**Right to be Accompanied**

**1 Your Right to be Accompanied**

You have a right to be accompanied when required to attend formal meetings with management. This will include meetings about conduct, performance, grievances, capability, absence, or organisational change.

This right does not apply to your usual check in meetings or any other supervisory meetings with your manager. Nor does it apply to the informal stages of our employment policies.

You have this right regardless of how long you have worked with us.

**2 Who does this right apply to?**

It applies to all employees[[1]](#footnote-1) and workers of the council. This includes employees, agency workers, contractors and trainees.

If you are employed in schools under the control of Governing Bodies, then procedures adopted by the Governing Body apply.

If an agency worker is involved, this will be referred to their employing agency, and it will be for them to deal with any appropriate management action.

**3 How will I know that I can be accompanied?**

When your manager invites you to a formal meeting, they will make sure you are informed about your right to be accompanied.

The relevant policy will also make clear whether and in what circumstances you have the right to be accompanied.

**4 Who can accompany me?**

You can be accompanied, either by a work colleague or a trade union official/representative, and they will receive reasonable paid time off from work to accompany you. A work colleague is someone who is working for the Council.

You need to decide who you would like to accompany you, and you will need to ask them.

If asked, neither a work colleague, nor a trade union, has to agree to accompany you.

**5 What is meant by Trade Union representation?**

We formally recognise several different trade unions within the council. The unions are set out in our [Employee Relations Framework](https://lbhounslow.sharepoint.com/:b:/s/IntranetLinks/HR/EbcYVJAzrmxTsoKegJqUmrkB2z7SdeQftKcW2g-2CmFyCg?e=gkQ6L0) and a list of the trade union representatives is available [here](https://lbhounslow.sharepoint.com/:w:/s/IntranetLinks/HR/EYu4BqGeKnlIlu78YUpizOkBPhl55QKOX1bm3wkkiJcT7g?e=qFCOTz).

Trade union representatives must have been certified by their union as being competent to accompany a worker.

**6 How do I contact the Trade Union?**

You will already need to be a trade union member before you can ask them to represent you in a meeting. You will need to approach them directly and can do this by contacting: your [trade union representative](https://lbhounslow.sharepoint.com/:w:/s/IntranetLinks/HR/EYu4BqGeKnlIlu78YUpizOkBPhl55QKOX1bm3wkkiJcT7g?e=qFCOTz), the Staff Side Secretary, or your union Branch Secretary.

**7 Will my trade union representative be able to accompany me?**

Our recognised trade union representatives are given reasonable time off to do this. They will, however, need to get their manager’s agreement that they can be away at the time you need them.

You should always give them as much notice as possible that you would like them to accompany you.

**8 What if I am a trade union representative?**

In this case we will need to notify the appropriate Branch Secretary of the management action. If you are a Branch Secretary / or the Staff Side Secretary, we will notify the Regional Official of the management action.

**9 Will a work colleague be able to accompany me?**

If a work colleague is willing to accompany you, they will be allowed reasonable paid time off, if the meeting takes place in their working hours.

They must however get their manager’s agreement to the time off before they agree to accompany you. They will not need to give the manager any details about you or our case but will need to let the manager know why they are asking for the time off and how much time they need.

Any request must be made in good time to allow their manager to make an informed decision.

**10 Do I have to accompany a work colleague if I am asked?**

Whether or not you choose to do so is entirely up to you. Before agreeing, you might want to think about whether there is any possible conflict of interest that might be caused if you do attend.

**11 What is meant by a reasonable request for time off to accompany?**

This will depend on the circumstances of each individual case. It would not normally be reasonable, for you to insist on being accompanied by someone whose presence would prejudice the hearing or who might have a conflict of interest.

Nor would it be reasonable for you to ask to be accompanied by someone from a different geographical location if someone suitable and willing is available on site.

If this arises you will be asked to arrange alternative representation.

**12 Can I be accompanied by someone other than a trade union representative or work colleague?**

We would only consider requests to be accompanied by for example a family member or a member of a professional body in **exceptional** circumstances.

There is no legal requirement to allow anyone, other than a work colleague or trade union representative, to accompany you. If you are a manager and need advice on this, please speak to your People Business Partner.

**13 Can I be accompanied by a solicitor or other legal representative?**

You do not have a right to be accompanied by a legal representative in any internal employee matter.

In certain exceptional circumstances, where the outcome of a disciplinary hearing could result in a permanent ban on an individual working in their profession, legal representation may be considered.

Any request will be considered on a case by case basis and advice must be sought from your People Business Partner.

**14 What if the person I want to accompany me is not available?**

If the person you want to accompany you cannot make the meeting, please suggest a different time and date, within 5 days of the original date.

We will confirm the arrangements for the alternative date with you. You will need to pass this information on to the person accompanying you.

We will not be able to reschedule the meeting again, for this reason, as it is important that we deal with the matters we need to talk to you about.

**15 What can my representative do during the meeting?**

Your trade union representative or work colleague is there to support you during the meeting or hearing. They can speak on your behalf to present and sum up your case, make representation on your behalf to any views expressed at the meeting, confer with you during the meeting and ask questions on your behalf.

They may not, however, answer questions on your behalf, address the hearing if you do not wish it or prevent you from explaining your case.

1. As defined in sections 13(1) to (3) of the Employment Relations Act 1999 and s.230 of the Employment Rights Act 1996, or any substituting or amending legislation. [↑](#footnote-ref-1)