



WESTON-SUPER-MARE TOWN COUNCIL

Disciplinary & Grievance Policy

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This policy applies to Weston-super-Mare Town Council.

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.1 Disciplinary Procedure

The Council will always try to deal with disciplinary issues fairly and promptly. This procedure sets out the framework under which allegations of misconduct will be investigated and considered. While the procedure set out in this policy will be appropriate in most cases, there may be situations in which it is not practicable to comply with a particular requirement of it. When this happens, the Council will do its best to deal with the matter fairly and will pay particular attention to the need to give the employee every opportunity to explain their version of events.

The Council reserves the right not to follow this procedure in full for employees who are within their first two years of employment with the Council.

1.1 Informal Action

Most minor acts of misconduct can be dealt with informally through discussions between an employee and the CEO/Town Clerk or their line manager. This may consist of management guidance or an informal warning given orally or in writing. These steps are an everyday part of the management process and no formal procedure needs to be followed in respect of them.

Where informal action of this kind fails to resolve an issue, or where the misconduct alleged is considered too serious, then the matter will be dealt with formally under this procedure.

1.2 Investigation

If it is alleged that you have committed misconduct, an appropriate investigation will be carried out by an investigation officer aimed at gathering all of the relevant evidence. You may be interviewed as part of this investigation and will have the opportunity to point the investigator towards any evidence that you feel is relevant.

The right to be accompanied (see below) does not apply to any investigatory interview.

1.3 Suspension

If an allegation of misconduct is made against you, then you may be suspended from your duties on full pay while the matter is being dealt with.

The Council will make every effort to ensure that any period of suspension is kept as short as possible. The purpose of a suspension is either to allow an unhindered investigation to take place, or to protect the interests of the Council and its employees.

During any period of suspension, you may be instructed not to contact other members of staff except for the purposes of preparing for any disciplinary hearing, where specific arrangements will be made with you. This is not a disciplinary sanction and should not be seen as a predetermination of any disciplinary process.

1.4 Hearing

Once the investigation has been carried out, the investigating officer will make an informed decision about whether there is sufficient evidence to warrant a disciplinary hearing.

If there is you will be informed of this and an appropriate date for the hearing will be arranged. This will take place within normal working hours wherever possible, to ensure that you have adequate time to prepare for the hearing, the Council will provide you in advance with a copy of all of the written evidence that will be considered at the hearing.

In exceptional cases the Council may need to withhold the identities of certain witnesses or hold back sensitive items of evidence. This will only be done where it is considered necessary to protect individuals or the essential interests of the Council and every effort will be made to ensure that you are given as much information as possible so that a fair hearing can be conducted.

You will be given sufficient notice of any hearing to allow you to prepare for it. While this will vary from case to case, the Council will generally try to give at least two days' notice of any hearing and in complicated cases a longer period of notice may be given.

The purpose of the hearing will be to consider the evidence gathered during the investigation and to consider any representations made by you or on your behalf. The hearing will normally be conducted by the CEO/Town Clerk or another manager who, wherever possible, has not previously been involved in the case and who was not responsible for carrying out the investigation.

In the case of the CEO/Town Clerk, the disciplinary panel will normally be conducted by three members of the Personnel Committee.

1.5 The Right to be Accompanied

Employees are entitled to be accompanied at any disciplinary hearing by a fellow employee of their choice. The Council will provide any chosen companion with appropriate paid time off to allow them to attend the hearing. It is, however, up to the employee in question to arrange for a companion to attend the hearing.

If your chosen companion cannot attend on the day scheduled for the hearing then the Council will agree a new date. This will usually be within 5 working days of the date originally scheduled. If your companion is not available within that timescale then you may need to find someone else to take their place.

The companion's role is to advise you during the hearing and make representations on your behalf; The companion cannot answer questions on your; address the hearing contrary to the employee's express wishes or act in a way that prevents the Council making its case or prevents another person making a contribution to it. However, both you and your companion are required to cooperate in ensuring a fair and efficient hearing.

1.6 Evidence

The hearing will consider any evidence you choose to present. Should witnesses be prepared to appear on your behalf they will be permitted to do so provided that their evidence is relevant to the issues that need to be decided. The Council will not compel or require any employee to appear as a witness on your behalf and in most circumstances, evidence arising from the investigation will be presented in written

form. You will be entitled to challenge any of the evidence presented but will not be entitled to cross-examine witnesses.

1.7 Disciplinary Action

After considering all of the evidence, including any submissions made by you or on your behalf, the person conducting the hearing will decide on the outcome.

If misconduct is found to have taken place then the usual outcome will be a **written warning** which will be placed on your personnel file.

A warning will stay active for a period of one year, after which it will not be taken into account in any future disciplinary action.

If, however a further instance of misconduct is found to have occurred (in accordance with this procedure) during the currency of a warning – or if any misconduct is considered to be serious enough to warrant it – then, subject to the formal process above being followed, you will be issued with a **final written warning**.

A **final written warning** will usually remain active for one year, but a longer period may be specified if the manager conducting the hearing feels that the circumstances warrant it.

An employee who is found to have committed further misconduct during a period covered by a final written warning will, following a hearing conducted in accordance with this procedure, generally be dismissed.

1.8 Dismissal

An employee will not normally be dismissed under this procedure for a single instance of misconduct unless a final written warning is already in place. However, where gross misconduct is found to have occurred then dismissal without notice or payment in lieu will be the usual outcome.

Gross misconduct is misconduct that is so serious that it fundamentally undermines the relationship between employer and employee. If you are accused of gross misconduct this will be made clear when you are invited to a disciplinary hearing. A wide range of behaviours can amount to gross misconduct but the most common involve dishonesty, violent or aggressive behaviour, the wilful destruction of Council property or a deliberate refusal to obey a reasonable instruction. Further details of what constitutes gross misconduct are found in the Employee Handbook.

1.9 Appeal

An employee may appeal against the outcome of a disciplinary hearing by doing so in writing within one week of being notified of the outcome. The person to whom an appeal should be directed will be detailed in the disciplinary outcome letter. An appeal hearing will normally be convened and conducted by an appeal panel consisting of three members of the Personnel Committee who have not previously been involved in the case. In the case of the CEO/Town Clerk, the appeal will normally be conducted by three members of the Council who do not sit on the Personnel Committee.

The appeal will consider any grounds the employee chooses to put forward and they will have the same right to be accompanied as at a disciplinary hearing. The result of the appeal hearing will be final.

1.10 Employee Absence

It is important that disciplinary issues are dealt with promptly. The Council may therefore need to proceed with a disciplinary hearing even if the employee is absent due to ill health or simply does not attend.

Before hearing the matter in an employee's absence, the Council will attempt to arrange the hearing in such a way that the employee will be able to attend or to submit written representations to the hearing and/or to arrange for an appropriate representative to attend the hearing on their behalf.

2. Grievance Procedure

The Council aims to be responsive to concerns raised by employees and if you are unhappy with something affecting you at work you are encouraged to raise this with your line manager or the CEO/Town Clerk. If that is not possible then you should speak to the Personnel Chairman who will try to assist you in resolving any issue you may have.

The following procedure is designed to be used when these informal attempts to resolve any dispute have not been successful.

2.1 Raising a Grievance/ Matter of Concern

If you feel that the matter needs to be raised formally you should raise a grievance by making a written complaint to the Director of Finance & Resources. You should give as much information about your grievance, including any relevant dates and times, as you can, so as to allow for any investigation into your concerns to take place.

A grievance will normally be dealt with by the CEO/Town Clerk and should be addressed to them directly. Where the grievance is directly concerned with the CEO/Town Clerk's behaviour, however, or the grievance is raised by the CEO/Town Clerk, you should submit your grievance to the Personnel Chair who will arrange for a panel from the Personnel Committee who are not directly involved in the issue to deal with it.

2.2 Grievance Hearing

A grievance hearing will then be arranged so that you can explain the issue and suggest how it can be resolved.

You will have the right to be accompanied by a fellow employee or trade union official as described in Section 1.5, above. The panel conducting the hearing will consider what you have said and may either deal with the matter immediately or decide to carry out further investigations.

In that case the hearing will be adjourned until the investigation has been completed.

Once the investigations are concluded, if new information comes to light, if it is considered appropriate, you may be invited in to a reconvened meeting, to have the opportunity to consider and respond to the findings of the investigation. Following this a decision on the outcome of your grievance will be made.

2.3 Allegations of Misconduct

Where an employee is making allegations of misconduct on the part of other employees then the Town Council may need to carry out an investigation into the allegations and pursue the matter through the disciplinary procedure. Where this happens, the grievance will be held over until the disciplinary process has been concluded.

2.4 Relationship with Other Procedures

Where your grievance relates to the conduct of other procedures such as the disciplinary or performance management procedures then the Council may choose to either delay the consideration of the grievance until that procedure has been completed or to deal with the grievance in the course of that procedure or by way of appeal if that appears to be a fairer or more straightforward way of dealing with the issue.

2.5 Appeals

If you are dissatisfied with the outcome of a grievance then you may appeal. You should submit your appeal in writing within one week of being informed of the outcome of your grievance.

Your appeal should be directed to the person named in the grievance outcome letter. An appeal hearing will then be convened and conducted by three members of the Council who have not previously been involved. You will have the right to be accompanied at the appeal by a fellow employee as described in Section 1.5.

The outcome of any appeal will be final.

3. Review of policy

This policy is reviewed annually by the Council and where materially amended is consulted on, where necessary. We will monitor the application and outcomes of this policy to ensure it is working effectively.