

ST ATHAN COMMUNITY COUNCIL DISCIPLINARY AND GRIEVANCE POLICY



Adopted by St Athan Community Council at the Full General Council meeting held on Tuesday 7th July 2026 and replaces the previous Disciplinary and Grievance Policy.
Review due July 2027.
Version: 2.0.

Adoption

This Disciplinary and Grievance Policy was adopted by St Athan Community Council on:

Minute reference: 3504

Review date: May 2027

Signed:

Name:

Chair of St Athan Community Council

1. Introduction and scope

This policy sets out how St Athan Community Council will deal with employee disciplinary matters and employee grievances. It replaces the Council's 1st Edition Disciplinary and Grievance Policy dated 1st October 2021, subject to formal adoption by Council.

The policy is intended to help the Council deal with workplace concerns fairly, consistently, promptly and in accordance with the ACAS Code of Practice on Disciplinary and Grievance Procedures, the ACAS guide on discipline and grievances at work, the Employment Relations Act 1999, the Equality Act 2010, the UK GDPR and the Data Protection Act 2018.

This policy applies to employees of the Council. It does not apply to councillors, co-opted members, contractors, suppliers, volunteers or members of the public, although issues involving those persons may need to be considered as part of an employment process.

The policy should be read alongside the employee's contract of employment, job description, relevant Council policies, standing orders, financial regulations and any staffing committee terms of reference. Where legislation, statutory rights or the contract of employment provides a more favourable entitlement, those rights will prevail.

The Council has also adopted a separate Local Resolution Protocol, adopted on 3rd December 2025, to resolve low-level conduct issues and misunderstandings. The Local Resolution Protocol may be relevant where an issue involves councillor conduct, officer/councillor working relationships or minor interpersonal disputes. It does not replace this employment disciplinary and grievance procedure and must not be used for formal employment grievances, employee disciplinary matters, serious misconduct, criminal allegations or public complaints.

2. General principles

The Council will apply this policy in accordance with the following principles:

- matters should be raised and dealt with without unreasonable delay;
- informal resolution should be considered where appropriate;
- where a matter is suitable for local resolution rather than formal employment action, the Council may refer to its Local Resolution Protocol, provided this does not remove an employee's right to use this policy;
- the employee should be told clearly what issue is being considered and should be given a reasonable opportunity to respond before any formal decision is made;
- the Council will carry out such investigation as is reasonable in the circumstances;
- decisions will be based on the evidence available and on the balance of probabilities;
- the Council will act consistently while recognising that each case must be considered on its own facts;
- formal disciplinary or grievance meetings will normally be heard by councillors who have not had direct involvement in the matter;
- the employee will have the right to be accompanied at formal meetings and appeals;
- the employee will have a right of appeal against any formal disciplinary sanction and against the outcome of a formal grievance;
- the Council will consider mediation, facilitated discussion or other informal resolution where appropriate and where all relevant parties agree;
- the Council will make reasonable adjustments where needed for disability, health, language, access or other relevant needs;
- confidentiality will be maintained as far as reasonably possible.

This policy is not contractual and may be amended by the Council following appropriate consideration and consultation where required.

3. Roles, independence and conflicts of interest

The Council should ensure that its staffing committee and any staffing sub-committees have clear terms of reference and sufficient delegated authority before using this policy. In this policy, references to the Council include any properly appointed committee, sub-committee, panel, investigator or nominated councillor acting within delegated authority.

The following role structure will normally apply:

- the Staffing Committee will oversee employee relations matters and appoint investigators or panels where needed;
- an Investigator may be a councillor, an external HR adviser or another suitably independent person appointed to establish the facts;
- a Disciplinary Panel or Grievance Panel will normally consist of three councillors who have not had direct involvement in the matter;
- an Appeal Panel will normally consist of three councillors who have not previously been involved in the matter and who were not members of the original panel;
- where the employee concerned is the Clerk, Proper Officer or Responsible Financial Officer, correspondence and arrangements will normally be handled by the Chair of the Staffing Committee, Chair of Council or another nominated councillor who is not conflicted.

A councillor who is a complainant, witness, subject of the grievance, directly involved in the facts, or otherwise has a real or perceived conflict of interest should not sit on the investigation, hearing or appeal panel. If there are insufficient independent councillors, the Council should consider external HR support and should structure the process to preserve fairness and independence as far as reasonably practicable.

4. Right to be accompanied, adjustments and representation

At any formal disciplinary hearing, formal grievance meeting or appeal meeting, the employee has the right to be accompanied by a workplace colleague, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by the union as competent to accompany workers.

The companion may address the meeting, put and sum up the employee's case, respond on the employee's behalf to views expressed at the meeting, and confer with the employee. The companion may not answer questions on behalf of the employee, address the meeting against the employee's wishes, or prevent the Council from explaining its case.

There is no automatic statutory right to be accompanied at an investigatory meeting. However, the Council will normally allow the employee to be accompanied at an investigatory meeting where it is reasonable to do so, particularly where the matter is sensitive, complex or may lead to formal action.

If the employee's chosen companion cannot attend on the proposed date, the employee may request a postponement and propose a reasonable alternative date, normally within five working days of the original date. The Council may agree a longer postponement where there is good reason.

The Council will consider reasonable adjustments, including accessible documents, adjusted meeting arrangements, breaks, remote attendance, support for disability or health needs, or other practical measures where appropriate. The Council may ask the employee for information about the adjustments required and may seek occupational health or medical advice where appropriate.

5. Confidentiality, records and data protection

Disciplinary and grievance matters are confidential staffing matters. Information should only be shared with those who need it for the proper handling of the matter, legal or HR advice, governance, audit, safeguarding, statutory reporting or another lawful reason.

The Council will keep written records of disciplinary and grievance matters, including the issue raised, investigation notes, evidence considered, meeting notes, decisions, reasons, sanctions or actions, appeals and outcomes. Records will be held securely and retained in accordance with the Council's data protection and records retention arrangements.

Personal data will be processed in accordance with the UK GDPR and the Data Protection Act 2018. Special category data, such as health information, will be handled with particular care and only where there is a lawful basis and relevant condition for processing.

Audio or video recording of meetings under this policy is not permitted unless the Council has agreed to it in advance, for example as a reasonable adjustment. Where a recording is agreed, the Council will confirm how the recording will be made, stored, used and retained.

6. Disciplinary Policy

6.1 Informal resolution

Before starting formal disciplinary action, the Council will consider whether the issue can reasonably be resolved informally. Informal action may include a management discussion, guidance, coaching, training, support, clarification of expectations, review of workload, or an agreed improvement plan.

Informal action is not a formal disciplinary sanction. However, a brief note of informal action may be kept to record support, agreed expectations or follow-up dates. If informal action does not resolve the issue, or if the matter is serious, the Council may move to formal action.

6.2 Misconduct, gross misconduct and performance concerns

Misconduct is unacceptable or inappropriate behaviour that may justify disciplinary action. Gross misconduct is misconduct so serious that it may justify dismissal without notice following a fair process. Poor performance or capability concerns should normally be addressed through support and performance management before formal action is considered, unless the circumstances are serious or the employee refuses to engage.

Examples of misconduct and gross misconduct are set out in Appendix 1. The examples are not exhaustive. The seriousness of any allegation will be assessed on the facts of the case, including the employee's role, responsibilities, previous record, the impact on the Council and any mitigating circumstances.

Where performance concerns may be linked to disability, illness, workload, training, unclear instructions or other workplace factors, the Council will consider support, reasonable adjustments and appropriate advice before deciding whether formal disciplinary action is appropriate.

6.3 Suspension

Suspension is not a disciplinary sanction and does not imply guilt. The Council will only suspend an employee where it considers this reasonably necessary, for example because of the seriousness of the allegation, risk to evidence, risk to people or property, potential interference with the investigation, or where working relationships cannot reasonably continue during the investigation.

Before suspending, the Council will consider alternatives such as temporary changes to duties, supervision, access restrictions, remote working, adjusted reporting arrangements or agreed leave. Any suspension will normally be on full pay, confirmed in writing, kept as short as possible and reviewed regularly.

6.4 Investigation

Where formal disciplinary action may be required, the Staffing Committee will appoint an Investigator as soon as reasonably practicable. The Investigator's role is to establish the facts and prepare a report. The Investigator does not decide the disciplinary outcome.

The terms of reference for the investigation should set out:

- the allegation or issue to be investigated;
- the scope of the investigation;
- whether the Investigator is asked to make recommendations or only findings of fact;
- the expected report format and timescale;
- who the report will be provided to;

- who the Investigator should contact if new issues arise or advice is needed.

The employee will normally be told in writing what is being investigated and will be invited to an investigatory meeting. The employee will normally receive at least five working days' notice of the meeting, unless a shorter period is reasonable and agreed or urgently required.

The Investigator may interview witnesses and review documents, emails, records, policies, minutes, systems or other relevant evidence. Witnesses should be reminded of confidentiality. The employee should be given a fair opportunity to respond to the allegations and to identify relevant evidence or witnesses.

The Investigator's report should normally recommend one of the following:

- there is no case to answer and no further action should be taken under this policy;
- the matter is suitable for informal resolution or management action;
- there is a case to answer and a formal disciplinary hearing should be arranged.

The Staffing Committee, or another properly delegated body, will decide whether the matter should proceed to a disciplinary hearing. If no formal action is taken, the Council may still consider support, training, mediation or other appropriate action.

6.5 Disciplinary hearing

If a disciplinary hearing is required, the employee will be invited in writing. The invitation will normally include:

- the date, time, place and format of the hearing;
- the names of the panel members;
- clear details of the allegation or concern;
- the possible consequences, including whether dismissal is a potential outcome;
- a copy of the investigation report and evidence to be considered;
- a copy of this policy;
- the right to be accompanied;
- arrangements for witnesses and submission of evidence;
- the date by which the employee should provide documents or witness names.

The employee will normally receive at least ten working days' notice of the hearing. For complex cases, or where dismissal is a possible outcome, the Council should consider whether a longer notice period is reasonable. The employee and the Council should normally exchange witness names and supporting documents at least five working days before the hearing.

The hearing will normally follow this structure:

1. The Chair introduces those present and explains the purpose and procedure.
2. The Investigator or management representative presents the findings and evidence.
3. The employee or companion responds and presents the employee's evidence.
4. The panel may ask questions of the Investigator, employee and witnesses.
5. The employee or companion may ask relevant questions and sum up the employee's case.
6. The panel adjourns to consider the evidence and decide the outcome.
7. The decision is confirmed in writing, normally within five working days of the hearing or as soon as reasonably practicable.

A hearing may be adjourned if further investigation is required, additional evidence needs to be considered, or fairness requires more time. If the employee does not attend without good reason, the

Council may decide to proceed in the employee's absence after considering the circumstances and any written representations.

6.6 Disciplinary outcomes

Following a disciplinary hearing, the panel may decide on one or more of the following outcomes:

- no formal action;
- informal management action, advice, support, training or mediation;
- a first written warning, normally remaining active for 6 months;
- a written warning, normally remaining active for 12 months;
- a final written warning, normally remaining active for 18 months;
- dismissal with notice or payment in lieu of notice where permitted by the contract;
- summary dismissal without notice for gross misconduct;
- another reasonable action short of dismissal, such as changes to duties or reporting arrangements, where lawful, proportionate and consistent with the contract of employment.

A warning will set out the nature of the misconduct or performance concern, the improvement required, any support to be provided, the review period, the consequences of further misconduct or insufficient improvement, and the right of appeal.

Dismissal will only be considered after careful review of the evidence, mitigation, consistency, proportionality, alternatives to dismissal and relevant HR/legal advice where appropriate. If dismissed, the employee will receive written reasons, the date employment ends, any notice or payment arrangements, and appeal details.

Warnings will normally be disregarded for disciplinary purposes once they are spent, although records may be retained in accordance with the Council's retention arrangements and may be considered where legally relevant, for example to understand a pattern of behaviour or where safeguarding or statutory duties are engaged.

6.7 Disciplinary appeal

The employee may appeal against any formal disciplinary sanction. The appeal must be submitted in writing within five working days of receiving the written decision, unless the Council agrees a longer period. The appeal should state the grounds of appeal.

Grounds of appeal may include:

- the policy was not followed or the process was unfair;
- the decision was not supported by the evidence;
- the sanction was too severe or disproportionate;
- relevant evidence was not considered;
- new evidence has become available that could reasonably affect the outcome.

The appeal will be heard by an Appeal Panel whose members were not involved in the original decision. The employee will be given reasonable notice of the appeal hearing and has the right to be accompanied. The appeal may be a review of the original decision or a rehearing, depending on the grounds of appeal and what fairness requires.

The Appeal Panel may uphold the original decision, substitute a lesser sanction, remove the sanction, require further investigation, or take another reasonable step. The appeal decision will be confirmed in

writing, normally within five working days of the appeal hearing or as soon as reasonably practicable. The appeal decision is final within the Council's procedure.

If an appeal against dismissal is upheld and the employee is reinstated, the employee will normally be paid for the period from dismissal to reinstatement and continuity of service will be preserved, unless another lawful arrangement is agreed.

7. Grievance Policy

7.1 Informal grievance procedure

A grievance is a concern, problem or complaint raised by an employee about their employment. Where possible, employees are encouraged to raise concerns informally at an early stage so that issues can be resolved quickly and constructively.

An employee should normally raise an informal grievance with their line manager or the Clerk. If the grievance concerns that person, or if the employee is the Clerk, the issue should be raised with the Chair of the Staffing Committee, the Chair of Council, or another nominated councillor who is not involved in the matter.

Informal resolution may include a discussion, clarification, apology, practical adjustment, mediation, facilitated conversation, review of workload or working arrangements, or another agreed action.

7.2 Formal grievance procedure

If the grievance cannot be resolved informally, or if the matter is too serious for informal resolution, the employee may submit a formal grievance in writing. The grievance should explain the issue, relevant dates, people involved, evidence relied on, steps already taken and the outcome sought.

The formal grievance should be sent to the Chair of the Staffing Committee. If the grievance concerns the Chair of the Staffing Committee, it should be sent to the Chair of Council or another nominated councillor who is not involved. Where the employee is unsure who to send it to, they may send it to the Proper Officer unless the Proper Officer is the employee raising the grievance or is directly involved in the grievance.

Employees will not be treated unfavourably for raising a grievance in good faith. However, knowingly false, malicious or vexatious allegations may be considered under the disciplinary procedure after the grievance has been properly considered.

7.3 Investigation and notification

The Staffing Committee will arrange for the grievance to be considered by a Grievance Panel, normally consisting of three councillors who have not had direct involvement in the matter. The panel may investigate the grievance itself or appoint an Investigator to gather facts and evidence before the grievance meeting.

Within ten working days of receiving the formal grievance, the Council will normally write to the employee to acknowledge the grievance and either invite the employee to a grievance meeting or explain the next steps and expected timescale.

The invitation to a grievance meeting will normally include:

- the date, time, place and format of the meeting;
- the names of the panel members;
- a summary of the grievance to be considered;

- the employee's right to be accompanied;
- a copy of this policy;
- arrangements for witnesses and evidence;
- any relevant documents available at that stage.

The meeting will normally take place within twenty-five working days of the Council receiving the formal grievance, unless more time is reasonably required for investigation, availability, advice, reasonable adjustments or other good reason. The Council will tell the employee if the timescale needs to be extended.

7.4 Grievance meeting

At the grievance meeting:

8. The Chair introduces those present and explains the procedure.
9. The employee or companion explains the grievance and the outcome sought.
10. The panel asks questions and considers the evidence.
11. Witnesses may be heard where appropriate.
12. The employee or companion has an opportunity to sum up.
13. The meeting may be adjourned if further information is required.

The panel should approach the grievance with an open mind and should avoid assumptions about the employee, any person complained about, or the outcome. If a grievance includes allegations against another employee, councillor or person, the Council will consider fairness to all parties and may need to seek information from that person before reaching a decision.

7.5 Grievance outcome

The Grievance Panel will provide the employee with a written outcome, normally within five working days of the grievance meeting or as soon as reasonably practicable. The outcome will normally state whether the grievance is upheld, partially upheld or not upheld, the reasons for the decision, any action the Council will take, and the right of appeal.

Possible actions may include an apology, clarification, correction of records, review of working arrangements, mediation, training, support, policy review, referral to another procedure, or other reasonable action. If the grievance identifies potential misconduct by an employee, the Council will decide whether the disciplinary procedure should be used. No disciplinary sanction will be imposed on another employee without following a fair disciplinary process.

If a formal grievance is raised while a disciplinary process is ongoing, the Council will decide whether to pause the disciplinary process, deal with both matters together, or continue with the disciplinary process and consider the grievance separately. The decision will depend on how closely the matters are connected and what fairness requires.

7.6 Grievance appeal

If the employee is dissatisfied with the grievance outcome, they may appeal in writing within five working days of receiving the written outcome, unless the Council agrees to a longer period. The appeal should state the grounds of appeal.

Grounds of appeal may include:

- the policy was not followed or the process was unfair;
- the decision was not supported by the evidence;
- the action proposed was inadequate or inappropriate;
- relevant evidence was not considered;
- new evidence has become available that could reasonably affect the outcome.

The appeal will be heard by an Appeal Panel whose members were not involved in the original grievance decision. The employee will be given reasonable notice of the appeal hearing and has the right to be accompanied. The Appeal Panel may uphold the original outcome, substitute a different outcome, require further investigation or take another reasonable step. The appeal decision will be confirmed in writing, normally within five working days of the appeal hearing or as soon as reasonably practicable. The appeal decision is final within the Council's procedure.

8. Complaints involving councillors, the Code of Conduct and the Local Resolution Protocol

This policy is an employment policy and does not create a disciplinary procedure for councillors or co-opted members. The Council cannot discipline a councillor under this employee disciplinary procedure.

Where an employee's grievance concerns the behaviour of a councillor, the Council will consider the employment issue under this policy where appropriate, including the impact on the employee and any steps the Council can reasonably take as an employer. Separately, an allegation that a councillor may have breached the Members' Code of Conduct should be dealt with through the relevant Code of Conduct route, which may include referral to the Public Services Ombudsman for Wales or the Monitoring Officer as applicable.

The Council should take care to preserve fairness, confidentiality and the independence of any employment process and any Code of Conduct process. Advice should be sought where the issues overlap.

The Council's Local Resolution Protocol may be used where a matter is a low-level conduct issue, misunderstanding or interpersonal dispute and is suitable for early, informal and proportionate resolution. It should normally be considered before escalation where the matter falls within the scope of that protocol.

The Local Resolution Protocol should not be used to avoid or delay this policy where an employee has raised a formal employment grievance, where formal disciplinary action may be required, or where the matter includes serious misconduct, safeguarding, criminal allegations, whistleblowing, unlawful discrimination, harassment, victimisation or other serious employment concerns.

If an employee's grievance involves the conduct of a councillor, the Council should first consider whether the matter must be addressed under this Grievance Policy as an employment matter. The Local Resolution Protocol may be used alongside or before this policy only where appropriate, proportionate, fair to all parties and consistent with the Council's duty of care to employees.

9. Review of this policy

This policy will be reviewed at least every three years, or earlier if there are changes to legislation, ACAS guidance, employment contracts, staffing arrangements, Council structure or relevant Council policies. Any significant amendments should be approved by Council.

Appendix 1: Examples of misconduct and gross misconduct

The examples below are illustrative only and are not exhaustive. The seriousness of conduct will depend on the facts and context.

Examples of misconduct

- unauthorised absence or failure to follow absence reporting procedures;
- poor timekeeping;
- failure to follow reasonable management instructions;
- inappropriate behaviour towards colleagues, councillors, contractors or members of the public;
- misuse of Council equipment, information, systems, email, telephone, internet or social media;
- minor breaches of Council policies, procedures, standing orders or financial controls;
- careless handling of Council property or information;
- failure to comply with health and safety requirements;
- unsatisfactory work performance where informal support or performance management has not resolved the issue.

Examples of gross misconduct

- theft, fraud, bribery or deliberate falsification of records;
- serious breach of financial controls or abuse of position;
- violence, threats of violence or serious aggressive behaviour;
- bullying, harassment, unlawful discrimination or victimisation;
- serious insubordination or deliberate refusal to carry out lawful and reasonable instructions;
- serious breach of confidentiality, data protection or information security;
- serious breach of health and safety requirements or deliberate conduct putting others at risk;
- serious negligence causing or risking significant loss, damage or harm;
- being under the influence of alcohol or drugs at work where this affects safety, conduct, judgement or ability to work;
- serious misuse of Council systems, including accessing, storing or distributing pornographic, obscene, offensive, discriminatory or unlawful material;
- deliberate damage to Council property or another person's property;
- conduct inside or outside work that seriously damages, or is likely to seriously damage, the Council's trust and confidence in the employee or the reputation of the Council.

Appendix 2: Quick reference timescales

These timescales are intended as a guide. They may be varied where reasonable, particularly where a matter is complex, external advice is required, a party is unavailable, reasonable adjustments are needed, or more time is required for a fair process.

Step	Normal timescale	Notes
Notice of investigatory meeting	At least 5 working days where practicable	Shorter period may be agreed or used where reasonable.
Investigation report	Normally within 20 working days of appointment	May vary depending on complexity.
Notice of disciplinary hearing	Normally at least 10 working days	Longer may be appropriate where dismissal is possible or case is complex.

Exchange of evidence / witness names	Normally at least 5 working days before hearing	Applies to both Council and employee where practicable.
Written disciplinary outcome	Normally within 5 working days of hearing	Or as soon as reasonably practicable.
Disciplinary appeal	Within 5 working days of written decision	Council may agree longer where reasonable.
Formal grievance acknowledgement / next steps	Normally within 10 working days	May include invitation to meeting or investigation plan.
Formal grievance meeting	Normally within 25 working days of receipt	May be extended where investigation is required.
Written grievance outcome	Normally within 5 working days of meeting	Or as soon as reasonably practicable.
Grievance appeal	Within 5 working days of written outcome	Council may agree longer where reasonable.

Reference links: ACAS Code of Practice on disciplinary and grievance procedures; ACAS discipline and grievance guidance; Public Services Ombudsman for Wales Code of Conduct information; St Athan Community Council Local Resolution Protocol