



Wilton Town Council

Grievance Policy

Adopted by Wilton Town Council on 1st August 2023

Minute reference; 135/23

Review date; August 2027

A procedure for handling and problems that occur in the workplace

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 in writing. 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.

1. Grievances in the workplace

- a) If a member of staff wishes to raise a grievance, they should write to the Clerk, without unreasonable delay. If the Clerk is the subject of the grievance, the member of staff should address the Chairman of the Staffing Committee.
- b) If the Clerk wishes to raise a grievance, they should write to the Chairman of the Staffing Committee, without unreasonable delay. If the Chairman of the Staffing Committee is the subject of the grievance, the Clerk should address the Mayor.
- c) The letter or email should set out details of the events giving rise to the grievance and provide any available evidence.

2. Holding a meeting to discuss the grievance

- a) The Chairman of the Staffing Committee or the Mayor (whichever is applicable) will arrange for a meeting to be held without unreasonable delay.
- b) The grievance shall be heard by members of the council's Staffing Committee.
- c) The employee will be invited to explain their grievance and how they think it should be resolved. Councillors will listen, possibly ask questions and explain their view.
- d) Consideration will be given to adjourning the meeting for any investigation that may be necessary.

3. Allowing the employee to be accompanied at the meeting

- a) 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 Council to the employee. This would apply where the complaint is, for example, that the Council is not honouring the employee's contract or is in breach of legislation.
- b) The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union.
- c) The council must agree to an employee's request to be accompanied by any companion from one of these categories. Employees may alter their choice of companion if they wish.
- d) As a matter of good practice, in making their choice employees should bear in mind the practicalities of the arrangements. For instance, an employee may choose to be

accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.

- e) 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, an employee should provide enough time for the Council 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 Council know in advance the name of the companion where possible and whether they are a fellow worker or trade union official or representative.
- f) If an employee's chosen companion will not be available at the time proposed for the hearing by the Council, the Council must postpone the hearing to a time proposed by the employee, provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.
- g) The companion should be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing.
- h) The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the Council from explaining their case.

4. Decide on appropriate action

- a) Following the meeting, the Staffing Committee shall decide on what action, if any, to take.
- b) Decisions will be communicated to the employee, in writing, without unreasonable delay and, where appropriate, set out what action the Council intends to take to resolve the grievance. The employee will be informed that they can appeal if they are not content with the action taken.

5. Allow the employee to take the grievance further if not resolved

- a) If an employee feels that their grievance has not been satisfactorily resolved they may appeal.
- b) They should let the Mayor or Chairman of the Staffing Committee (whichever is appropriate) know in writing, the grounds for their appeal without unreasonable delay.
- c) Appeals will be heard without unreasonable delay.
- d) The appeal will be dealt with impartially and, wherever possible, by Councillors not previously involved in the case.
- e) Employees have a statutory right to be accompanied at any such appeal hearing.
- f) The outcome of the appeal will be communicated to the employee in writing without unreasonable delay.

6. Grievance Procedure and Disciplinary Process

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

7. Collective grievances

- a) 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.
- b) In such cases the council will seek professional advice from the Wiltshire Association of Local Councils and external advice will be retained.