



# Wilton Town Council

## Grievance procedure

A procedure for handling and problems that occur in the workplace

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### Legal context

Wilton Town Council has adopted this policy in accordance with ACAS Code of practice on disciplinary and grievance procedures issued under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992

### The purpose of this policy

This policy aims to set out a procedure for dealing with any problems that may occur in the workplace. Many potential disciplinary or grievance issues can be resolved informally. A quiet word is often all that is required to resolve an issue. However, where an issue cannot be resolved informally then it may be pursued formally. This Code sets out the basic requirements of fairness that will be applicable in most cases; it is intended to provide the standard of reasonable behaviour in most instances.

10 November, 2018

### Grievances in the workplace

1. Many potential disciplinary or grievance issues can be resolved informally. A quiet word is often all that is required to resolve an issue. However, where an issue cannot be resolved informally then it may be pursued formally. If left unresolved, matters can escalate and cause ill health, stress and poor productivity.
2. It is important that things are brought out into the open as soon as possible. Employees should let the council know the nature of the grievance.
3. If it is not possible to resolve a grievance informally employees should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance. In the case of grievances involving the line manager, this should be raised with the chair of the staffing committee.

### Holding a meeting to discuss the grievance

4. The council will arrange for a formal meeting to be held without unreasonable delay after a grievance is received. The grievance shall be heard by members of the council's staffing committee.
5. The council, employees and their companions should make every effort to attend the meeting. Employees should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

### Allowing the employee to be accompanied at the meeting

6. Employees have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the worker. So this would apply where

the complaint is, for example, that the employer is not honouring the employee's contract, or is in breach of legislation.

7. The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union.

### **Code of practice on disciplinary and grievance procedures**

8. The council must agree to an employee's request to be accompanied by any companion from one of these categories. Employees may also alter their choice of companion if they wish. As a matter of good practice, in making their choice employees should bear in mind the practicalities of the arrangements. For instance, a worker may choose to be accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.
9. To exercise the statutory right to be accompanied employees must make a reasonable request. 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 time frame. However, a worker should provide enough time for the employer to deal with the companion's attendance at the meeting. Employees should also consider how they make their request so that it is clearly understood, for instance by letting the employer know in advance the name of the companion where possible and whether they are a fellow worker or trade union official or representative.
10. If an employee's chosen companion will not be available at the time proposed for the hearing by the employer, the employer must postpone the hearing to a time proposed by the worker provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.
11. The companion should be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing.
12. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

### **Decide on appropriate action**

13. Following the meeting, the staffing committee shall decide on what action, if any, to take. Decisions should be communicated to the employee, in writing, without unreasonable delay and, where appropriate, should set out what action the council intends to take to resolve the grievance. The employee should be informed that they can appeal if they are not content with the action taken.

### **Allow the employee to take the grievance further if not resolved**

14. Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. They should let their employer know the grounds for their appeal without unreasonable delay and in writing.
15. Appeals should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance.
16. The appeal should be dealt with impartially and wherever possible by a manager (or members) who has not previously been involved in the case.
17. Employees have a statutory right to be accompanied at any such appeal hearing.

18. The outcome of the appeal should be communicated to the employee in writing without unreasonable delay.

#### **Code of practice on disciplinary and grievance procedures**

19. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

#### **Collective grievances**

20. The provisions of this procedure do not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. In such cases the council will seek professional advice from the Wiltshire Association of Local Councils and external advice will be retained.

#### **Procedures to be followed**

21. In undertaking a disciplinary matter, the council shall adopt the model documents and practices recommended by ACAS.