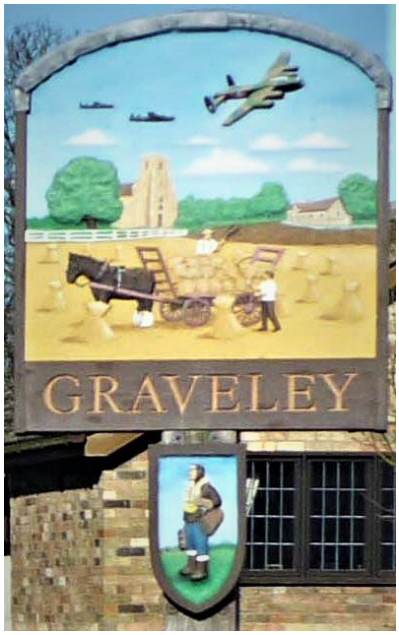


Disciplinary and Grievance Policy (based on the 2025 NALC model documents)

Document Configuration Management & Control

Version	Description	Originated	Reviewed	Approved
Version 1	Annual Review	02/11/22	09/11/22	22/23-62
Version 2	Annual Review	23/05/2023	07/05/2024	24/25-37.1
Version 3	Annual Review	01/01/26	14/01/2026	25/26-118

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice.

2. It also takes into account the ACAS guide on discipline and grievances at work.

3. The policy is designed to help council employees improve unsatisfactory conduct and performance. Wherever possible, the council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure.

4. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

5. This policy confirms:
   - Informal coaching and supervision will be considered to improve conduct and/or attendance.
   - The council will fully investigate the facts of each case.
   - The council recognises that misconduct and unsatisfactory performance are different issues. The disciplinary policy applies to performance issues to ensure that alleged instances of underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information, see ACAS Performance Management.
   - Employees will be informed in writing about the complaint against them and given the opportunity to state their case.
   - Employees will be provided, where appropriate, with copies of evidence and witness statements in advance of a disciplinary hearing.
   - Employees may be accompanied or represented by a companion – a workplace colleague or a trade union representative at any meeting. The companion is permitted to address a meeting, to put the employee's case and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their case.
   - The council will give employees reasonable notice of any meetings and employees must make all reasonable efforts to attend. Failure to attend may not prevent a meeting and a decision being taken. An employee not attending a meeting may be represented and make written submissions.
   - If the employee's companion is not available for a meeting, the employee can request a postponement and propose an alternative date within seven calendar days of the original date.
   - Any changes to time limits in the procedure must be agreed to by the employee and the council.
   - Information about a disciplinary matter will be restricted to those involved in the process. A record of the reason for disciplinary action and the action taken by the

council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).

- Audio or video recordings of any stage of the disciplinary procedure are prohibited, unless agreed by all parties as a reasonable adjustment to take account of an employee's medical condition.
- Employees have the right to appeal against any decision. The appeal decision is final.
- If an employee already subject to the disciplinary procedure raises a grievance, the grievance will normally be heard after completing the procedure.
- Disciplinary action taken by the council can include a written warning, a final written warning or dismissal.
- This procedure may be implemented at any stage if the employee's alleged misconduct warrants it.
- Except for gross misconduct when an employee may be dismissed without notice, the council will not dismiss an employee the first time it decides there has been misconduct.
- If an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The council will write to the employee to confirm any period of suspension and the reasons for it.
- The council may consider mediation at any stage of the disciplinary procedure (for example, where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of both parties.

Examples of misconduct

6. Misconduct is behaviour that can lead to the employer taking disciplinary action. The following list contains some examples and is not exhaustive:

    - Unauthorised absence.
    - Poor timekeeping.
    - Misuse of the council's resources and facilities, including telephone, email and internet.
    - Inappropriate behaviour.
    - Refusal to follow reasonable instructions.
    - Breach of health and safety rules.

Examples of gross misconduct

7. Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct and is not exhaustive:

- Bullying, discrimination and harassment.
- Incapacity at work because of alcohol or drugs.
- Violent behaviour.
- Fraud or theft.
- Gross negligence.
- Gross insubordination.
- Serious breaches of council policies and procedures, e.g. policies for Health and Safety, Equality and Diversity, Data Protection and the use of information technology.
- Serious and deliberate damage to property.
- Use of the internet or email to access pornographic, obscene or offensive material.
- Disclosure of confidential information.

Suspension

8. If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.

9. While on suspension, the employee must be available during normal hours of work in case the council needs to make contact. The employee must not contact or influence anyone connected with the investigation in any way or discuss the matter with any other employee or councillor.

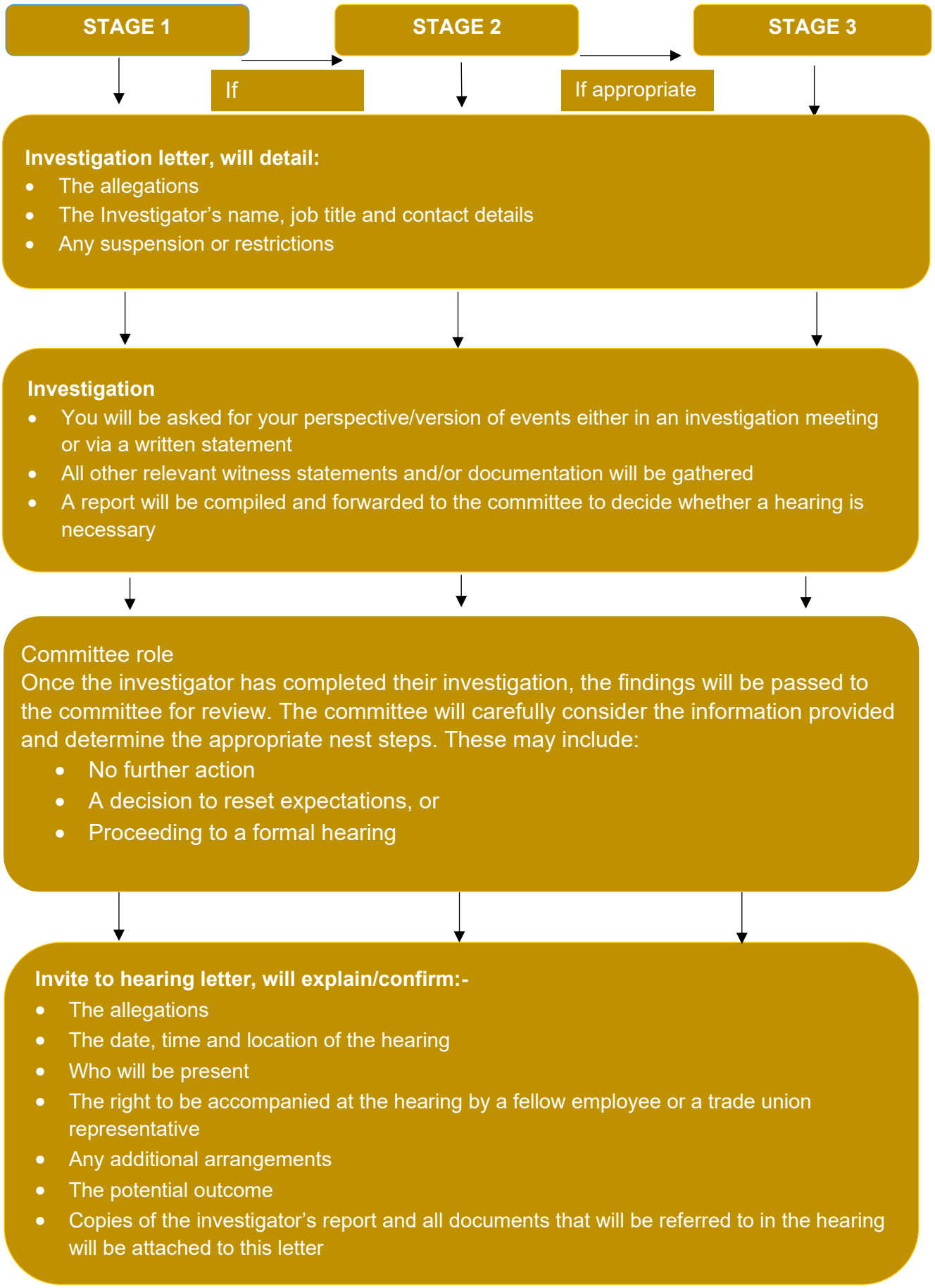
10. The employee must not attend work. The council will enable the employee to access any information or documents required to respond to allegations.

Examples of unsatisfactory work performance

11. The following list contains some examples of unsatisfactory work performance and is not exhaustive:

    - Inadequate application of management instructions or office procedures.
    - Inadequate IT skills.
    - Unsatisfactory management of staff.
    - Unsatisfactory communication skills.

The procedure



The Hearing

- An appropriate level of management will conduct the disciplinary hearing ('the Chair'), and there may also be a note-taker present. In some cases, a Human Resources Partner will also be present
- The Chair will explain the role of all those in attendance, the allegations and go through the evidence that has been gathered
- You will be given the opportunity to respond in full. This will include time to ask questions and present evidence. If you intend to call any witnesses, you must give us advance written notice that you intend to do this
- The Chair will adjourn at the end to consider their decision
- Where possible, the outcome will be given the same day. Where this is not possible, because for example, the Chair requires further time to consider their decision or complete further investigation, you will be informed
- You will be informed of the outcome verbally (either in person or by phone) and

Potential outcome: First Written warning

Potential outcome: Final Written warning

Potential outcome: Dismissal (with or without notice/pay in lieu of notice)

Outcome letter will advise:

- The nature of the misconduct that has led to the outcome (including any prior warnings that have been taken into account, if appropriate)
- The action or improvement required
- The timescale for implementing such action (if relevant)
- That this is a first/final written warning and that the next stage may be final written warning/dismissal if there is no sustained improvement or change
- That the warning will remain live for 12 months
- That whilst the warning will not remain active after this time in relation to future disciplinary matters, a record of what has occurred will be kept and may be referred to if relevant
- The right of appeal

Outcome letter will advise:

- The reasons for dismissal
- Any prior warnings that have been taken into account, if appropriate
- The date on which employment will end
- The right of appeal

12. Preliminary enquiries. The council may make preliminary enquiries to establish the basic facts in order to understand whether there may be a case to answer.

13. If the employee's manager believes there may be a case to answer, the council may initiate a more detailed investigation to establish the facts or the perspective of others who may have witnessed the alleged misconduct.

14. Informal Procedures. Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve or if further matters become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

Disciplinary investigation

15. A formal disciplinary investigation may sometimes be required to establish the facts and determine whether there is a case to answer.

16. If a formal disciplinary investigation is required, the Council will appoint an Investigator to undertake a fact-finding exercise and to collect all relevant information. The Investigator will be independent and will normally be a councillor. If there are no 'independent' councillors (for example, because they are all directly involved in the allegations), the Council will appoint someone from outside it. The Investigator will be appointed as soon as possible after the allegations have been made. The Council will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:
    - The allegations or events that the investigation is required to examine.
    - Whether a recommendation is required
    - How the findings should be presented. For example, as a written report.
    - Who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

17. The Investigator will usually be asked to submit their findings within 35 Calendar days of appointment. In cases of alleged unsatisfactory performance or minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to start proceedings at the next stage - the disciplinary meeting (see paragraph 22).

18. The Council will notify the employee in writing of the alleged misconduct and the person undertaking the investigation. The employee may be asked to meet the investigator. The employee will be given sufficient notice to prepare for such a meeting. The letter will explain the investigatory process and if a meeting is part of

that process. The employee will be provided with a copy of the council's disciplinary procedure. The council will also inform the employee that they will have the opportunity to comment on the allegations when they meet with the Investigator.

19. Employees may be accompanied or represented by a workplace colleague or a trade union representative at any investigatory meeting.

20. If there are other persons (e.g. employees, councillors, members of the public or contractors) who can provide relevant information, the Investigator should try to obtain it before meeting the employee.

21. The Investigator has no authority to take disciplinary action. Their role is to establish the facts as quickly as possible and prepare a report recommending whether or not disciplinary action should be considered.

22. The Investigator's report will contain their recommendations and the findings on which they were based. They will recommend either:
    - The employee has no case to answer and there should be no further action.
    - The matter is not serious enough to use the disciplinary procedure and can be dealt with informally.
    - The employee has a case to answer and a formal hearing should be convened.

23. The Investigator will submit the report to the Council which will decide whether there is no case to answer, the matter should be considered informally or a formal Disciplinary Hearing should be convened. If the Investigator is a member of the Council, they should recuse themselves from any formal votes or decision-making.

24. If the council decides that it will not take disciplinary action, it may consider mediation .

The disciplinary meeting

25. If there is a case to answer, a sub-committee of three councillors will be appointed by the council to hear the allegations. The sub-committee will appoint a Chair from one of its members. The Investigator shall not sit on the sub-committee. The sub-committee will be given delegated authority to make a decision.

26. No councillor directly involved shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub–committee's letter will confirm the following:
    - The names of its chair and the other two members.
    - Details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting.

- A copy of the information provided to the sub-committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure.
- The time and place for the meeting. The employee will be given reasonable notice of the hearing so that they have sufficient time to prepare for it.
- Whether witnesses may attend on the employee's and the council's behalf and both parties should inform each other of their witnesses' names (if any) at least two working days before the meeting.
- The employee may be accompanied by a companion - a workplace colleague or a trade union representative.

27. The purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and for the employee to give their perspective. It will be conducted as follows:
    - The chair will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing.
    - The chair will set out the allegations and invite the Investigator to present his findings (if there has been an investigation).
    - The chair will invite the employee to present their account.
    - The employee (or the companion) will set out their case and present evidence (including any witnesses and/or witness statements).
    - Any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness.
    - The employee (or companion) will have the opportunity to sum up.

28. The chair will provide the employee with the sub-committee's decision with reasons, in writing, within 7 calendar days of the meeting. The chair will also notify the employee of the right to appeal if formal action is taken.
29. The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

Disciplinary action

30. If the sub-committee decides that there should be disciplinary action, it may be any of the following:

First written warning:

31. If the employee's conduct has fallen below acceptable standards, a first written warning will be issued. A first written warning will set out:
    - The reason for the written warning, the improvement required (if appropriate) and the time period for improvement.
    - That further misconduct or failure to improve will result in more serious disciplinary action.

- The employee's right of appeal.
- That a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Final written warning:

32. If the offence is sufficiently serious, if there has been further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:
    - The reason for the final written warning, the improvement required (if appropriate) and the time period for improvement.
    - That further misconduct or failure to improve will result in more serious disciplinary action up to and including dismissal.
    - The employee's right of appeal.
    - That a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Dismissal:

33. The council may dismiss:
    - For gross misconduct.
    - If there is no improvement within the specified time period in the conduct which was the subject of a final written warning.
    - If another instance of misconduct has occurred and a previous final written warning remains in force.

34. If an employee is dismissed, they will receive a written statement of the reasons for their dismissal, the date on which the employment will end and details of their right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as the result of an appeal.

The appeal:

35. An employee who is the subject of disciplinary action will be notified of the right of appeal. Their written notice of appeal must be received by the council within seven calendar days of the employee receiving written notice and must specify the grounds for appeal.

36. The grounds for appeal include:
    - A failure by the council to follow its disciplinary policy.

- The sub-committee did not support the sub-committee's disciplinary decision.
- The disciplinary action was too severe in the circumstances of the case.
- New evidence has come to light since the disciplinary meeting.

37. Where possible, the appeal will be heard by a panel of 3 councillors who have not previously been involved. This includes the Investigator. There may be insufficient previously uninvolved councillors. If so, the appeal panel will be a committee of 3 councillors which may include members of the committee. The appeal panel will appoint a chair from one of its members.

38. The employee will be notified in writing within 14 calendar days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that they may be accompanied by a companion - a workplace colleague or a trade union representative.

39. At the appeal meeting, the chair will:
    - Introduce the panel members to the employee.
    - Explain the purpose of the meeting which is to hear the employee's reasons for appealing against the disciplinary decision.
    - Explain the action that the appeal panel may take.

40. The employee (or companion) will be asked to explain the grounds for appeal.

41. The chair will inform the employee that they will usually receive the decision and the panel's reasons, in writing, within five working days of the hearing.

42. The appeal panel may decide to uphold the disciplinary decision, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained in the employee's personnel file.

43. If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.

44. The appeal panel's decision is final.

Important notice

This is an example of an employment policy designed for a small council, adhering to statutory minimum requirements, and does not constitute legal advice. As with all policies, it should be consistent with your terms and conditions of employment.