

Livewell Southwest

Resolution Policy and Procedure

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Notice to staff using a paper copy of this guidance

The policies and procedures page of Intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.

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Resolution Policy and Procedure

1 Introduction

1.1 Equality Statement

1.1.1 Livewell Southwest is committed to fairness and equity and values diversity in all aspects of its work as a provider of health and social care services and as an employer of people. We constantly strive to build a workforce that is representative of the community it serves.

1.1.1 Livewell Southwest is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy maternity, race, religion or belief, sex and sexual orientation in the provision of our services and in recruitment and employment. This enables an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation in line with Livewell Southwest's Equality & Diversity Policy. We aim to promote inclusivity, trust, honesty and social justice to enhance the psychological safety of both patients and colleagues within LSW.

1.2 Policy Statement

1.2.1 The policy applies to all colleagues of Livewell Southwest (LSW). The policy applies to students undertaking professional training (on secondment if covered by appropriate agreement) at Livewell Southwest, and in some instances (depending upon prior agreement), other secondees. The policy does not apply to people who use our services, visitors or volunteer staff, where the separate Compliments, Concerns and Complaints Policy arrangements apply.

This policy combines and supersedes the previous Grievance Policy and Bullying and Harassment Policy. It identifies the guidance which must be followed when addressing concerns that require resolution.

There is a separate Whistleblowing Policy for raising concerns regarding the organisation.

1.2.2 The following are excluded from this policy and the appropriate policy/procedure should be referred to:

- Disciplinary matters
- Job Evaluation/Banding Reviews
- Any terms and conditions of employment that are either set nationally or by local collective bargaining procedures

1.2.3 In line with LSW's Strategy and the People Strategy, LSW has a firm commitment to the values and aims which define clear expectations about behaviours and actions that contribute to a safe, respectful and professional working environment at all times.

- 1.2.4 LSW recognises that a positive working environment and good working relationships where we treat each other fairly and with respect have a positive impact on colleague wellbeing and colleague engagement. A positive working environment can also lead to better performance, improved colleague retention and reduced stress related sickness absence. Focusing on early resolution is good for our organisation, it is good for our colleagues and it is good for our patients and service users.
- 1.2.5 LSW operates a zero-tolerance policy as there is no place for harassment, including sexual harassment, or bullying, or victimisation of any kind. Harassment and bullying can have very serious consequences for individuals and the organisation. It could make people unhappy, cause them stress and affect their health and family and social relationships, affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide.
- 1.2.6 Such behaviour will not be tolerated. Where it is shown to have taken place following an investigation, it will be dealt with under LSW's Disciplinary Policy as a form of misconduct. In some cases it may be treated as gross misconduct leading to summary dismissal of those responsible. LSW fully accepts its statutory obligations to ensure the health and safety of all its colleagues, including the duty to protect against bullying, harassment and discrimination.
- 1.2.7 LSW recognises that on occasions colleagues may feel they have been treated unfairly and encounter matters needing resolution. LSW wishes to support colleagues and managers to work together to resolve such matters in a timely manner to secure constructive and lasting solutions.
- 1.2.8 The management of colleagues and any potential issue, conflict or complaint in relation to work is the responsibility of management at all levels. Management and colleagues must aim to settle these at the time of the issue and as near to the point of origin as is reasonably possible.
- 1.2.9 This policy has been drawn up in accordance with the Employment Act 2008 and ACAS Codes of Practice and guidance for grievances, bullying and harassment at work. This document provides guidance which takes account of employment legislation, statutory obligations and relevant codes of practice. [Code of Practice on disciplinary and grievance procedures | Acas](#)

2 Purpose

- 2.1 The purpose of this policy is to explain LSW's response to colleagues who, during the course of their employment have an issue, conflict or complaint in relation to their work and ensure that they are dealt with quickly, fairly and constructively. It aims to encourage positive employee relations and to prevent bullying, harassment and any form of unacceptable behaviour between colleagues.

- 2.2 In line with LSW's values, this policy is about creating and sustaining a working environment that is marked by mutual respect, tolerance and understanding and a working culture based on dignity and respect across our services and departments. This means recognising that bullying and harassment in the workplace is a serious issue that must always be addressed whenever it occurs. This is also in line with civility and respect in our restorative just culture.
- 2.3 This policy aims to support colleagues to resolve concerns in the workplace at the earliest opportunity and sets out a range of options for resolving concerns satisfactorily for those involved and to minimise the need for escalation to formal stages of this procedure.
- 2.4 This policy covers bullying and harassment of and by managers, employers, contractors, NHS Professional/Agency staff and anyone else engaged to work at LSW, whether by direct contract with the organisation or otherwise. It covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events. If the complainant or the person who the complaint is about is not employed by LSW, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that LSW could not dismiss the worker but would instead require the agency to remove the worker, if appropriate and/or after investigation and disciplinary proceedings, where necessary.
- 2.5 The policy does not cover bullying and harassment by people who use our services, customers, suppliers, vendors or visitors and, in these cases, colleagues should report any such behaviour to their manager, complete an incident form and consider the use of the Unacceptable Behaviour Protocol (in the Management of Violence and Aggression Policy). For further support contact the Corporate Risk and Compliance Team.
- 2.6 This policy aims to bring an adequate and constructive resolution. Matters needing resolution should not be raised to punish or apportion blame to another. The resolution procedure should not be used as a substitute for day-to-day management of colleagues and constructive dialogue between colleagues. Where malicious allegations are found to have occurred, action may be taken in line with LSW's Disciplinary Policy.
- 2.7 This Resolution Policy should not be used to complain about disciplinary, performance management (capability), sickness and redundancy policies which have their own appeal processes. If a colleague is dissatisfied with any of these policies, they should submit an appeal under the appropriate policy. If the concern is regarding action being taken under another policy, processes can run concurrently or may be dealt with under the other policy where appropriate.
- 2.8 All colleagues involved in a resolution procedure should respect confidentiality and privacy of others at all times. Confidentiality breaches may result in disciplinary action being taken.

3 Definitions

- 3.1 Individual Grievance** - issue, conflict or complaint raised by a colleague about something negatively impacting upon them, which can relate to:
- Implementation of terms and conditions of employment
 - Health and safety
 - Difficult working relationships
 - Bullying - offensive, intimidating, malicious or insulting behaviour,
 - Harassment - unwanted conduct relating to a protected characteristic under the Equality Act 2010
 - Discrimination or unfair treatment as a result of a protected characteristic
 - New working practices
 - Working environment
 - Recruitment and selection decisions for internal candidates

This list is not exhaustive.

- 3.2 Collective Grievance** - issue, conflict or complaint raised by two or more colleagues where they are similar and wish them to be resolved as part of the same resolution procedure.
- 3.3 Facilitated Conversation** – a process in which a trained person who is neutral to the parties and concerns assists in resolving differences between two or more parties, building understanding and strengthening relationships.
- 3.4 Bullying** – offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person.
- 3.5 Harassment** – unwanted conduct related to the protected characteristics under the Equality Act 2010 which either has the purpose or reasonable effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- 3.6 Sexual Harassment** - unwanted conduct of a sexual nature which either has the purpose or reasonable effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

4 Duties & Responsibilities

- 4.1** The **Chief Executive** has delegated responsibility for ensuring compliance with this policy and relevant legislation.
- 4.2** Responsibility of **Directors**:
- Set a good example by their own behaviour
 - Ensure there is a supportive working environment
 - Ensure that the policy is being adhered to both collectively and by

management and colleagues in their area of responsibility

4.3 Responsibility of **line managers**:

- Set a good example by their own behaviour
- To feel confident and competent in managing difficult conversations and giving feedback (to attend training and coaching where needed to support this)
- Ensure there is a supportive working environment
- Ensure colleagues know what standards of behaviour are expected of them
- Ensure colleagues are accessing line management supervision and where applicable practice supervision
- The effective implementation and monitoring of this policy and procedure at an operational level
- Ensure that all colleagues are aware of and understand the policy
- Resolve matters at the most local level and at the earliest opportunity
- Ensure that all colleague submissions are dealt with fairly and in line with timescales in the procedure
- Ensure that all colleague submissions are dealt with confidentially

4.4 Responsibility of all **colleagues**:

- Be aware of how own behaviour may affect others and, if necessary, change it
- Participate and cooperate with others in ways aimed to resolve workplace issues, conflicts or complaints
- Appropriately challenge unacceptable behaviour
- Be open in explaining issues and co-operate to resolve the issue at the lowest level and in a timely manner
- Be clear about resolution and what would be seen as a suitable outcome
- Participate and engage in the process by providing full and detailed information as required
- Participate in line management supervision and practice supervision to support wellbeing and healthy relationships building
- Maintain confidentiality of the matter as appropriate

4.5 Responsibility of **HR Team**:

- Assist and provide appropriate advice and support to managers to ensure the policy is followed and complies with legislation
- Responsible for advising all parties on the handling and ways to ensure early resolution of colleagues workplace concerns, conflicts and complaints and may be directly involved at any stage
- Help maintain consistent standards throughout LSW
- Record and monitor all resolution submissions and outcomes
- Produce reports and statistics for LSW as and when required.

4.6 Responsibility of **Trade Unions**:

- support and promote the fair application of this policy
- support the early resolution of issues to minimise the need for formal resolution as far as possible formal resolution

- represent the interests of their members
- act as a representative for their member at any formal meetings as required

5 Resolution Procedure

5.1 There are three routes of resolution available through this policy, these include:

- Early resolution
- Formal resolution
- Appeal

5.2 A flowchart illustrating the three routes of resolution is detailed in [Appendix 1](#).

5.3 Early Resolution

5.3.1 Before commencing the formal stages of this policy, individuals are encouraged to attempt to resolve matters informally. This would normally involve raising the matter with the person(s) concerned at the time of the incident. An informal discussion may help resolve the issue satisfactorily.

5.3.2 Where this is not possible colleagues should raise their issue with their line manager and discuss the range of options available at the early resolution stage. If the supervisor or line manager are the subject of the issue raised, the issue may be presented to, and addressed by, the immediate next level of management.

5.3.3 Where the issue is about a senior manager, it is the responsibility of the line manager of the colleague with the issue to escalate to the senior managers line manager or to the relevant Director/Deputy Chief Executive/Chief Operating Officer.

5.3.4 The range of options for early resolution available are:

Early Resolution Meeting - The resolution meeting is an early attempt to identify and resolve matters providing an opportunity for the manager and colleague to discuss situations in a supportive, constructive and empathetic forum. Most workplace matters can be resolved at the early resolution meeting stage.

A meeting should take place with the line manager within **2 working days** from raising the issue (or within a different agreed timescale). The Early Resolution Meeting Form ([Appendix 2](#)) can be used to record a summary of the discussion and agreed outcomes and be saved on the line management file with a copy to the HR Team.

Colleagues who raise an issue, conflict or complaint that require resolution must clearly identify the following:

- what the issue is

- the parties involved
- what has been done to try and resolve the issue
- why this has not worked
- what they see as a solution to the situation

Facilitated Conversation - A facilitated conversation can be considered at the early resolution stage of this procedure. It would normally be between the relevant colleagues and facilitated by the line manager or other appropriate impartial third-party person with relevant training. The facilitator acts neutrally and creates the conditions for open and honest dialogue. The facilitator encourages the parties to engage in a constructive dialogue and to listen actively. It is a solution focussed process with the aim of helping the parties to identify the actual issue and idea of resolution. The facilitator would not normally actively take part in the discussion between the colleagues, unless their assistance is required to ensure the discussion proceeds smoothly. It is about collaborating rather than blaming. Any outcome/agreement made comes from the colleagues involved.

Please note that a facilitated conversation may not be applicable in all scenarios.

Please refer [here](#) for further information.

Coaching – helps to focus on specific skills and goals to enable improvement at work. This may apply to one of more parties who might benefit from development, to improve performance and be aware of personal factors at work and/or assess their strengths.

5.3.5 The above recommendations should be agreed and relevant parties informed within **5 working days** of the early resolution method proposed using the Early Resolution Outcome letter template ([Appendix 3a](#)). Arrangements must be made at the earliest opportunity. The line manager is responsible for ensuring the recommendations are arranged and implemented with an outcome confirmed in writing once concluded using the Early Resolution Outcome letter template ([Appendix 3b](#)).

5.3.6 Where the matter is sufficiently serious to warrant a formal investigation to establish the facts (because it reasonably could involve recourse to LSW's Disciplinary Policy), immediate progression to formal resolution stage will be considered and agreed by LSW's People Business Partner following a review of the concerns raised. The line manager is responsible for liaising with their People Business Partner to discuss this at the earliest opportunity following the Early Resolution Meeting.

5.4 Formal Resolution

5.4.1 If the early resolution process has not successfully resolved the issue, then the next step may be the formal resolution stage.

The Formal Resolution stage may also be used when a LSW People Business Partner has (following a review of the concerns raised) agreed the matter is potentially too serious for early resolution given that it could reasonably involve recourse to the LSW's Disciplinary Policy.

In certain exceptional circumstances, due to the nature of the issue, colleagues may exercise the right under ACAS Code of Practice to proceed directly to a formal process.

- 5.4.2 Individuals must submit formal resolution concerns in writing to their line manager or immediate next level of management, as appropriate, using the form at [Appendix 4](#). This must be submitted **without unreasonable delay, normally within one month of receipt of the outcome of the early resolution process and not beyond three months of the issue in question**. Any concerns raised outside of this timeframe will be reviewed by the People Business Partner and the time period will only be waived at their discretion. In some situations, the colleague may be asked to provide further information. Once received the concerns will be considered as set out below. The manager must promptly advise the HR Team so that it can be logged on the case management system.

5.5 Formal Resolution Meeting

- 5.5.1 This meeting should take place within **5 working days** of receipt of the concerns submission where possible. If this is not possible, then the line manager must inform the colleague of the timescale and be within 10 working days. The aim of the meeting is to discuss form details, collect evidence, confirm possible resolutions and if possible, reach an outcome to the colleague's concerns. The colleague and the recipient of the grievance (who will usually act as the Chair of the meeting) will be present at the meeting unless the matter is allocated to another appropriate manager. A template invite letter is at [Appendix 5](#). A template agenda for the meeting is at [Appendix 6](#). The Formal Resolution Meeting Form to be used to record the discussions, next steps/outcome is as [Appendix 7](#).
- 5.5.2 The colleague should take all reasonable steps to attend the formal resolution meeting. The Chair will be supported at the meeting by a member of the HR Team only if requested and deemed necessary.

One request for the date of the meeting to be changed can be made by the colleague if:

- The chosen companion is unable to attend
- The colleague can provide reasonable grounds for not being available. If there are medical reasons, a Fit Note should be provided.

This date should be within a reasonable time period and normally within **5 working days** of the original proposed date.

5.5.3 Failure to attend without reasonable justification will be fully considered. In the absence of all parties, the manager will decide the appropriate outcome which may result in no obligation to continue the meeting.

5.5.4 The outcome of this Formal Resolution Meeting is likely to be either:

- A resolution which will be confirmed in writing within **5 working days** of the meeting to the colleague. The outcome letter, including a statement of resolution, must be sufficiently detailed so that the colleague can understand the reason for the decision. The letter should also provide details of the appeal process ([Appendix 8](#)).
- Adjournment to seek the views of others affected by/involved in potential resolution
- Commissioning of an investigation to gather more information, including statements from those named in the complaint and other witnesses. The scope of the investigation needs to be jointly agreed at the meeting, along with the identification of any witnesses. (Where the formal resolution complaint includes conduct concerns, the outcome of formal resolution meeting may include progression through LSW's Disciplinary Policy).

5.5.5 The meeting will be recorded via a digital recorder or MS Teams. A copy of the transcript will be made available to the colleague following the meeting.

5.6 Investigation

5.6.1 If an investigation is required, the Chair will commission the investigation and appoint an investigating officer, ensuring that the role is impartial and there is no conflict of interest. An investigating officer will be appointed within **2 working days** of the formal resolution meeting and the colleague notified.

5.6.2 The investigating officer should summarise their findings in the form of an investigation report. The report will include a chronology of events starting with the initial concern(s) raised and proceed through the information gathered. This should be submitted electronically to the Chair (commissioning manager) including witness statements and other relevant information must be included as appendices.

5.6.3 The investigation should be completed within **30 working days maximum (or other shorter timeframe as set by the commission manager)** from commissioning. If further fact finding is required, the timescale will be extended and the relevant parties will be informed.

5.6.4 Where the investigation highlights concerns that are in relation to conduct and are outside of the remit of the formal resolution procedure these cases will be progressed in line with LSW's Disciplinary Policy.

5.7 Next Steps

5.7.1 Once the investigation is complete the Chair will:

- Reconvene the formal resolution meeting. The investigation report and

findings should be sent to the colleague **five working days** in advance of this formal resolution meeting (please see notes above in 5.8.2 regarding non-availability or non-attendance).

- In some circumstances, the Chair will be able to make recommendations based on the investigation report without the need for a further meeting if this is in line with the resolution sought by the colleague. In this instance the outcome will be confirmed in writing.

5.7.2 If required the formal resolution meeting will consider the investigation report. The Chair will invite the following:

- Investigating officer – to present the report (with support from HR if required)
- Colleague who submitted the grievance with their companion
- Witnesses if necessary (witness can be called by the investigating officer, the colleague or the chair)

The meeting will be recorded via a digital recorder or MS Teams. A copy of the transcript will be made available to the colleague following the meeting.

5.8 Possible Outcomes from the Formal Resolution meeting

5.8.1 The Chair's decision is based on the evidence presented. The possible outcomes and actions could be:

- The requested resolution(s) in the complaint are fully agreed and management will determine the appropriate action to take going forward.
- The requested resolution(s) are not agreed or the evidence is inconclusive.
- The case may be referred to an alternative policy.

Please note this list is not exhaustive.

5.8.2 As part of the outcome, where resolutions requested by the colleague complaining are fully or partly agreed and are serious, where possible every effort will be made to ensure that the complainant does not have to continue to work alongside the colleague who is the subject of the complaint. The options will be discussed with the complainant. These may include the transfer of either the person who is the subject of the complaint or the complainant.

5.8.3 Where resolutions are not upheld, the HR Department will support the complainant, the alleged colleague who is the subject of the complaint and their manager(s) in making arrangements for both parties to continue or resume working and to help repair working relationships. Where possible and if appropriate, LSW will consider making arrangements to avoid both parties having to continue to work alongside each other, if desired by either party.

5.8.4 The outcome will be confirmed in writing **within 5 working days** of the meeting. The outcome letter, including a statement of resolution, must be

sufficiently detailed so that the colleague can understand the reason for the decision. The letter should also provide details of the appeal process.

- 5.8.5 All those cited in the formal resolution form, including witnesses, should be updated as appropriate by the Chair or through any arrangements they make with the relevant line manager ([Appendix 9](#) and [10](#)).

The Chair is responsible for ensuring the outcome and any recommendations are actioned in a timely manner.

5.9 Appeal

- 5.9.1 Where the colleague is not satisfied with the outcome at formal resolution meeting, they may submit an appeal in writing to the Deputy Director of People and Professionalism within **5 working days** from receipt of the outcome letter using [Appendix 11](#). It is important the appeal clearly states the grounds of the appeal and are specific as these points will effectively form the agenda for appeal meeting, for example:

- the procedure - a failure to follow procedure had an effect
- the decision - the evidence did not support the conclusion reached
- proposed action - was inappropriate given the circumstances of the case, or
- new evidence - which has genuinely come to light since the first meeting.

5.9.2 Receipt of Appeal

- The manager of the Chair of the resolution meeting will be informed of the appeal by a member of the HR Team and they will send a letter of acknowledgement to the colleague within **2 working days**. If the manager is not able to chair the appeal, then an alternative manager must be identified. The manager who hears the appeal should not have been involved in the grievance before and is normally more senior than the chair of the original resolution meeting.
- The manager from the original resolution meeting is responsible for preparing an 'appeal pack' comprising management's response to the grounds of the appeal together with any relevant appendices which must be sent to the colleague at least **5 working days** before the appeal meeting. Please [Appendix 15](#) for the Scheme of Delegation.

5.9.3 Appeal Meeting

- LSW is committed to ensuring the appeal is heard as soon as possible. The Chair of the appeal will ensure that the necessary arrangements are in place to hold the appeal meeting.
- The Chair of the appeal will arrange an appeal meeting to be held within **10 working days** of notification of the appeal.
- Only in exceptional cases will a witness be recalled.
- The colleague has the right to be accompanied by a companion who is either a trade union representative or a workplace colleague.

- 5.9.4 One request for the date of the appeal meeting to be changed can be made by the colleague if:
- The chosen companion is unable to attend
 - The colleague can provide reasonable grounds for not being available. If there are medical reasons, a Fit Note from a GP should be provided.

This date should be within a reasonable time period and **normally within 5 working days** of the original proposed date.

- 5.9.5 Failure to attend without reasonable justification will absolve LSW of any further obligation to continue the meeting. This will be fully considered and a decision will be made by the Chair whether to proceed with the appeal in the colleagues absence based on the information available.

See [Appendix 12](#) for Formal Resolution Appeal Meeting Invite Letter. See [Appendix 13](#) for a template guide for the meeting.

- The colleague will only be able to refer to the grounds of appeal specified in their appeal letter.
 - At the meeting, the colleague will state the grounds of their appeal, and the original chair will have the opportunity to respond. All parties will have the opportunity to ask questions of the colleagues case, the manager's case or question witnesses if in attendance.
 - The appeal meeting is not usually designed to re-hear the case – usually the purpose is to review it
 - The Chair will be advised by HR Business Partner, or appropriate HR colleague
 - The Chair will consider the facts of the case and may uphold or dismiss an appeal.
 - The decision letter will be from the Chair of the meeting and will give the reason(s) for the decision.
 - The decision letter will be sent electronically where possible or by recorded delivery to the colleague **within 5 working days of the appeal meeting**. The decision is final (See [Appendix 14](#) for template Appeal Outcome Letter).
 - The above procedure can be amended by the Chair of the appeal if it is deemed appropriate to do so, provided that all parties are in agreement.
- 5.9.6 If further external procedures are relevant (e.g. ACAS Conciliation or employment tribunal litigation), any statements may be subject to disclosure and parties will be notified accordingly.

There is only one level of appeal detailed and it is not appropriate to transfer the query following a formal procedure to another policy and procedure. Therefore at the end of the resolution procedure there will be no further rights of appeal.

See [Appendix 16](#) for Other Resolutions that are not covered by this Policy.

5.10 Colleagues who are the subject of the formal submission complaint

5.10.1 If a complaint is about a specific colleague(s), they must be advised at the earliest appropriate opportunity. Managers must deal with this situation carefully and sensitively, ensuring the following principles are observed:

- Meet the colleague in private and advise them that a complaint has been received about them/reference to them
- Share a summary of the complaint
- Explain the complaint is being handled formally, and give the colleague a copy of this Resolution Policy
- Explain that in the event that the matter requires investigation, they may be invited to an investigation meeting so they can put forward their statement of events
- Advise them that they have the right to be accompanied at the meeting
- Inform the colleague that they may be requested to attend the formal resolution meeting as a witness
- Ensure that the colleague feels appropriately supported, and is provided with information regarding the Employee Assistance Programme
- Remind the colleague of the confidential nature of the complaint
- Ensure the colleague is kept up to date as the matter progresses
- Ensure they receive feedback following the resolution meeting and any actions required.

5.10.2 It is expected that the chair of the formal resolution meeting liaises with the line manager of the colleague named in the complaint and that the line manager informs the colleague as above, noting that this may be the chair themselves.

It is expected that the line manager keeps the colleague up to date on the progress of the complaint ([Appendix 9](#)).

5.11 Witnesses

5.11.1 When colleagues are identified as witnesses, line managers should ensure that the same principles regarding communication and support are provided to them, as above.

Witnesses may be called to attend the formal resolution meeting where appropriate.

Where colleagues identify witnesses during an investigation, those identified should be interviewed to ensure that all evidence is obtained as part of a thorough and fair investigation.

5.11.2 External witnesses (non-employees of LSW) will not generally be invited to attend the formal resolution meeting, however written statements may be included if the chair deems their evidence to be relevant to the concerns

raised. Where the colleague raising the complaint wishes to provide external witness statements as part of their case, it will be their responsibility to provide them, at least 5 working days prior to the meeting.

5.12 Right to be accompanied

5.12.1 The colleague has the right to be accompanied in the formal resolution procedure detailed in section 5.6 onwards by a companion who is either a trade union representative or a workplace colleague. Their attendance should not delay the process unnecessarily. A colleague cannot be represented by a barrister or solicitor working in a legal capacity. The colleague is responsible for making the necessary arrangements for their companion to attend.

5.13 Maintaining good working relations during this period

5.13.1 Where colleagues are working to resolve matters it will generally be expected that parties will work normally and status quo is maintained.

5.13.2 However, in some cases it may be appropriate to temporarily amend this or the reporting lines which might involve exploring temporarily redeployment opportunities to a suitable alternative role. This may require a change of place of work or to work from home or taking annual leave if wished for one or more parties. Any such actions shall require authorisation of the Assistant Director or Directorate Manager and further advice is available from the HR Team.

5.14 Documentation

5.14.1 At the formal stages of the procedure, all relevant documentation, including witness statements will be circulated to all parties involved.

5.14.2 All information gathered during the investigation and resolution procedure will be treated as strictly confidential. Exclusions to this apply in situations where it is necessary to provide information at a disciplinary hearing or other relevant and appropriate meeting; to progress safeguarding adults / children issues; to address potential serious issues (SI); to address potential cases of fraudulent activity or to provide information to other external agencies (e.g. to refer to professional bodies in line with professional standards and / or where sharing information is required by a statutory duty or other legal process).

5.14.3 A record of the resolution procedure including meeting records and letters must be kept on the line management file.

5.15 Time Limits

5.15.1 When a colleague has a workplace concern, problem or complaint this must be raised at the earliest opportunity without unreasonable delay, normally within one month of receipt of the outcome of the early resolution process and not beyond three months of the issue in question. Any concerns raised outside of this timeframe will be reviewed by the People Business Partner and

the time period will only be waived at their discretion. In some situations, the colleague may be asked to provide further information. Once received the concerns will be considered as set out below. The manager must promptly advise the HR Team so that it can be logged on the case management system.

5.15.2 The following timescales should be followed for each stage of the procedure. These timescales are from the date of receipt of the workplace concern, problem or complaint, at the relevant stage:

- Response to request for early resolution – 2 working days
- Early resolution meeting - up to 5 working days
- Formal resolution meeting – up to 15 working days (or up to a maximum of 57 working days in total if an investigation is needed (2 working days to organise investigating officer, 30 working days maximum for investigation and a further 10 days to resume the formal resolution meeting and to provide outcome - totalling up to 47 working days + 10 working days)
- Appeal meeting – up to 15 working days

5.15.3 LSW will endeavour not to exceed these timescales without good reason but it is also recognised that they can be extended by mutual agreement. The above timescales also apply to former colleagues (where we decide to consider their complaints under this procedure).

5.15.4 Workplace concerns, problems or complaints, or a subsequent appeal to the next stage(s) must be submitted within the time limits specified within this procedure.

5.16 Collective Resolutions

5.16.1 When more than one colleague is aggrieved about the same issue, the procedure outlined in this policy will still apply. In these circumstances, those raising a collective concern will be entitled to only one formal resolution meeting and (if applicable) one appeal meeting as there is normally one 'lead colleague'. Other participating colleagues will be notified individually of the outcome at each stage of the procedure. In exceptional circumstances, if an investigation is required, other colleagues who are part of the collective issue may be interviewed. Steps will be taken to ensure concerns are heard as part of the investigation process.

5.16.2 If the majority of colleagues belong to the same recognised trade union, that trade union will take the lead and be in attendance. However, there may be times when there needs to be a colleague from each trade union and their representative. It is fully recognised that there can only be a reasonable number of people in attendance.

5.16.3 If colleagues wishing to raise a collective concern are all members of the same trade union, their trade union representative can (if all colleagues wish them to do so) raise the concern on their behalf. If the colleagues wish to be

represented by their trade union representatives on an individual basis, LSW will arrange to hear their grievances on an individual basis, where there are exceptional circumstances.

- 5.16.4 If all parties do not entirely and voluntarily agree to this arrangement or if the concerns are not sufficiently similar, LSW will follow this policy and procedure to resolve the concerns on an individual basis.

5.17 Procedure for colleagues who are leaving LSW

5.17.1 Wherever possible a complaint should be dealt with before a colleague leaves employment. The colleague also has the opportunity to express concerns during the exit interview. There should be a commitment to resolve their concern before their final date of employment and a written response provided if it is concluded after the leaving date.

5.17.2 If a complaint is received from a colleague who has left LSW, this will only usually be considered if received as soon as practicably possible and within a time limit of three months of the issue in question. The manager who receives the complaint will set out their response in writing in conjunction with an HR Representative and send to the ex-employee. The response letter must be sent without unreasonable delay. There is no appeal process.

5.18 Support

5.18.1 All colleagues involved in any form of resolution process are encouraged to contact the Employee Assistance Programme (EAP) for any additional support they may require. Tel: 03303 800658* (or 0800 023 9324 free from any standard UK landline or mobile phone) or visit vivup.co.uk

5.19 Overlapping Resolution and Disciplinary Matters

5.19.1 Where a workplace concern, problem or complaint is raised during a disciplinary process, the appropriate action will be determined on a case-by-case basis.

However, in principle, if the issues relate to the content of the disciplinary process or the disciplinary process itself, the matter will generally be dealt with as part of the disciplinary process and presented as part of the colleague's case and heard by the disciplinary panel.

Where it is otherwise unconnected, the grievance process and disciplinary process will run concurrently following agreed timescales, where possible. However in cases of alleged gross misconduct and where the employee is suspended from work, the grievance may be heard after the disciplinary process has been concluded. The decision as to whether this is appropriate will be made by the Deputy Director of People or Director of People and Professionalism.

6 Training implications

- 6.1 A rolling programme of adequate training will be provided to all managers including commissioning managers, investigating officers and Chair on their duties in relation to this policy and its application. Access to a person with a particular specialism e.g. equality and diversity will also be made available. Furthermore, Information Governance and Data Protection training will be made available.

7 Monitoring compliance

- 7.1 This document will be reviewed every three-years or earlier if required, e.g. due to legislation changes.
- 7.2 The HR Department will monitor the effectiveness of this Policy in conjunction with managers and Trade Union colleagues

Minimum requirements to be monitored	Process for monitoring e.g. audit	Responsible individual, group or committee	Frequency of monitoring	Responsible individual, group or committee for review of results	Responsible individual, group or committee for development of action plan	Responsible individual, group or committee for monitoring of action plan
Number of resolution cases in progress (by stage)	HR Team will provide quarterly report	HR Team	Quarterly	HR Team	HR Team	HR Team Workforce Committee
Outcome of resolution cases (including demographic data where appropriate)	HR Team will provide quarterly report	HR Team	Quarterly	HR Team	HR Team	Workforce Committee

All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Assistant Director.

The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.

Signed: Director of People and Professionalism

Date: 12 April 2023