

## PEOPLE FUNCTION POLICY

### Resolution Policy and Procedure

Policy Owner:	Director, Employee Relations and Policy
Trade Union Consultation:	30 September 2021
Policy Approved by:	Director of HR
Date of Approval:	8 November 2021
Updated:	December 2025

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## **1 Policy Statement**

- 1.1 Imperial College London is committed to promoting and nurturing a positive working environment with good working relationships where people are treated with mutual respect. We recognise that conflict in the workplace occurs and when it does, we wish to support staff and managers to work together to resolve issues constructively. The Resolution Policy is aimed at securing constructive and lasting solutions to workplace conflict.

## **2 Principles of Resolution**

- 2.1 All employees have the right to seek resolution to complaints, conflicts or disputes and have issues dealt with fairly and without unreasonable delay.
- 2.2 Managers and supervisors have a duty to familiarise themselves with and adhere to this policy and to support the resolution of conflict as set out in this policy and ensure that concerns are managed in a timely manner. Support should be provided to any member of staff who wishes to resolve an issue either informally or formally.
- 2.3 The university encourages employees to raise issues expediently, to enable effective resolution.

## **3 Scope**

- 3.1 This policy applies to all employees in the Learning and Teaching, Research and Professional, Technical & Operational Services Job Families. The procedures governing academic staff employed by the university are set out in the Annexes to the Appendix to the Ordinances which are available on the [university governance webpages](#). The informal routes to resolution as set out in section 8 of this policy may be offered to Academic staff as part of informal conflict resolution.
- 3.2 This policy covers the resolution of complaints including those of unacceptable behaviour such as harassment, bullying or victimisation. Staff should refer to the Harassment, Bullying and Victimisation Policy for further information and definitions.
- 3.3 Complaints related to allegations of sexual misconduct should be managed in accordance with the Sexual Misconduct Policy.
- 3.4 If the member of staff's employment has ended and they wish to raise a complaint, they must follow the resolution procedure for ex-employees as set out in section 14.
- 3.5 The procedure for dealing with disputes registered by a recognised trade union(s) is set out in Appendix A.
- 3.6 Complaints should ideally be raised within six months of the incident or most recent occurrence. If staff wish to raise a complaint about an incident that took place over six months ago, it may not be possible to take forward through the resolution procedure, however they are advised to contact the Employee Relations team who will advise on how it should proceed.
- 3.7 The Staff Hub can provide guidance on the most appropriate policy and procedure to follow in the first instance and the Employee Relations (ER) team may be contacted for more specific advice.

## 4 Equality and Diversity

- 4.1 Imperial is committed to equality, diversity and inclusion. Implementation of this policy must be clear and transparent and not subject to any unfair discriminatory practices.
- 4.2 If a member of staff requires any workplace adjustments to ensure equal access and opportunity at any stage of the resolution process, the staff member should discuss with the ER representative as soon as possible.
- 4.3 This policy is inclusive and applies to all staff irrespective of any protected characteristic.

## 5 Responsibilities

- 5.1 Imperial is committed to improving our working culture and helping build a positive and enabling environment for all. All staff are responsible for conducting themselves in a professional manner and should be guided by the university's Values.
- 5.2 Staff will not be subject to any detriment by raising a complaint when it is made in good faith.
- 5.3 In rare cases, a complaint might be considered to be **vexatious**. A complaint could be vexatious because of its substance and/or because of the manner in which a member of staff behaves during the resolution process. A complaint is vexatious if the member of staff intends to harass the university or its employees and/or to cause them inconvenience, distress, embarrassment or expense. A complaint is also vexatious if, irrespective of the member of staff's intentions, it was likely to harass the university or its employees and/or to cause them inconvenience, distress, embarrassment, or expense in circumstances where the complaint was unreasonable or disproportionate. If in the determination of the Investigating Officer, the Director, Employee Relations and Policy or the Chief People Officer, a complaint is considered vexatious, it may be subject to disciplinary action.
- 5.4 The university has a responsibility to ensure that members of staff are not subjected to unacceptable behaviour by contractors or service providers. Any complaints of this nature should be made to the manager responsible for engaging the contractor. The ER team can support and advise on how any such complaints should be managed.

## 6 Confidentiality

- 6.1 All information relating to a request for resolution will be treated confidentially. Information relating to the complaint will be shared with only those who have a legitimate requirement to see the documentation as part of the resolution procedure or any consequent procedure, and therefore the processing of data for contractual necessity.
- 6.2 The written notification of the complaint and any relevant supporting documents will be made available to the person against whom the complaint is raised so that they can adequately respond.
- 6.3 Parties will normally be informed of the names of any witnesses whose evidence is relevant to the resolution procedure and witnesses will be advised that their witness statement may be seen by the parties unless the university believes that the identity of witnesses should remain confidential, for example in cases where there is a genuine fear of reprisals or violence.
- 6.4 It is expected that all parties involved will be sensitive to the nature of resolution proceedings, including matters discussed and any evidence provided. Breach of confidence may compromise the integrity of the procedure and may be subject to disciplinary action. This does not prevent individuals from seeking appropriate advice, support and information in relation to the case e.g. from their trade union.

- 6.5 If the university continues to investigate any matter as a duty of care or a legislative requirement then it may be necessary to share the information with appropriate external parties.

## **Recording and monitoring information**

- 6.6 Written records will be kept by the People Function at each stage of the formal procedure. Staff may take their own written record of meetings, but recording devices, including use of mobile phones will not be permitted.
- 6.7 Any personal data collected or retained in relation to the Resolution policy or procedure will be in accordance with relevant data protection legislation. Further information regarding how data will be processed is detailed in the university's [Privacy Notice for Staff](#).

## **7 Additional Support**

- 7.1 Staff are encouraged to seek support and advice from the following sources:
- Their line manager or a senior manager
  - [Employee Relations \(ER\) Team](#)
  - [People Partnering Team](#)
  - [Trade Union Representatives](#)
  - [Confidential Care](#)
  - [Harassment Support Contracts](#) (see [Harassment, Bullying and Victimisation Policy](#))

## **8 Routes to Resolution**

- 8.1 Staff wanting to resolve an issue via the routes outlined in this policy should complete either an Informal Resolution Request form (appendix B) or a Formal Resolution Request form (appendix C) and submit it to the [ER team](#).
- 8.2 The sooner issues are raised, the more likely they are to be effectively resolved informally. Staff should raise their concern as quickly as possible and usually within three months of any alleged incident.
- 8.3 If a member of staff wishes to remain anonymous it will limit the options available to address the issue. It may be possible to address a complaint through indirect methods, such as targeted training initiatives. Staff wishing to remain anonymous are encouraged to use the university's online platform [Report and Support](#).

## **9 Resolution Procedure - Informal Stage**

- 9.1 The university expects members of staff to give a reasonable level of consideration to the informal options before resorting to the formal resolution process.
- 9.2 Upon receipt of an Informal Resolution Request form, a Resolution Facilitator, who will be a member of the ER Team will contact the member of staff to conduct a Resolution Assessment. This involves a discussion outlining all the options available under this policy to enable the member of staff to decide the next step.
- 9.3 Staff are encouraged to consider having a facilitated conversation to resolve the matter informally. A facilitated conversation fact sheet is set out in Appendix D.

9.4 The informal routes to resolution available to staff are:

- Coaching/support to talk directly to other person (individual action)
- Facilitated conversation with a Resolution Facilitator
- Mediation

9.5 The informal approach is both voluntary and confidential and if it is not possible to resolve an issue informally, a member of staff may decide to pursue their complaint through the formal resolution procedure as set out below. Informal routes to resolution will remain available to members of staff at any point during the formal resolution procedure should they wish to consider them.

## **10 Resolution Procedure - Formal Stage One**

### **10.1 Request for formal resolution**

10.1.1 The member of staff should submit their formal complaint in writing to the [ER Team](#), via the Formal Resolution Request form (appendix B) who will appoint a suitable Investigating Officer to the case.

10.1.2 The complaint should provide details, with reference to dates, times and places, names of any witness(es) to the incident(s) (where applicable) and the action taken by the member of staff to resolve the matter so far. The complaint should also include details of the outcome or remedy sought. Relevant papers in support of the complaint should also be submitted. These will be sent to the appointed Investigating Officer.

10.1.3 Following advice from the ER representative and in consultation with the Investigating Officer, and an appropriate representative from Faculty/Support Services and the People Partnering team, consideration will be given as to whether any specific action should be taken in relation to contact between parties. In some cases, a recommendation may be made for time off or working from home or another location, where possible for either, or both, parties for a temporary period while the matter is under investigation. Any change in working location or time off will be without prejudice to the eventual outcome of the investigation and will be without salary detriment to the individual(s).

10.1.4 All staff involved in a complaint will be expected to behave professionally while the investigation is ongoing.

### **10.2 Investigation Process**

10.2.1 The extent of the investigation will depend on the complexity of the complaint and will vary from case to case.

10.2.2 If a complaint contains allegations relating to a specific individual(s), the ER representative will let them know of the allegations and provide them with a copy of the complaint and copies of any documentation provided in support of the complaint.

10.2.3 The individual(s) will be given the opportunity to provide a statement and any relevant papers in response within 5 working days. This should be provided to the ER representative who will send a copy to the person who raised the complaint and the Investigating Officer. A copy will also be provided to any colleague or trade union representative assisting them.

- 10.2.4 The Investigating Officer will meet with the individual raising the complaint in a formal resolution meeting, usually within 10 working days of receipt of the complaint. The purpose of this meeting will be for the member of staff to explain their concerns, for those present to understand the full nature of the complaint and explore potential solutions.
- 10.2.5 If allegations have been raised against a specific individual(s), the Investigating Officer will meet with them in a formal resolution meeting, usually within 10 working days of the formal resolution meeting with the individual who raised the complaint. The purpose of the meeting will be for the member of staff to provide their response to the complaint.
- 10.2.6 The Investigating Officer may consider it necessary as part of their investigations to meet with witnesses. In some instances, the Investigating Officer may need to meet again with the person raising the complaint or with individuals responding to specific allegations to follow up on points for clarity. This may be undertaken via correspondence.
- 10.2.7 Where further investigations or witness meetings are necessary, the Investigating Officer will make every attempt to address the issues promptly and the ER representative will update the parties of any changes to the timetable, or unexpected delays to the process.
- 10.2.8 If a witness requests anonymity, the reasons for this will be explored by the Investigating Officer, in conjunction with ER, and the implications/limitations of using anonymous statements will be discussed. Following discussion, the Investigating Officer, in consultation with ER will take a decision on whether to allow anonymous statements. Witnesses should be made aware that if the matter results in legal proceedings, anonymity cannot be guaranteed.

### **10.3 Formal Resolution Meetings**

- 10.3.1 An ER representative will be present at all meetings to provide procedural advice to the Investigating Officer, along with a notetaker.
- 10.3.2 The individual raising the complaint and the individual(s) responding to specific allegations must take all reasonable steps to attend their meeting and they may be accompanied by a trade union representative or colleague. Under exceptional circumstances the Investigating Officer and the ER representative will consider requests for accompaniment by a relative or friend; this individual must not be a legal representative. The name of any representative accompanying them to the meeting should be provided in suitable time before the meeting.
- 10.3.3 If the representative is unable to attend on a proposed date, then the member of staff may suggest an alternative date provided it is within 5 working days of the original date. This 5-day time limit may be extended by mutual agreement.
- 10.3.4 If the member of staff does not attend either the original or re-arranged meeting, a decision may be made in their absence and the outcome confirmed in writing.
- 10.3.5 If more allegations are raised during the investigation process that are relevant to the original complaint, they should be investigated simultaneously by the same Investigating Officer.

### **10.4 Notes from formal resolution meetings**

- 10.4.1 A notetaker will be present at formal resolution meetings and witness investigation meetings to record the key points discussed. The notes will not be a verbatim record. Following the meeting, the notes will be provided to the relevant party to review and confirm they are an accurate record of the meeting. A deadline to review and return the notes will be given which will usually be within three working days. If the notes are not agreed as an accurate record, an annotated version should be provided. If the Investigating Officer agrees the amended version is accurate, the changes will be agreed. If the Investigating Officer does not agree, then both versions will be kept on record.

## **11 Decision/Investigation Report**

- 11.1 Following the conclusion of the investigation, the Investigating Officer will provide a report on their findings, including whether all or part of the complaint was upheld or not upheld, and recommend what action(s), if any, need to be taken.
- 11.2 The individual raising the complaint will be provided with a copy of the report and this will normally be issued to the member of staff within 10 working days of the close of the investigation process. The report will summarise:
- the nature of the complaint
  - the investigation that was conducted
  - the decision
  - the reason for the decision; and
  - any recommendations
  - the right to appeal the outcome
- 11.3 A copy of notes taken at the formal meetings will also be enclosed. The individual who raised the complaint will be informed of the deadline by which they are required to lodge an appeal if they wish to do so.
- 11.4 A copy of the paperwork will also be provided to individuals who responded to specific allegations against them, representatives of both members of staff, the relevant line manager(s), and the relevant People Partner.

## **12 Resolution Procedure - Formal Stage Two: Appeal**

- 12.1 If the individual who raised the complaint is not satisfied with the outcome of the investigation at Stage One, they may appeal. They should write to the Director, Employee Relations and Policy within 10 working days of receipt of the decision setting out the specific reasons why they are not satisfied with the outcome, by completing the Appeal Form at Appendix E. The remedy or outcome sought should also be specified in the letter.
- 12.2 A representative from the ER team will appoint an Appeal Hearing Manager and a meeting for the appeal will be organised in accordance with Clause 10.3.
- 12.3 The purpose of the meeting will be to understand the on-going nature of the problem, to review the basis for the earlier decision and to explore potential solutions. It is not an opportunity to rehear the original complaint.
- 12.4 The meeting may be adjourned to enable further investigations to be undertaken if necessary.
- 12.5 Every attempt will be made to address the issue promptly and all parties will be kept informed of the timetable.

- 12.6 At the conclusion of the appeal investigation, a report with the decision will be issued, normally within 10 working days of the final meeting. The report will follow the format outlined in 11.
- 12.7 A copy of the report will also be provided to the individual's representative, the employee(s) who had allegations raised against them, and the relevant line manager(s) and the local People Partner.
- 12.8 This will conclude the internal process for the resolution of the complaint.

### **13 After the resolution process concludes**

- 13.1 The People Partnering team, in consultation with the line manager will assist with the implementation of any recommendations made by the Investigating Officer.
- 13.2 The line manager of the person who raised the complaint should meet with them regularly to offer support and to ensure that no further issues have arisen as a consequence of them making a complaint. These meetings should take place even where a complaint has not been upheld.
- 13.3 Line managers also have a responsibility to meet with members of staff who have been subject to an allegation, or staff who have been involved in a resolution process to offer ongoing support.

### **14 Resolution procedure for ex-employees**

- 14.1 If the member of staff's employment with the university has ended and they wish to raise a complaint, they should follow the procedure set out below. The complaint will be investigated provided that their employment with the university ended within the preceding month.
- 14.2 The ex-member of staff should set out their complaint in writing and send it to the Director, Employee Relations and Policy. The request should detail the complaint, with reference to dates, times and places, names of any witness(es) to the incident(s) (where applicable) and the action taken by the ex-member of staff to resolve the matter so far. The request should also include details of the outcome or remedy sought. Copies of any relevant papers in support of the complaint should be included with the letter.
- 14.3 Upon receipt of the complaint, an Investigating Officer will be appointed by a member of the ER Team.
- 14.4 After the university has had an opportunity to consider the complaint, the ex-member of staff will be provided with a written response within a reasonable timescale. This will conclude the process under the Resolution procedure for ex-employees.



## **Appendix A - Procedure for dealing with disputes registered by a recognised university trade union(s)**

A dispute exists when there is believed to have been a breakdown in negotiations between managers and the recognised trade union(s) which, if unresolved, would have serious repercussions on staff, students and/or the running of the university.

A failure to agree may be recorded by either management or trade union(s) representatives when discussions on a collective issue have broken down.

If the trade union(s) representatives wish to register a collective dispute, then they should do so within 10 working days of the issue of the failure to agree. The dispute should be registered in writing with the Chief People Officer. The letter should state which trade union(s) are in dispute and the names of two or more employees on whose behalf the dispute is being raised. The letter should state the nature and background to the dispute and the proposed solution to resolve the matter.

The Chief People Officer will acknowledge receipt of the dispute within 3 working days. An ER representative will arrange for a University Panel to be convened. The University Panel will consist of two senior academic or administrative staff and a Chair, who will be a Faculty Dean/ Head of Support Services or an equivalent or more senior member of staff. The purpose of the meeting will be to discuss the matter with a view to reaching a resolution. If the matter affects a specific department or Faculty, the University Panel will include a representative from that area. An ER representative, not previously involved in the issue, will act as Secretary to the Panel but will not form part of the Panel. The timetable for meetings will be agreed with the trade union(s).

Where both sides do not reach an agreement, either side may register a second failure to agree. The matter may then be referred to the Provost for further consideration. In this instance, the matter may be referred to ACAS who will be asked to assist in the resolution of the dispute, if both parties agree.

## Appendix B – Informal Resolution Request

### Informal Resolution/Facilitated Conversation Request

Thank you for your request. This information will be read by a member of the [Employee Relations team](#) and will form the basis of further discussion with you. One of the team will make contact with you as soon as possible to arrange a suitable time to talk to you and discuss a facilitated conversation and other **options** available which include:

- Support for you to talk directly to the other person (conflict coaching)
- Facilitated Conversation with the other person (facilitated by trained third party)
- Mediation
- Formal processes (in circumstances where resolution is not possible or suitable)

Once you are clear about the options you can choose how you would like to progress your issue. You may find it useful to look at information about each of these options before you have a discussion with the Employee Relations Adviser.

**Please complete this form as much as you can: it will help speed up the process. If there are things you would rather not write you can discuss them further when you meet with someone from the Employee Relations Team.**

**Your name:**

**Please give us a phone number or email that we can use to make contact:**

*(We will make contact and arrange a convenient and confidential time to talk)*

**Please outline your areas of concern:**

**What do you need to resolve or improve this situation?**

**What outcome are you hoping for?**

**Have you discussed this with the other person(s)?**

☐ Yes ☐ No

If Yes – What was the outcome? If No – Please explain why.

**Do you have anything else you wish to share at this point?**

## Appendix C –Formal Resolution Request

### Formal Resolution Request

This form will assist you in writing a resolution request, which will fully inform the Investigating Officer (IO) of the issues you are facing and the steps you have taken to informally resolve your complaint,

This document will be retained by the IO and ER representative. If your complaint contains allegations relating to a specific individual(s), a copy of this form will be sent to the individual/s against whom the complaint has been raised for them to respond.

#### 1) Personal Details

<b>Name</b>	
<b>CID number</b>	
<b>Date complaint submitted</b>	
<b>Department</b>	
<b>Line Manager</b>	

#### 2) The nature of the complaint

In this section you should include:

- What or who your complaint is about
- The concerns you are raising, or the complaint you wish to make
- Examples and details of the events that have occurred/the issues or behaviour you are experiencing
- Dates, times and locations that the incidents took place (where possible/applicable)
- The names of any witnesses who were present. Character witnesses for either party are not to be included.

It may be necessary for the IO to speak to witnesses as part of their investigation; witnesses will be instructed to keep the matter confidential. You may contact witnesses to inform them you are naming them in your complaint as a witness. It is not appropriate to go into the details of your complaint with potential witnesses. When reviewing complaint, the IO will decide what if any witnesses they need to meet as part of their investigation as it may not be necessary to meet with everyone.

#### Details of Complaint

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**3) The steps taken by you to resolve the concerns**

**Please note, this section will not be shared with the individual(s) against whom you are raising the complaint.**

You are encouraged to try to informally resolve your issues before raising a resolution request.

Have you attempted:

Raising the complaint informally with the person concerned?	Yes / No
Facilitated Conversation	Yes/No
Any other informal resolution? Please specify:	

If you have circled “yes” to any of the above, please explain what the outcome was.

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Have you sought advice or guidance from any of the following?

Your line manager	Yes / No
Employee support contacts, i.e. Harassment Support Contacts; Confidential Care; Trade Union representative	Yes / No
People Function	Yes / No

**4) The outcome or remedy you seek**

Please explain what outcome or remedy you are looking for to address your complaint and/or resolve the situation.

#### **5) Supporting documents**

If you have any documents that are relevant to your complaint, e.g. written evidence in support of your concerns/complaint, please include them as appendices.

#### **6) Reasonable Adjustments**

In this section, please outline any reasonable adjustments you may require participating in an investigation. Please also outline if you need support in accessing Occupational Health, Confidential Care or Policy advice.

#### **Declaration**

I give you my consent to proceed with this matter formally, and in doing so, I am aware that this document (excluding **section 3**), will be sent to the individual/s my complaint is against, to give them an opportunity to respond.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Please send your completed form to a member of the ER Team. Contact details can be found on the [People Function Webpage](#).

## Appendix D – Facilitated Conversations

### Introduction

The university is committed to promoting and nurturing a positive working environment with good working relationships where people are treated with mutual respect. We recognise that conflict in the workplace occurs from time to time. When it does, we wish to support staff to work together to resolve any disputes and conflicts constructively and speedily. A Facilitated Conversation is aimed at securing constructive and lasting solutions to workplace disputes, conflicts and complaints.

### Process

A facilitated conversation is designed to address issues at a formative stage to help prevent issues becoming more deep-seated and escalating to a more formal process. It uses the principles of mediation to support productive dialogue between two parties.

A facilitated conversation differs from mediation in that it is likely to be most appropriate in the early stages of a situation where an individual may be trying to resolve a problem but cannot quite work out the best way to move forward for all parties. The facilitator will be able to support and help focus a discussion between the parties to move forward. Mediation may be more appropriate if a conflict has become more deep-seated and the parties need additional support and guidance in the discussions to reach a resolution.

The process is **voluntary** and entirely **confidential** and designed to address issues positively and constructively.

A trained Resolution Facilitator will be assigned to the case to support the conversation, taking an impartial and neutral role to help both parties discuss their issues and needs, to support both to agree resolutions/next steps.

### Pre-meet

Both individuals would have a pre-meet, separately, with the facilitator to explain their concerns, discuss the process and to ask any questions for clarity.

### Facilitated Conversation

The facilitated conversation brings both parties together in a meeting, provides uninterrupted speaking time, an opportunity to discuss issues constructively and mutually agree next steps. The structure of the meeting:

1. **Agree ground rules**; mutual respect, courtesy, listening and any others suggested and agreed by both parties.
2. **Talk time** – both parties have uninterrupted talk time (maximum of ten minutes each). During which they outline what the issues are and the impact on them. The facilitator will summarise when both have finished talking and ask, if necessary, the impact/consequences on both parties.
3. **Exchange** – both parties can talk to each other about what they feel are the key issues.
4. **Problem solving** – when all the issues have been discussed, both parties should focus on problem solving and resolution; looking at the areas where a resolution is needed. Parties decide whether it should be written. If written the agreement is emailed to both parties and any agreed third party.
5. **Close** – check how both parties are feeling and clarity about next steps. Follow up actions and timescales are agreed.
6. Notes are destroyed
7. **Follow up** – as agreed. Both parties should feel happy about moving forward outside of this process otherwise there is the option to reconvene the facilitated conversation.

**How to Access** - Contact a member of the [Employee Relations](#) team to progress.

## Appendix E – Appeal Form

### Appeal Form

This form will assist you in writing an appeal against the outcome of the following formal processes:

- Resolution Outcome (Complainant only)
- Disciplinary Sanction
- Capability Sanction
- Sickness Absence Sanction
- Redundancy
- Probation outcome

1) Personal Details

<b>Name</b>	
<b>CID number</b>	
<b>Which process is your appeal under?</b>	
<b>Date outcome received</b>	

2) Reason for appeal

The appeal process is not to revisit the case. Your grounds for appeal should be based on the following:

- Procedural errors where there is evidence the process was incorrectly followed
- New evidence has come to light that may change the outcome of the original decision
- Fairness and Reasonableness of the outcome

Please indicate what your grounds for appeal are and provide details to explain your reason for appeal below:

3) Desired Outcome

Please outline what outcome you would like from the appeal process:

4) Supporting Documents

If you have any documents that are relevant to your appeal, please include them as appendices and list them below:

5) Reasonable Adjustments, Guidance and Support

Please outline any reasonable adjustments you may require to participate in an appeal and please outline if you need support in accessing other services such as Occupational Health, Confidential Care or People Policy advice:



**Declaration**

*I give you my consent to proceed with this appeal formally, and in doing so, I am aware that I will be required to participate in an appeal process as outlined by the relevant Policy.*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Please send your completed form to a member of the ER Team. Contact details can be found on the People Function webpage: <https://www.imperial.ac.uk/human-resources/about-us/contact-us/employee-relations-and-policy/>.