally need 12 months' continuous service to bring an unfair dismissal claim, though this service requirement does not apply in certain circumstances (e.g., trade union membership, protected disclosures).
- **Terms of Employment (Information) Act 1994:** Employees must be provided with a written statement of terms of employment, which should include details of disciplinary procedures.
- **Payment of Wages Act 1991:** Care must be taken regarding deductions from wages, particularly in relation to suspension without pay.
- **Specific Offences:** Be highly aware of the Gambling Regulation Bill (currently in progress, but expected to significantly update gambling law), and existing legislation such as the Gaming and Lotteries Act 1956 and the Betting Act 1931. Breaches of licensing conditions or responsible gambling provisions are serious.

Common Offences Relevant to Betting Companies

Beyond general misconduct, the following are particularly critical for a betting company and may constitute gross misconduct:

- **Regulatory Non-Compliance:** Any act that violates the terms of McBride Racing Limited's gambling licenses or regulatory obligations (e.g., anti-money laundering (AML) regulations, responsible gambling rules, age verification failures).
- **Internal Betting/Gaming:** Employees placing bets or participating in prize competitions on Company products or premises, especially if this could lead to a conflict of interest or insider information. Strict policies on employee gambling should be in place and breaches treated seriously.
- **Customer Data Misuse:** Unauthorised access, disclosure, or misuse of customer personal or betting data.
- **System Manipulation:** Any attempt to manipulate betting systems, gaming terminals, or competition outcomes.
- **Handling of Funds:** Misappropriation of cash, vouchers, or other financial instruments. Failure to follow strict cash handling procedures.
- **Responsible Gambling Breaches:** Failing to report concerns regarding problem gambling.

12. Review

This Disciplinary Procedure will be reviewed periodically (e.g., annually) and updated as necessary to ensure it remains effective, fair, and compliant with current legislation and best practice in both Northern Ireland and the Republic of Ireland. Employees will be informed of any significant changes.

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McBride Racing Limited