



ESG
Gaming

Disciplinary and Dismissal Procedure Policy



Ecologi



**INVESTORS
IN PEOPLE**



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Disciplinary and Dismissal Procedure

Who is covered by this procedure?

All staff.

What is covered by this procedure?

This procedure explains ESG Gaming's disciplinary procedure, outlining the process to follow, some examples of behaviours that may lead to disciplinary action (including gross misconduct) and guidance on disciplinary meetings, sanctions and appeals.

Purpose

Any disciplinary proceeding is primarily intended to improve performance and resolve difficulties. Disciplinary matters cover non-performance or inadequate performance of duties, breaches of contract or ESG Gaming's rules, and other misconduct affecting a staff member's work at ESG Gaming.

The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. All meetings will have minutes recorded.

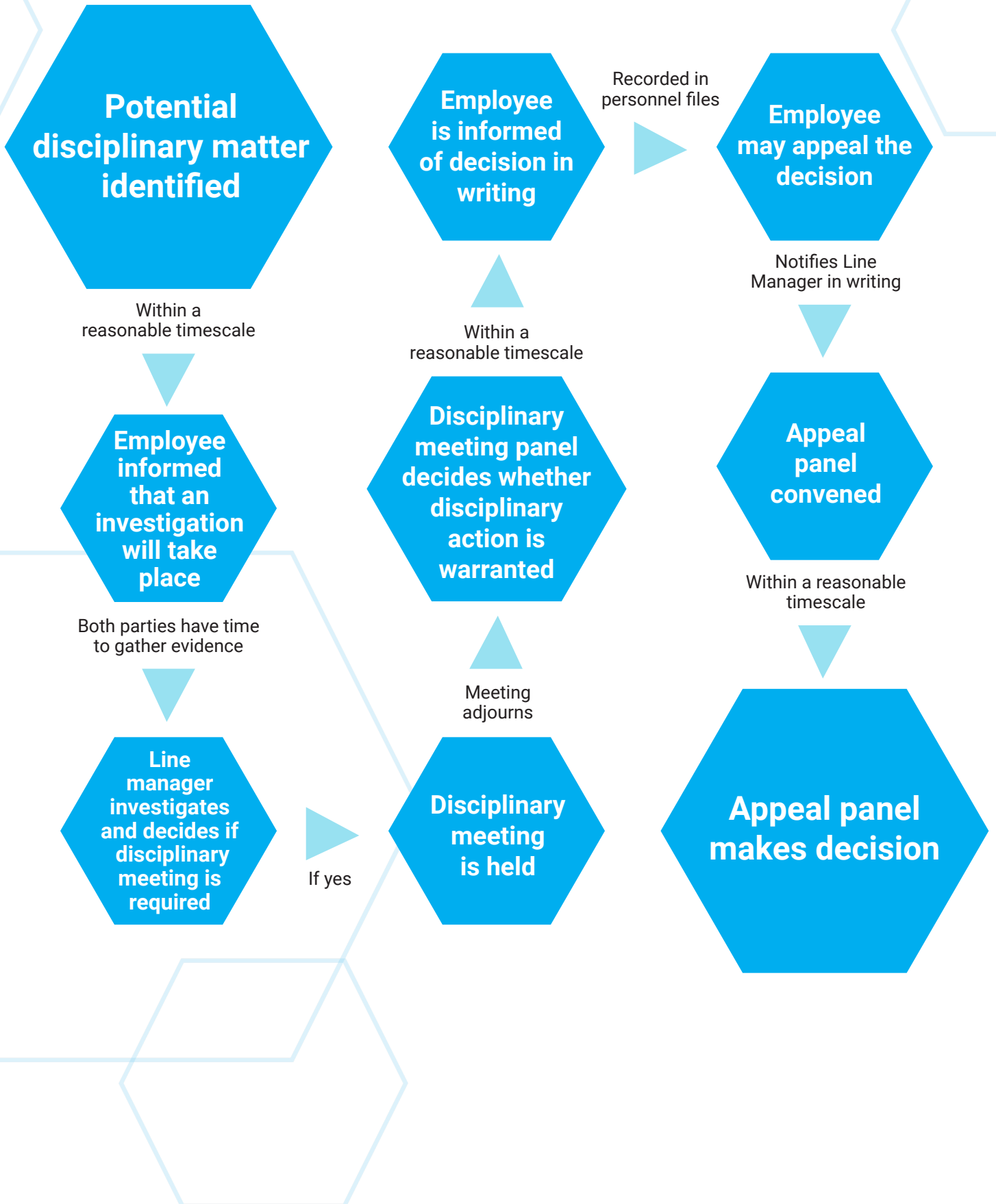
Examples of behaviours that may lead to disciplinary action

Behaviours that may lead to disciplinary action include, but are not limited to:

- failure to deliver work to the required standard;
- persistent lateness;
- rudeness towards a colleague;
- rudeness towards a beneficiary or customer;
- bullying or harassment of a colleague (including towards those in senior roles), which also covers derogatory comments or jokes in private messengers, group chats or social media;
- refusal to carry out a reasonable task;
- breaching any of ESG Gaming's policies and procedures;
- attitude which is deemed to be negative and unhelpful;
- being derogatory or offensive about ESG Gaming or any of its staff, associates, volunteers, beneficiaries or customers publicly, online or on social media;
- misuse of information (this could be either confidential material, such as staff records or accounting information, or copyright material owned by ESG Gaming)
- breach of ESG Gaming's Health and Safety Policy which may endanger life or may cause serious injury.



The process





The table below outlines the actions to be taken as part of the disciplinary procedure, who is responsible for those actions and the timescales within which the procedure is applied.

Action	Who	By when
The staff member will be notified in writing that there is a potential disciplinary matter that needs to be investigated.	Line manager	As close to the disciplinary matter as is reasonable and possible
Investigation will begin – this may involve a meeting with the staff member. The line manager will gather any appropriate evidence including interviews with other members of staff if necessary in order to establish the facts.	Line manager	Within a reasonable timescale – ideally, not more than two weeks after the staff member is notified of disciplinary investigation
If the investigation leads the line manager to believe a disciplinary meeting is necessary, they will notify the staff member and arrange an appropriate date.	Line manager	Meeting within one week of the notification, where practical (with a minimum of 24 hours' notice given)
After the meeting, the disciplinary meeting panel will consider whether disciplinary action is required and will notify the staff member in writing of their decision, including the level of disciplinary action taken if applicable.	Disciplinary meeting panel	Ideally, within 48 hours of the disciplinary meeting
If the staff member feels that disciplinary action taken against them is wrong or unjust, they have a right to appeal following ESG Gaming's appeal process (see 'The right to appeal' section below).	Staff member	Within a reasonable timescale – not more than two weeks after the employee is notified of the disciplinary decision



How the disciplinary procedure will be conducted

Establishing the facts

The line manager will investigate a potential disciplinary matter without unreasonable delay to establish the facts of the case. Depending on the circumstances, this may require holding an investigatory meeting with the staff member before proceeding to a formal disciplinary meeting. In others, the investigatory stage will be the collation of evidence by ESG Gaming for use at the formal disciplinary meeting.

The investigatory meeting will not by itself result in any disciplinary action if the outcome of the investigation is that there is no case to answer.

If the staff member has been suspended pending an investigation, their return to work will be dependent upon whether the investigation warrants a formal disciplinary meeting. ESG Gaming will take into account what is in the best interests of the employee and organisation.

Informing the staff member of the problem

If the line manager decides that there is a disciplinary case to answer, they will notify the staff member of this in writing. The notification will set out the issues that need to be considered, how seriously these are being viewed and the potential consequences. It will inform the employee of the date and time of the disciplinary meeting to allow sufficient time to prepare for it. Copies of any written evidence, which may include any witness statements, should be provided with the notification.

The notification will also advise the staff member of their statutory right (established by the Employment Relations Act 1999) to be accompanied at the meeting by a trade union representative, an official employed by a trade union, a fellow staff member, or a friend or family member.

To exercise the right to be accompanied, a staff member must make a reasonable request to the ESG Gaming. What is reasonable will depend on the circumstances of each individual case. A request to be accompanied does not have to be in writing or within a certain timeframe. However, the staff member should provide enough time for ESG Gaming to deal with the companion's attendance at the meeting. The staff member should also consider how they make their request so that it is clearly understood, for instance by letting ESG Gaming know in advance the name of the companion and whether they are a fellow worker or trade union official or representative. ESG Gaming will not normally adjust the meeting in order to fit around the needs of the companion unless there is a compelling reason to do so.

ESG Gaming will not take any disciplinary action until the matter has been fully investigated and the staff member has been informed and has had a reasonable time in which to arrange their representation. If the staff member asks to delay the process due to their representative being unavailable, this can be granted for up to five days, after which they will need to find an alternative and the process won't be delayed again.

Holding a disciplinary meeting

ESG Gaming's representatives and the staff member (and their companion if requested) should make every effort to attend the meeting. At the meeting, the ESG Gaming panel (made up of appropriate members of staff and/or directors) will explain the complaint against the staff member and go through the evidence that has been gathered. The staff member will be able to set out their case and answer any allegations that have been made. The staff member will also have an opportunity to ask questions, present evidence, call relevant witnesses and raise points about any information provided by witnesses. Where ESG Gaming or the staff member intends to call relevant witnesses, they should give advance notice to the other party.



If required, the companion can put and sum up the staff member's case, respond on behalf of the staff member to any views expressed at the meeting and confer with the staff member during the appeals. The companion does not, however, have the right to answer questions on the staff member's behalf, address the meeting panel if the staff member does not wish it or prevent ESG Gaming from explaining its case.

Deciding on appropriate action

After the meeting, the disciplinary meeting panel will decide whether disciplinary, or any other action, is justified and inform the staff member accordingly in writing.

Where the panel confirms any misconduct or finds a staff member to be performing unsatisfactorily, it will usually give the staff member a written warning. The warning will include the reason for the decision, change in behaviour or improvement in performance required and when the situation will be reviewed. It will indicate that if there is inadequate improvement or a repeat of the offence, a final written warning may be given.

A written warning will remain on the staff member's personnel file for six months.

If a staff member's first misconduct or unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning. This might occur where the staff member's actions have had, or are liable to have, a serious or harmful impact on the organisation.

A final written warning should set out the nature of the misconduct or poor performance and the change in behaviour or improvement in performance required (with timescale, which will depend on the misconduct and the level of improvement needed). It should inform the staff member that the consequences of further misconduct or failure to improve performance within the set period following a final warning will result in dismissal.

The right to appeal

If the staff member feels that disciplinary action taken against them is wrong or unjust, they have the right to appeal. They should inform the line manager of their grounds for appeal within two weeks and in writing.

ESG Gaming will convene an appeal panel, which will include the senior manager of the staff member, the line manager and an independent member of the Leadership Team or directors, who will chair the panel to ensure impartiality.

ESG Gaming will hear the appeal without undue delay and will notify the staff member in advance of the time and place for the hearing.

As with the disciplinary meeting, the staff member may be accompanied by a trade union representative, a fellow staff member or a friend or family member.

ESG Gaming will communicate the outcome of the appeal to the staff member in writing within two working days.

Gross misconduct

Gross misconduct includes any action which threatens ESG Gaming its work or reputation, people connected with ESG Gaming or members of the public, or which destroys ESG Gaming relationship



of trust with a staff member. Examples of gross misconduct include, but are not restricted to:

- theft;
- damage to ESG Gaming's property;
- fraud;
- incapacity for work due to being under the influence of alcohol or illegal drugs;
- physical assault;
- threatening behaviour;
- racist activity;
- sexual harassment;
- bullying;
- gross insubordination;
- conduct endangering any person;
- gross negligence;

If, after investigation, ESG Gaming finds that a staff member has committed an act or acts of gross misconduct, the normal consequence may be dismissal without notice and without pay in lieu of notice.

Suspension

While any alleged misconduct other than gross misconduct is being investigated, a staff member may be suspended at the discretion of the line manager and with the support of the Leadership Team or directors. Such suspension is precautionary and does not pre-empt the outcome of a disciplinary meeting or investigation. The staff member will be paid their usual salary until the situation has been resolved. In cases of alleged gross misconduct, a staff member is likely to be suspended on their usual pay for the duration of the investigation.



ESG
Gaming



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