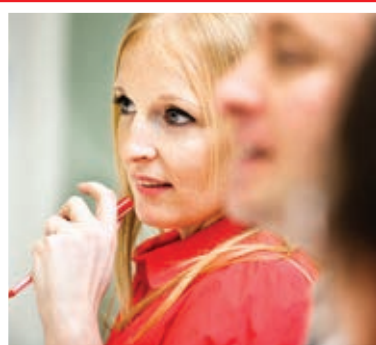




Introducing the new Royal Mail Group Conduct Agreement



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Foreword

We are pleased to be jointly launching the new Conduct Agreement across Royal Mail Group with Unite and CWU.

The agreement aims to help employees achieve and maintain Royal Mail Group standards of conduct and behaviour, while making sure employees are treated in the right way. It replaces the four previous agreements to ensure that the Group's approach to conduct is fully aligned to the way we want managers, union representatives and employees to work together.

The new approach and agreement are supported by the Conduct Policy and a number of guides which are included in this booklet. They have been developed jointly to support a different approach – one that emphasises informal resolution and is less punitive and more corrective.

We want to let employees know in an informal and timely manner if their conduct or behaviour is causing concern, whilst recognising that there will be occasions when

managers need to deal with an issue formally.

A key change in the process is the different approach to suspensions. In the past, employees were suspended too often, for too long and sometimes for issues that were not that serious. The new approach asks managers to reflect on why suspension is being considered; looking at the risks and consequences for the business.

We have also clarified the definitions of delay as there has been some confusion between wilful and unexcused delay. This has led to unnecessary action being taken. The new definitions will support managers in making the right decisions.

We hope you find this booklet useful in helping you to support us deploy the new approach to managing conduct. We believe the new approach will benefit the business, our employees and union representatives.



Jon Millidge
Group HR Director



Brian Scott
Unite /CMA Officer



Ray Ellis
Assistant Secretary CWU

National Conduct Agreement between Royal Mail Group, CWU and Unite

Purpose

This Agreement is designed to help and encourage all employees to achieve and maintain standards of conduct including behaviour. There are separate procedures to deal with other issues like attendance and inability to perform a job effectively.

Scope

This Agreement applies to all employees working for Royal Mail Group irrespective of grade. This Agreement does not apply to agency staff, contractors or self-employed workers.

This Agreement supersedes the former conduct code agreements in Royal Mail Letters, Parcelforce, Customer Management and Logistics.

In the event of any inconsistency between this Agreement, the policy and the supporting guides, the terms of this Agreement take precedence.

Definition of mail

For the purposes of the agreement, the term “mail” includes all items which employees are entrusted to collect, process, convey, deliver or otherwise handle or have access to. This includes letters, parcels and unaddressed items.

General points

Specifically the Agreement aims to:

- Reflect best practice and be consistent with ACAS guidelines
- Provide an approach that is fair, consistent and will deal with employees in a non-discriminatory and timely way
- Operate in a way that is supportive and corrective
- Support business standards as detailed in Our Code: Code of Business Standards
- Encourage and support employees to meet these standards
- Set down employee rights and obligations

Guiding principles

- The business will make employees aware of the expected standards of conduct and behaviour
- Employees should make every effort to meet the business standards of conduct and behaviour
- Resolving conduct issues informally and with support and guidance will be considered when appropriate to encourage employees to improve behaviour
- Conduct and behaviour should be managed by providing constructive feedback and by treating each other with dignity and respect. The employee will be made fully aware of the evidence. Copies of all documents will be provided in a timely manner in line with the procedure
- No conduct action will be taken against an employee until the case has been fully investigated
- No employee will be dismissed for a first breach of conduct except in the case of gross misconduct when the penalty will normally be dismissal without notice or payment in lieu of notice

- Notification of action in line with the Conduct Policy will only be made when sufficient facts of the case have been determined
- At all stages of the formal procedure (i.e. excluding informal) the employee will have the right to be represented by their union representative or be accompanied by a work colleague normally from the same work location
- An employee will be provided with an explanation for any penalty given and have the right to appeal against any conduct penalty imposed
- When progressing a case and completely new information regarding a different incident comes to light, then a further conduct notification will be made to the employee, including the specific details
- Where further evidence comes to light regarding the original conduct case e.g. its seriousness, the original case will continue
- Cases will be handled as speedily as possible and where there is significant delay, the employee will be notified of the reason and when a decision is to be made
- Managers may seek advice and guidance from HR Services Advice & Support where appropriate

Employee obligations

Royal Mail Group requires all employees to:

- Take a responsible approach to their work, customers and fellow employees
- Maintain standards of conduct appropriate to their role
- Seek help as soon as they recognise that they are in a situation which could compromise their behaviour or if they have any concerns regarding their job
- Follow any reasonable instructions of their manager

Employees charged with a criminal offence must notify Royal Mail Group as soon as possible.

Employees are not required to let Royal Mail Group know about minor offences e.g. minor traffic offences.

Employee rights and considerations

- Employees have the right to be treated with dignity and respect by all their colleagues, whatever the situation
- Employees will be treated fairly, including having the right to make a case in response to any allegations or questions put, whether formal or informal
- Employees will be treated in an impartial, non-discriminatory way
- Employees may be accompanied at the fact finding and formal meetings by their union representative or a work colleague normally from the same work location
- An employee's previous work record and conduct and any other mitigating circumstances will be fully taken into account

Royal Mail Group Security: At the onset of an interview relating to a criminal investigation led by Royal Mail Group Security, employees will have explained to them the role of the investigators, their legal rights and the procedures to be followed. This applies both when the employee is being interviewed either as a suspect or a witness. At any interview with Royal Mail Group investigators, an employee, unless they are under arrest, will be entitled to be accompanied by their union representative or work colleague normally from the same work location to act as an observer.

Informal resolution

Informal resolution can help to resolve many minor conduct or behaviour issues before they become more serious. The right word, at the right time and in the right way, may be all that is needed to resolve the situation. Sometimes the employee may not be aware that their conduct or behaviour is unsatisfactory.

Where the right word at the right time has not resulted in an improvement in conduct or behaviour, the manager can arrange to meet with the employee for an informal discussion. The purpose of an informal discussion is for the manager and the employee to resolve the issue without needing to use the formal process. If any documents are used in the informal discussion they should be shared at the start of the meeting. If the employee wishes they can meet with their union representative before meeting with their manager.

The manager should make the employee aware of the reason for the concern, the standards required and identify any steps that the employee or company may take to produce an immediate and sustained improvement. Before dealing with an issue informally the manager must decide that the matter can be dealt with informally assuming no further information comes to light.

Exceptionally, if during an informal discussion it becomes clear that there are more serious issues, for example an employee admits to a more serious incident, the manager must stop the informal discussion and arrange a fact finding meeting. They must make it clear to the employee that they have the right to be represented at the fact finding meeting.

An informal discussion could include:

- Highlighting the area(s) of concern
- Explaining to the employee why their conduct is a cause of concern
- A reminder of the required standards
- Listening to the employee's point of view and understanding the reasons behind the poor conduct or behaviour
- Identifying any initial actions that can be taken by the employee or the manager
- A reminder of the services of the Occupational Health Services and provision of contact numbers

- A reminder of the potential implications if the conduct or behaviour is not improved

The approach to the informal discussion should be sympathetic and supportive, and focused on the improvements required. Comments should be constructive and the emphasis should be on finding ways in which the employee can improve their conduct or behaviour. The manager should factor in any mitigating circumstances that may have caused a temporary change in conduct or behaviours e.g. personal events or changes at work.

Where an improvement is required, it is important that the employee understands what needs to be done and the standards of behaviour or conduct required. The employee should be advised that if there is no improvement, the next stage may be the formal conduct procedure.

Formal conduct process

Before progressing a case formally, a manager, normally the first line manager should consider whether it is appropriate for them to handle the case. For example, it would be inappropriate if the manager concerned is a relative, close friend of the employee or is directly involved in the incident or their evidence could cause a conflict in their decision making process.

Fact finding

Most minor day to day problems if dealt with early enough can be 'nipped in the bud' by the right word, at the right time, in the right way. In more serious cases it will be necessary to proceed straight away to the formal conduct process.

When it is considered that an employee's conduct or behaviour has not met the required standard, the employee's manager will make a prompt and detailed investigation of the facts and may seek a more detailed explanation from the employee. It may include examination of relevant documents and a fact finding meeting where the employee has a right to be accompanied by their union representative or by a work colleague normally from the same work location.

Where an employee is on overtime or scheduled attendance working to another manager and commits an alleged offence, the manager at the time of the incident would normally deal with the case.

Where a Royal Mail Group Security criminal investigation is taking place, the Security executive summary will be sent to the employee's manager. The manager should decide what conduct action, if any, is appropriate. Where conduct progresses through the formal process, the executive summary will be included in the documents for the fact finding meeting.

Where a bullying and harassment investigation has taken place and the outcome is a recommendation for action under the conduct procedure, the case will normally be handed to the employee's manager who will be responsible for dealing with the conduct case. The evidence gathered during the bullying and harassment investigation will be used to contribute to the fact finding stage.

All documents used in the fact finding meeting should be shared with the employee at the start of the meeting or where there is more than one issue during the meeting, before they are discussed.

Following the fact finding meeting, the manager should consider the information available and decide whether the case can be dealt with informally, formally or closed if there is no case to answer.

Informal resolution

Where the outcome of the fact finding investigation does not warrant formal conduct action, the manager will decide whether there is a need to speak informally to the employee to encourage them to improve and to correct their behaviour.

In the majority of cases the matter will end with the informal discussion. Where the issue is dealt with informally, this concludes the matter and the case is closed.

Progressing a case formally

If the manager who conducts the fact finding feels there is a case to answer, they must decide whether, if the allegation is proven, the penalty appropriate would be likely to be within or outside their authority. If they feel a major penalty is a possible outcome, they must, at that stage, pass it on to another manager, normally the second line manager.

The manager progressing the case will write to the employee to ask them to attend a formal conduct meeting giving at least two working days' notice of the meeting and setting out details of the alleged misconduct. The manager must also enclose copies of any notes or evidence that would be referred to during the meeting. At the meeting the employee is entitled to be accompanied by their union representative or by a work colleague normally from the same work location.

If the manager is considering dismissal, the letter inviting the employee to the conduct meeting will make this clear. The meeting will be with the manager taking the decision. At the meeting the union representative or work colleague can act as an observer, help in putting the case, or present the case itself. The employee should respond personally to any relevant questions raised by the manager conducting the meeting.

Some delay may be necessary if the issues raised need further checking or investigation or where complex issues requiring detailed consideration have arisen. In this event the meeting may be adjourned. The employee will be provided with any new evidence and have sufficient time to respond to it with their representative.

Following the formal meeting the manager should consider the information available and decide what approach to take; informal, formal or closed if there is no case to answer.

If the manager decides the case can be dealt with informally, the matter will end with an informal discussion.

If the manager decides to deal with the case formally, they should consider the appropriate penalty.

At the earliest opportunity, the manager dealing with the case will tell the employee the decision, normally face to face where practical. The manager should also follow this up with a formal letter setting out their thought process in arriving at their decision and why they consider the penalty given is the most appropriate.

Where a union representative or colleague attends a conduct or appeal meeting in their working time, they will be given sufficient paid release from duty to prepare, attend and travel if necessary. Travel and other expenses for union reps will not be met.

Access to documents

All information and documents that a manager may consider in reaching their decision must be made available at least two working days in advance of conduct meetings. Documents will be reviewed to ensure that personal details such as phone numbers are removed. In most cases anonymity cannot be preserved in conduct cases. Anonymisation should only be considered where there is a real fear of intimidation or reprisal where a specific legitimate request for anonymity has been made.

In cases where the anonymity of witnesses has been preserved, information released will be presented in such a way as to achieve that objective in accordance with employment law.

Access to papers will only be denied in exceptional circumstances, e.g. if solicitors recommend. Legal advice to Royal Mail Group will not be disclosed.

Authority levels

The authority to give warnings and serious warnings lies with the immediate manager. Major penalties will normally be given by an employee's second line manager of at least Royal Mail Executive Manager Level 2 grade, Operations Manager in Parcellforce or equivalent who is in the direct reporting line and has had the appropriate training. Managers in an acting or temporary promoted capacity have the authority of that grade. CWU graded employees whilst on acting duties will not have the authority to deal with conduct cases for managers under their control or to deal with major penalties cases. These minimum authority levels cannot be altered without further national negotiations.

In cases where a major penalty may be an outcome, the fact finding must be carried out by a manager other than the manager who will make the decision in the case.

Training

Before undertaking a conduct investigation, all managers, including acting and temporary managers, must be trained in the application of the Conduct Policy relevant to their level of authority.

Grievances

Complaints can be made through the Grievance Policy where an employee has a problem or complaint about their work e.g. unhappy about an instruction or where an employee is concerned about their employment. As the Conduct process has as inbuilt appeal, employees are not able to raise a grievance regarding the decision of their conduct case.

Employees who believe there have been procedure errors should raise this during the formal conduct meeting or appeal hearing. In exceptional circumstances, the employee can raise a grievance where they feel procedural errors have not been addressed through the conduct process.

Precautionary suspension

When it may be necessary to consider precautionary suspension

Precautionary suspension should only be considered when a serious incident occurs or is reported to a manager. It is important that all cases of precautionary suspension only last as long as necessary. The main circumstances when it may be appropriate to consider precautionary suspension are:

- Alleged inappropriate behaviour; for example, refusal to carry out a reasonable instruction, violent or threatening behaviour
- Alleged serious breach of conduct, for example suspected or admitted theft or fraud, where there is a reasonable belief that the alleged serious breach might be repeated and/or there is a risk to people, property, mail or the good image of Royal Mail Group
- There is a reasonable belief that the investigation may be hampered if the employee remains at work

In the first instance, the manager should meet with the employee to seek an explanation of the facts of the case. If the manager believes that the incident is serious and there is a reasonable belief that the serious breach might be repeated and/or there is a risk to people, property, mail or the good image of Royal Mail Group, then the manager should send the employee home. Where an employee has been sent home the manager must contact HR Services Advice and Support to discuss the facts of the case. The manager then decides what appropriate action to take given the circumstances.

Where the employee has refused to carry out a reasonable instruction they should be given 10 minutes "cooling off" time to reconsider their actions. The employee should be encouraged to see their union representative during this period where possible.

If an employee is suspended then that suspension must be kept under review; initially after 48 hours and then on a weekly basis. The review should take into account the seriousness and the continued risk to the business. It is important that all cases of precautionary suspension only last as long as necessary.

In most cases suspensions will be carried out by a unit manager, such as a Delivery Office Manager or an Operations Manager, in larger units by the Shift Manager or an appropriate manager. Royal Mail Group Security can suspend employees on the authority of an appropriate manager.

In all cases, whether the employee is suspended or not, the outcome of the case will not be affected.

In cases where an employee is either precautionary suspended or other precautionary action taken, the employee will be made aware that it is not a formal penalty and it does not suggest any prejudgment.

If a Royal Mail Group Security criminal investigation is also taking place relating to the case, managers must liaise with Security before making their decision on whether to suspend or allow an employee to return to work following a suspension. This ensures that the incident is handled appropriately and that all relevant factors are considered.

Precautionary suspension will be with pay.

Criminal actions outside employment

Criminal actions outside employment should not be treated as automatic reasons for formal notification under the Conduct Policy or contemplation of dismissal.

Employees should not be dismissed solely because a criminal charge against them is pending or because they are absent through having been remanded in custody.

When managers become aware of criminal actions involving an employee which may make the employee unsuitable for their type of work, cause serious problems with other employees or unacceptable to the business, consideration should be given as to whether precautionary action is appropriate. Managers must contact HR Services Advice and Support when they are made aware of an employee being involved in a criminal action outside work before taking action.

Loss of or damage to property

All losses of property (including cash or valuables) or damage to property must be reported to a manager. Where loss or damage is deliberate or attributable to negligence or carelessness, conduct action may be taken.

Gross misconduct

Some types of behaviour are so serious and so unacceptable, if proved, as to warrant dismissal without notice (summary dismissal) or pay in lieu of notice. It is not possible to construct a definitive list of what constitutes gross misconduct and in any event all cases will be dealt with on their merits. However, the following examples show some types of behaviour which, in certain circumstances, could be judged to be gross misconduct:

- Theft
- Violence
- Abusive behaviour to customers or colleagues
- Criminal acts against Royal Mail Group or its employees
- Intentional delay of mail
- Deliberate disregard of health, safety and security procedures or instructions
- Unauthorised entry to computer records
- A serious or persistent breach of the Continuous Disclosure and Communications Policy or the Share Dealing Policy

Conduct penalties

Formal action in line with the Conduct Policy will always be notified in writing. Each case will be treated on its merits with conduct action being taken as appropriate to the seriousness of the issue. The penalties are outlined below.

Warning

A record will be kept for a period of 12 months.

Serious warning

The period should be clearly specified in the range of 12 to 24 months (up to 36 months in cases of dishonesty).

Serious warning with transfer

A serious warning can be accompanied by a transfer to another job within the manager's area of authority. This should be reserved for cases where there are reasons why the employee cannot continue to work in their current role. Serious consideration must be given to the impact on earnings level and/or pension entitlement.

Major penalties

Suspended dismissal

The period should be clearly specified in the range of 12 to 24 months (up to 36 months in cases of dishonesty); with it clearly set out that any further serious breach of the Conduct Policy during that time could result in dismissal. The normal procedures would apply in establishing whether any further breach had occurred, and the employee would be given clear notice in the subsequent invitation to a conduct meeting that dismissal was a possibility.

Suspended dismissal with a compulsory transfer

This means compulsory transfer both within and outside the manager's area of responsibility. This should be reserved for the most serious cases where dismissal is being considered or

where there are reasons why the employee cannot continue working in their current role.

Where compulsory transfer is being considered the manager should seek to minimise any potential financial loss e.g. increased travelling expenses to the new office, loss of earnings and pension entitlement, or personal hardship.

Dismissal with notice

Except in the case of proven gross misconduct, dismissal will always be with notice. Where deemed appropriate, the requirement to work notice may be waived.

Dismissal without statutory notice

Summary dismissal.

Where someone remains in employment following a major penalty, a record will be kept for 24 months (up to 36 months if dishonesty is involved).

Review of compulsory transfer

Once the penalty has expired the employee may ask to return to their previous office. Where there are no barriers for this, the employee can transfer back in line with normal Royal Mail Group policies.

Implementation of penalties

Normally, from the date the decision is announced, or on completion of an appeal if one is made. However, dismissals will take effect from the date specified in the dismissal letter, which will normally include a period of notice.

It is not possible to provide a tariff of penalties. Each case has to be judged on its own merits and in the light of all the circumstances including the employee's record and service and any mitigation with the aim of being corrective. Penalties may be more serious where frequent breaches have occurred.

Repeated breaches of Conduct

Where an employee has a number of misconduct cases upheld it may be necessary

to take more severe action than a particular breach of conduct calls for by itself. For example, someone who has a number of current serious warnings may face dismissal. In such cases, when the person is invited to the conduct meeting to deal with the latest breach, the invitation letter will make it clear what conduct penalty is being considered and that this is because of the number of previous penalties. However, this is not an automatic reason for more severe action.

Mutually agreed outcome – downgrading

This should be reserved for the most serious cases where dismissal is being considered.

It may also lead to loss of earnings and pension entitlement and full account should be taken of any personal hardship before it is agreed with an employee and takes effect.

Downgrading may only be used where the employee agrees to the new role at a lower level, and managers must contact HR Services Advice and Support when they are considering downgrading.

This is not a conduct penalty. It is a mutually agreed outcome.

Appeal Procedure

Every employee has the right to appeal against a conduct penalty. If the employee wishes to appeal, they should tell the manager who imposed the penalty within three working days of them having received a written explanation of the penalty. Employees will be encouraged to state their grounds for appeal. A hearing will then be arranged and held as soon as possible and within two weeks (up to serious warning) or within four weeks (for major penalties). The employee will be notified in writing of the time, place and manager dealing with the appeal at least five working days beforehand.

If the employee appeals against a conduct penalty, they can be accompanied by

their union representative or a colleague normally from the same work location, who may assist them to present their case.

The appeal is a hearing at which the appropriate appeal manager will rehear the case in its entirety. It is the employee's opportunity to state their case why the penalty should be set aside or reduced. The result could be revoking or confirming the decision, or reducing the penalty.

For appeals against warnings or serious warnings the appeal will normally be held out of line (or for geographical reasons at an adjacent unit) at the next level of authority to where the decision was made.

Appeals against major penalties (action short of dismissal or dismissal) will normally be held by an appeals manager.

In some cases, further investigation will be required in which case the hearing may be adjourned by the appeals manager. The employee will be made fully aware of any relevant new evidence, copies of which will be provided, and they will be given sufficient and reasonable time to consider it with their representative.

The employee will normally be told the outcome of the appeal face to face as soon as is reasonably practical. Timescales for appeals will depend on the level of investigation required and availability of key personnel. The employee should be kept informed of when their appeal will be concluded. The appeals manager may extend the notice period if more time is required by them to conclude the appeal.

In all cases the employee will receive a written notification of the decision, with the reasons for it.

In the event of a successful appeal and consequential reinstatement, continuity of employment will be preserved.

Safeguarding customers' mail

Delay to customers' mail

Our customers trust us to collect process and deliver their mail securely.

The responsibility for avoiding delay to the mail and giving it prompt and correct treatment is one of the most important duties of all Royal Mail Group employees.

Training

It is essential that all Royal Mail Group employees receive the correct training and support to enable them to provide an excellent service to our customers and complete their work entirely in accordance with the requirements of the job.

Managers are responsible for ensuring appropriate training is delivered to all employees. Employees who feel they need coaching or training may discuss this with their manager or workplace coach.

Delay to mail

Delay to mail can be treated as:

- Unintentional delay
- Unexcused delay
- Intentional delay

Unintentional delay

Royal Mail Group recognises that genuine mistakes and misunderstandings do occur and it is not our intention that such cases should be dealt with under the Conduct Policy beyond informal discussions for the isolated instance.

Unexcused delay

Various actions can cause mail to be delayed, for example carelessness or negligence leading to loss or delay of customers' mail, or breach or disregard of a standard or guideline. Such instances are to be distinguished from intentional delay (see below), although they may also be treated as misconduct and dealt with under the Conduct Policy, outcomes may range from an informal discussion to dismissal.

Intentional delay

Intentional delay of mail is classed as gross misconduct which, if proven, could lead to dismissal. The test to determine whether actions may be considered as intentional delay, is whether the action taken by the employee was knowingly deliberate, with an intention to delay mail.

Where proven, such breaches of conduct can lead to dismissal, even for a first offence; indeed intentional delay is a criminal offence and can result in prosecution.

Precautionary suspension

Precautionary suspension for delay to the mail should not be automatic. The decision to suspend should only be taken after careful consideration and an investigation of the delay has been carried out.

Security of the mail

Royal Mail Group has an obligation to minimise the risk of loss, theft, damage and interference to mail.

Deliberate breach of security procedures, intentional delay and theft may all be classified as gross misconduct and can result in dismissal without notice, even for a first offence.

Royal Mail Group expects high standards from employees when dealing with the protection of mail in its possession and everyone in the business has a responsibility and part to play in maintaining the appropriate level of protection.

When mail is put at risk and when any Security Standards or related Standard Operating Procedures are broken, the matter must be fully investigated and action may be taken in line with the Conduct Policy.

Royal Mail Group is responsible for protecting the security of the mail by making all employees aware of and have access to the security standards and related procedures required in their role.

Employees have the responsibility to comply with the standards and have the responsibility of reporting when these are not met. For example, reporting any instances of loss, theft, damage or interference.

Deliberate breach of security procedures and theft may be classified as gross misconduct and can result in dismissal without notice, even for a first offence.

Trade union representatives

The standards contained within the Conduct Agreement apply to all employees. However, it is accepted that conduct action against a trade union official/representative can be misconstrued as a potential way of harming the union. The long term aim will be to avoid such a perception. Information on the approach to CWU representatives can be found in the Conduct Policy – Approach for Union Representatives Guide.

Information on the approach to Unite/CMA representatives can be found in Appendix 4 of the CMA IR Framework.

Review

This agreement will be reviewed at national level after three months and then subsequently every six months, to monitor the outputs of its use and application. In addition, this will specifically look to understand the number of precautionary suspensions and cases progressed under the procedure, how many were resolved informally, how many resolved at the fact finding stage, how many resolved at the formal conduct stage and how many were subject to the appeal process. The review will also cover the outcome of each of these stages so that going forward, a robust monitoring system can be put in place.

Annex 1: Royal Mail Delivery – Avoiding delay

Local work plan

Delay to mail is a serious matter and could potentially be unlawful. All employees have a responsibility to ensure all items are processed in accordance with the local workplan. All employees will be made aware of the local workplan and the specific requirements of the particular job roles they will perform. Any time mail is delayed, for whatever

reason, Royal Mail employees should attempt to correct the problem efficiently and effectively as soon as possible.

General rules

- Employees must be made aware that mail must never be taken home at the end of a delivery. Correct endorsement procedures and correct use of the pouching off wallet, where appropriate, will avoid this
- Under normal circumstances, if procedures have been followed, no conduct action will be taken against individuals if it is not possible to deliver all mail within their scheduled time

- The main aim will be to avoid the circumstances that may pose operational difficulties to an employee and to find ways of overcoming any potential problem at an early stage. It is also important that all employees are made fully aware of the implications of delaying mail and the possible consequences
- Measures must be put in place to advise employees on the course of action to be taken when difficulties arise when managers are unavailable

Prior to commencement of delivery

On completion of their preparation, where an employee believes that they may experience difficulty in completing their delivery within the authorised time allotted, they should approach their manager as soon as possible before setting out on delivery. It will be for the manager to discuss any problem and advise the employee what particular action should be taken, including the consideration of collection on delivery around associated postboxes to enable USO compliance.

When an employee has requested assistance on delivery, but the manager believes that assistance is not required, the decision, along with the advice given to the employee, should be recorded and associated with the daily traffic volume

record. The employee can have access to this record and may ask to see it prior to commencement of their delivery.

The employee should be encouraged to see their union representative if agreement cannot be reached. Instances where there is a difference of opinion between the employee and the manager about what is possible during the shift will be looked at individually within the unit on the basis of factual evidence. Such differences will be addressed prior to the employee leaving the office for delivery.

The employee and manager should agree a specified time to phone if full completion of delivery workload within the allocated time proves not to be possible. If it becomes obvious that the delivery may be a problem, the employee can contact the manager before the arranged time.

After commencement of delivery

Where an employee is prevented from completing their delivery for any reason, it is essential that this is reported immediately, either by returning to the office or by phone. A written record will be kept.

All employees should be informed of the local authorised arrangements in writing.

Conduct Policy

The Policy

The Conduct Policy outlines the approach that will be taken if an employee does not meet the expected standards of conduct and behaviour. Resolving issues informally with support and guidance will be used where appropriate to encourage improvement. Only where the issue is potentially more serious will formal conduct action be considered as outlined below.

Scope

This policy applies to all employees working for Royal Mail Group. This policy does not apply to agency staff, contractors or self-employed workers.

This policy does not form part of contracts of employment. Royal Mail Group reserves the right to amend this policy from time to time.

Agreement

In the event of any inconsistency between this policy; the conduct guides and the Conduct Agreement, the terms of the Conduct Agreement takes precedence.

Guiding principles

- The business will make employees aware of the expected standards of conduct and behaviour
- Employees should make every effort to meet the business standards of conduct and behaviour
- Resolving conduct issues informally and with support and guidance will be considered when appropriate to encourage employees to improve behaviour
- Conduct and behaviour should be managed by providing constructive feedback. All conversations will be consistent with the general requirement that we all treat each other with dignity and respect. At every stage in the procedure the employee will be advised of the full nature of the allegation and the action that might be taken against them and will be given the opportunity to state their case before any decision is made
- The employee will be made fully aware of the evidence. Copies of all documents will be provided in a timely manner in line with the procedure
- No conduct action will be taken against an employee until the case has been fully investigated
- No employee will be dismissed for a first breach of conduct except in the case of gross misconduct when the penalty will normally be dismissal without notice or payment in lieu of notice
- Notification of action in line with the Conduct Policy will only be made when sufficient facts of the case have been determined
- At all stages of the formal procedure (i.e. excluding informal) the employee will have the right to be represented by their union representative or be accompanied by a work colleague normally from the same work location
- An employee will be given an explanation for any penalty given and have the right to appeal against any conduct penalty imposed
- When progressing a case and completely new information regarding a different incident comes to light, then a further conduct notification will be made to the employee including the specific details
- Where further evidence comes to light regarding the original conduct case e.g. its seriousness, the original case will continue
- Cases will be handled as speedily as possible and where there is significant delay, the employee will be notified of the reason and when a decision is to be made
- Managers may seek advice and guidance from HR Services Advice & Support where appropriate

Employee obligations

Royal Mail Group requires all employees to:

- Take a responsible approach to their work, customers and fellow employees
- Maintain standards of conduct appropriate to their role
- Seek help as soon as they recognise that they are in a situation which could compromise their behaviour or if they have any concerns regarding their job
- Follow any reasonable instructions of their manager

Employees charged with a criminal offence must notify Royal Mail Group as soon as possible. Employees are not required to let Royal Mail Group know about minor offences, e.g. minor traffic offences.

Conduct approach

All conduct cases will be dealt with promptly. Issues can be dealt with informally or formally depending on the nature of the issue.

Informal resolution

Informal resolution can help to resolve many minor conduct or behaviour issues before they become more serious. The right word, at the right time and in the right way may be all that is needed to resolve the situation. Sometimes the employee may not be aware that their conduct or behaviour is unsatisfactory.

Where the right word at the right time has not resulted in an improvement in conduct or behaviour, the manager can arrange to meet with the employee for an informal discussion. The purpose of an informal discussion is for the manager and the employee to resolve the issue without needing to use the formal process. If the employee wishes they can meet with their union rep before meeting with their manager.

Formal conduct process

In more serious cases it will be necessary to proceed straight away to the formal conduct process.

Fact finding

When it is considered that an employee's conduct or behaviour has not met the required standard, the employee's manager will make a prompt and detailed investigation of the facts and may seek a more detailed explanation from the employee. It may include examination of relevant documents and a fact finding meeting where the employee has a right to be accompanied by their union representative or by a work colleague normally from the same work location.

Following the fact finding meeting the manager should consider the information available and decide whether the case can be dealt with informally, formally or closed if there is no case to answer.

Progressing a case formally

If the manager who conducts the fact finding feels there is a case to answer, they must decide whether, if the allegation is proven,

the penalty appropriate would be likely to be within or outside their authority. If they feel a major penalty is a possible outcome, they must at that stage pass it to another manager, normally the second line manager.

The manager progressing the case will invite the employee to attend a formal conduct meeting. The manager must also include copies of any notes or evidence that will be referred to during the meeting. The employee has the right to be accompanied by their union representative or a work colleague normally from the same work location.

Following the formal meeting the manager makes the decision whether the allegation is upheld and what penalty should apply. The manager should let the employee know their decision as soon as possible, normally face to face where practical. They should also notify the employee of their decision in writing.

Authority levels

The authority to give warnings and serious warnings lies with the immediate manager.

Major penalties will normally be given by an employee's second line manager of at least Royal Mail Executive Manager Level 2 grade, Operations Manager in Parcellforce or equivalent who is in the direct reporting line. Managers in an acting or temporary promoted capacity have the authority of that grade. CWU graded employees whilst on acting duties will not have the authority to deal with conduct cases for managers under their control or to deal with major penalties cases.

Precautionary suspension

Precautionary suspension should only be considered when a serious incident occurs or is reported to a manager. It is important that all cases of precautionary suspension only last as long as necessary. The main circumstances when it may be appropriate to consider precautionary suspension are:

- Alleged inappropriate behaviour; for example refusal to carry out a reasonable instruction, violent or threatening behaviour
- Alleged serious breach of conduct for example suspected or admitted theft or fraud, where there is a reasonable belief that the alleged serious breach might be repeated and/ or there is a risk to people, property, mail or the good image of Royal Mail Group
- There is a reasonable belief that the investigation may be hampered if the employee remains at work

The manager should meet with the employee to seek an explanation of the facts of the case. If the manager believes that the incident is serious and there is a reasonable belief that the serious breach might be repeated and/ or there is a risk to people, property, mail or the good image of Royal Mail Group then the manager should send the employee home. Where an employee has been sent home the manager must contact HR Services Advice and Support to discuss the facts of the case. The manager then decides what appropriate action to take given the circumstances.

Where the employee has refused to carry out a reasonable instruction they should be given 10 minutes "cooling off" time to reconsider their actions. The employee should be encouraged to see their union representative during this period where possible.

If an employee is suspended then that suspension must be kept under review; initially after 48 hours and then on a weekly basis. The review should take into account the seriousness and the continued risk to the business. It is important that all cases of precautionary suspension only last as long as necessary.

In all cases, whether the employee is suspended or not, the outcome of the case will not be affected.

If a Royal Mail Group Security criminal investigation is also taking place relating to

the case, managers must liaise with Security before making their decision on whether to suspend or allow an employee to return to work following a suspension. This ensures that the incident is handled appropriately and that all relevant factors are considered.

Precautionary suspension will be with pay.

Criminal actions outside employment

Criminal actions outside employment should not be treated as automatic reasons for formal notification under this policy or contemplation of dismissal.

Employees should not be dismissed solely because a criminal charge against them is pending or because they are absent through having been remanded in custody.

Gross misconduct

Some types of behaviour are so serious and so unacceptable, if proved, as to warrant dismissal without notice (summary dismissal) or pay in lieu of notice. It is not possible to construct a definitive list of what constitutes gross misconduct and in any event all cases will be dealt with on their merits. However, the following examples show some types of behaviour which in certain circumstances could be judged to be gross misconduct:

- Theft
- Violence
- Abusive behaviour to customers or colleagues
- Criminal acts against Royal Mail Group or its employees
- Intentional delay of mail
- Deliberate disregard of health, safety and security procedures or instructions
- Unauthorised entry to computer records
- A serious or persistent breach of the Continuous Disclosure and Communications Policy or the Share Dealing Policy

Conduct penalties

Formal action in line with the Conduct Policy will always be notified in writing. Each case will be treated on its merits with conduct action being taken as appropriate to the seriousness of the issue. The penalties are outlined below:

Authority level	Penalty	Timescale
First and second line level	Warning	12 months
	Serious warning	12 to 24 months (up to 36 months for dishonesty)
	Serious warning with transfer within area	
Second line level	Suspended dismissal	
	Suspended dismissal with compulsory transfer within or outside area	
	Dismissal with notice	
	Dismissal without statutory notice (summary dismissal)	

Implementation of penalties

Normally, from the date the decision is announced, or on completion of an appeal if one is made. However, dismissals will take effect from the date specified in the dismissal letter, which will normally include a period of notice. It is not possible to provide a tariff of penalties. Each case has to be judged on its own merits and in the light of all the circumstances including the employee's record and service and any mitigation with the aim of being corrective. Penalties may be more serious where frequent breaches have occurred.

Repeated breaches of the policy

Where an employee has a number of misconduct cases upheld, it may be necessary to take more severe action than a particular breach of conduct calls for by itself. For example, someone who has a number of current serious warnings may face dismissal. In such cases, when the person is invited to the conduct meeting to deal with the latest breach, the invitation letter will make it clear what conduct penalty is being considered and that this is because of the number of previous penalties. However, this is not an automatic reason for more severe action.

Mutually agreed outcome - downgrading

This should be reserved for the most serious cases where dismissal is being considered. It may also lead to loss of earnings and pension entitlement and full account should be taken of any personal hardship before it is agreed with an employee and takes effect. Downgrading may only be used where the employee agrees to the new role at a lower level, and managers must contact HR Services Advice and Support when they are considering downgrading. This is not a conduct penalty. It is a mutually agreed alternative outcome.

Appeal process

Every employee has the right to appeal against a conduct penalty. If the employee wishes to appeal, they should tell the manager who imposed the penalty within three working days of them having received a written explanation of the penalty. Employees will be encouraged to state their grounds for appeal. A hearing will then be arranged and held as soon as possible and within two weeks (up to serious warning) or within four weeks (for major penalties). The employee will be notified in writing of the time, place and manager dealing with the appeal at least five working days beforehand. If the employee appeals against a conduct penalty, they can be accompanied by their relevant union representative or a colleague normally from the same work location, that who may assist them to present their case.

The appeal is a hearing at which the appropriate appeal manager will rehear the case. It is the employee's opportunity to state their case why the penalty should be set aside or reduced. The result could be revoking or confirming the decision, or reducing the penalty. For appeals against warnings or serious warnings the appeal will normally be held out of line (or for geographical reasons at an adjacent unit) at the next level of authority to where the decision was made. Appeals against major penalties (action short of dismissal or dismissal) will normally be held by an appeals manager. In the event of a successful appeal and consequential reinstatement, continuity of employment will be preserved.

Trade union representatives

The standards contained within the Conduct Agreement apply to all employees. The business and unions have agreed a different approach to dealing with union representatives through the Conduct Policy. Information on the approach to CWU representatives can be found in the Conduct Policy – Approach for Union Representatives Guide. For Unite/CMA representatives, information can be found in Appendix 4 of the CMA IR Framework.

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Informal Discussions

Overview

This guide sets out how to manage and support employees to improve their conduct or behaviour using an informal approach.

This should be read in conjunction with the Conduct Policy, as well as the related guidance documents listed in the 'related forms and documents' section later in the guide.

Purpose

Royal Mail Group expects its employees to maintain high standards of conduct and to adhere to our business standards. There may however be times when an employee's conduct or behaviour falls short of the expected standards. Managers should consider if the issue can be dealt with informally in the first instance, as often the right word at the right time can make a difference. An informal discussion may be held following a formal conduct investigation. There may also be occasions where the employee wants to talk to their manager on an informal basis. This guide deals with how a manager can deal with issues through informal discussions.

Informal resolution

Where an employee's conduct or behaviour is unsatisfactory, a manager, normally the employee's manager, should decide if the issue could be dealt with informally. Once the manager has decided that the issue can be dealt with informally, they would not move to the formal process unless there are exceptional circumstances. Informal discussions can help to resolve the minor conduct or behavioural issue before it becomes more serious.



Formal conduct outcomes

Following a formal conduct meeting and investigation, the manager can decide that the case can be dealt with informally and the case will be closed with an informal discussion.

Informal discussion

Where an employee's conduct or behaviour has been or becomes a cause of concern, an informal discussion should normally take place to identify and address any issues.

The purpose of an informal discussion is to:

- Make the employee aware of the reason why the manager has concerns about their conduct or behaviour
- Provide an opportunity for the manager to discuss their concerns with the employee and for the employee to provide an explanation for their conduct or behaviour

- Provide an opportunity for the manager to understand the employee's reasons behind their conduct or behaviour and to take these into account
- Ensure that the employee understands what conduct or behavioural standards are expected and that they are reminded of the consequences of failing to meet them
- Identify any steps that can be taken by either the employee or Royal Mail Group to assist and support the employee to meet the standards
- Provide the opportunity for the employee to ask to meet with their manager to discuss any concerns that they may have about the standards of conduct or behaviour expected of them

The manager would normally meet with the employee for an informal discussion on the day of the incident or when behaviour is becoming a cause of concern. The manager should advise the employee that they will need to attend an informal discussion and make it clear that the meeting is not part of the formal process. If the employee wishes, they can consult with their union representative before the meeting. If any documents are used in the informal discussion these should be shared at the start of the meeting.

The employee can also ask their manager for an informal discussion if they have any concerns or questions.

An informal discussion is an opportunity for the employee and manager to discuss the issues and may cover such areas as:

- Explaining how the standards of conduct or behaviour have not been met
- Evidence and feedback on the cause of concern
- The reasons behind the conduct or behaviour
- Other problems either in or outside of work

- Nature of work, shift system, recent changes to the demands of the job
- Actions required by the employee to improve their conduct or behaviour
- A review of the support that may be required by the employee including any additional coaching, training or information
- A reminder of the support that Royal Mail Group can offer, including, if appropriate, the Feeling First Class Support helpline and Occupational Health
- A reminder of standards and potential consequences of not meeting them

The approach should be both sympathetic and supportive. It should be clearly focused on achieving improvement and maintaining standards. The manager and the employee will jointly identify any support measures that may need to be considered. The manager should take time to ensure that the employee understands why they have a concern. The manager should factor in any mitigating circumstances that may have caused a temporary change in conduct or behaviour e.g. personal events or changes at work.

Where improvement is required, it is important that the employee understands what needs to be done and how their behaviour or conduct will be reviewed. The employee should be informed that if there is no improvement, the next stage may be the formal conduct process.

Where the employee's conduct or behaviour does not improve following an informal discussion, consideration should be given to moving to the formal conduct process. For further information, please refer to the *Fact Finding Guide*.



Informal resolution following the formal conduct process

Following a fact finding meeting or a formal conduct meeting, the decision making manager may decide that the case does not warrant a formal conduct penalty and instead the issue should be dealt with on an informal basis. If this is the case, then the decision-making manager should invite the employee to an informal discussion and follow the process as outlined above.

Moving to the formal process

If, exceptionally, during an informal discussion it becomes clear that there are more serious issues, the manager must stop the informal discussion. The first step of the formal process would be to arrange a separate fact finding meeting and the manager must make it clear to the employee that they have the right to be represented.

Recording the outcome

A local record should be kept of any conduct or behavioural issue dealt with on an informal basis. The record should include the issue, the date of the meeting and any actions resulting from the meeting, full notes are not required. The record will be shared with the employee. These should be kept locally for between three and six months.

Other Support

Support and further information can be found on the Royal Mail Group helpline.

Feeling First Class: Support is the confidential and independent helpline – provided free for employees and available 24 hours a day.

Feeling First Class Support can be accessed by:

- Calling **0800 6888 777**
- Visiting **www.rmgfirstclasssupport.co.uk**



Fact finding

Overview

This guide sets out how to complete a thorough fact finding investigation.

This should be read in conjunction with the *Conduct Policy*, as well as the related guidance documents listed in the 'related forms and documents' section later in the guide.

Purpose

Royal Mail Group expects its employees to maintain high standards of conduct and to adhere to our business standards. There may however, be times when an employee's conduct or behaviour falls short of the expected standards. Managers should consider if the issue can be dealt with on an informal basis in the first instance, as often the right word at the right time can make a difference. Where the issue may be more serious the manager should arrange a fact finding meeting.

The purpose of a fact finding meeting is to understand what has happened and to give the employee an opportunity to provide an explanation.

Am I the right person to be dealing with the case?

Before starting a fact finding investigation, the manager should consider whether it is appropriate for them to handle the case. It would be inappropriate if they were a relative or close friend of the employee or are directly involved in the alleged incident or their evidence could cause a conflict in their decision-making process.

If an employee is working for another manager and commits an alleged offence the manager at the time of the incident deals with the case.

Where the employee is a union representative, the manager must inform the divisional union representative. The manager should explain the alleged incident. Further information can be found in the *Conduct Policy- Approach for Union Representatives Guide*.

Fact finding meeting

The manager should undertake a prompt and detailed investigation of the facts of the suspected misconduct.

Where there are investigations under other policies, evidence may include:

- An executive summary where a Security investigation is taking place. Managers may contact the Security team for more information; contact details of the Investigation Manager will be included in the executive summary. Further information will be provided unless this would compromise other criminal investigations
- For bullying and harassment cases - the final report can form part of the fact finding investigation. The fact finding manager should meet with the respondent to confirm details of the case, listen to the employee's views and if necessary conduct further investigations
- A Grievance file can form part of the fact finding investigation

Before the fact finding meeting

The manager should:

- Create a conduct case via Managing My Team on PSP
- Arrange a meeting with the employee to establish the facts of the incident on the same day if possible and within two working days of the matter coming to light
- Plan time in their diary for preparing for the meeting, holding the meeting and writing the meeting note

During the meeting

The manager should:

- Explain the purpose of the meeting to establish what happened and why it happened
- Establish and clarify the facts
- Provide the employee with the opportunity to explain their position

- Keep an open mind looking for evidence to support the employee's case as well as evidence against
- Listen carefully to the explanation from the employee and ask follow up questions if they remain unsure of events
- Consider whether precautionary suspension is appropriate or should continue where the employee is suspended already. Precautionary suspension should only be considered for serious incidents and it is important it only lasts as long as necessary
- Share documents with the employee at the start of the meeting or where there is more than one issue, during the meeting before they are discussed. Documents must not be shared at the end of the meeting
- Make notes and retain these for reference
- Inform the employee what the next steps are and the associated timescales

After the meeting

The manager should:

- Write up the notes of the meeting. The notes should not be verbatim but should capture the important points raised
- Send a copy of the notes to the employee with a covering letter explaining that the employee has three working days to respond with any changes they wish to make
- Keep the handwritten notes in the file
- Consider whether witnesses need to be interviewed

In addition, the manager should copy and share any further relevant documents with the employee giving them time to comment before making the decision regarding the outcome of the meeting. It may be necessary to meet with the employee again to ask questions regarding new evidence.

Decision making

The manager must obtain a record of the employee's conduct record from PSP. They must then decide how the case should progress. To help make this decision they must consider the following:

- The seriousness of the action by the employee
- Witness reports that support or conflict with employee's version
- Relevant documents
- Employee's length of service and conduct record
- Mitigating circumstances

Outcome of fact finding meeting

There are three potential outcomes following the fact finding meeting.

Outcome one – no case to answer

The manager has considered the information available and decides that there is no case to answer. They should update the conduct record via Managing My Team on PSP and select the option "no case to answer"; this will close and remove the case from the employee's conduct record. The manager should arrange to meet with the employee to tell them that there is no case to answer.

Outcome two – further action required and the informal approach is appropriate

The manager may decide that the case can be dealt with informally. Where this is the case, the manager should invite the employee to an informal discussion and follow the process as outlined in the Informal Discussions Guide and update the case on PSP.

Outcome three – further action required and the formal approach is appropriate

The manager may decide that the case may warrant a formal conduct penalty. They must decide whether, if the allegation is found, the potential appropriate penalty would be likely to be within or outside their level of authority.

If the action is considered to be misconduct and within their level of authority they should write to the employee inviting them to a formal conduct meeting and follow the process as outlined in the Conduct Meeting Guide.

Where the action of the employee may result in a major penalty or where there have been repeated misconduct cases, normally the case should be passed to the employee's second line manager or at least Royal Mail Executive Manager Level 2 grade, Operations Manager in Parcelforce.

Where the employee is suspended, the manager hearing the case must review the suspension – advising the employee to return to work or the reasons why the employee remains on suspension. Precautionary suspension should only be considered for serious incidents where there is a reasonable belief that the serious breach might be repeated and/or there is a risk to people, property, mail or the good image of Royal Mail Group. Precautionary suspension should only last as long as necessary. Please refer to the When to Consider Precautionary Suspension Guide.

Fact finding file

In cases where the decision making is passed to another manager, normally the employee's second line manager, the original manager will prepare a copy of the fact finding file. The fact finding file should contain the following:

- Copy of the invitation to fact finding meeting, where appropriate
- Copy of the reply slip confirming attendance
- Original notes of the fact finding meeting
- Where notes have not been signed – a reason why
- Copy all relevant documents that will be referred to during the meeting
- In the event of precautionary suspension, the initial letter giving details of why the suspension was required, 48 hour review letter plus all other review letters
- Copy of the reason why the case has been passed up to the second line manager
- Copy of the employee's conduct record

The fact finding file should contain sufficient information for the second line manager to develop conduct notifications. Where this is not the case the file should be returned to the fact finding manager for completion.

Security systems and disclosure of data held or recorded

Security systems and other recorded data should not be generally used to monitor the general conduct or performance of employees. The only exception to this would be where a serious accident has occurred or where a serious act of misconduct is identified and employees' security or health and safety has been put at risk e.g. criminal damage, reckless driving, blocking of a fire exit. The reasons must be exceptional and in line with the agreed process as detailed within the "Use of security systems and disclosure of data held or recorded".

Well-being of the employee

Managers should remember that this can be a stressful time for the employee. They should consider a referral to the Occupational Health Service where appropriate and ensure the employee is aware of the information below:

Support and further information can be found on the Royal Mail Group Feeling First Class: Support helpline.

Feeling First Class: Support is the confidential and independent helpline – provided free for employees and available 24 hours a day.

Feeling First Class: Support can be accessed by:

- Calling **0800 6888 777**
- Visiting **www.rmgfirstclasssupport.co.uk**

They should also keep the employee updated on the progress of the case and keep in regular contact with employees on precautionary suspension.

Keeping records

Records should be kept of all contact made with an employee. Where a fact finding meeting has taken place, the manager should record the date of the meeting and keep an account of the actions agreed for both the employee and the business. A copy should be provided to the employee.

Records should:

- Be accurate
- Be up to date
- Contain details of any discussions between the manager and the employee
- Be held securely and locally in accordance with the Data Protection Act

More information on how to keep good records can be found in the Keeping Records Guide.

Conduct Meetings

Overview

This guide sets out the process to follow when progressing a formal conduct case.

This should be read in conjunction with the Conduct Policy, as well as the related guidance documents listed in the 'related forms and documents' section later in the guide.

Definition of mail

For the purposes of this guide, the term "mail" includes all items which individuals are entrusted to collect, process, convey, deliver or otherwise handle or have access to. This includes letters, parcels and unaddressed items.

Purpose

Royal Mail Group expects its employees to maintain high standards of conduct and to adhere to our business standards. There may however, be times when an employee's conduct or behaviour falls short of the expected standards.

Where the action of the employee is serious, the manager must take formal action under the Conduct Policy.

Am I the right person to be dealing with the case?

Before starting a formal conduct case, the manager should consider whether it is appropriate for them to handle the case. It would be inappropriate if they were a relative or close friend of the employee or are directly involved in the alleged incident or their evidence could cause a conflict in their decision making process.

If an employee is working for another manager and commits an alleged offence the manager at the time of the incident deals with the case.

Where the employee is a union representative the manager must inform the divisional union representative. The manager should explain the alleged incident. Further information can be found in the *Conduct Policy – Approach for Union Representatives Guide*.

Authority levels

The authority to give warnings and serious warnings lies with the immediate manager. Major penalties will normally be given by an employee's second line manager of at least Royal Mail Executive Manager Level 2 grade, Operations Manager in Parcelforce or equivalent who is in the direct reporting line and has had the appropriate training.

Managers in an acting or temporary promoted capacity have the authority of that grade. CWU graded employees whilst on acting duties will not have the authority to deal with conduct cases for managers under their control or to deal with major penalties cases.

These minimum authority levels cannot be altered without further national negotiation.

Where dismissal or action short of dismissal may be an outcome, the fact finding must be carried out by a manager other than the manager who will make the decision in the case.

Fact finding meeting

Most minor day to day problems if dealt with early enough can be 'nipped in the bud' by the right word, at the right time, in the right way. In more serious cases it will be necessary to proceed straight away to the conduct process and exceptionally when new evidence comes to light following an informal discussion. Managers should contact HR

Services Advice and Support when there is new evidence regarding the incident.

When it is considered that an employee's conduct or behaviour has not met the required standard, the employee's manager will make a prompt and detailed investigation of the facts and may seek a more detailed explanation from the employee. This may include examination of relevant documents and a fact finding meeting where the employee has a right to be accompanied by their union representative or by a work colleague normally from the same work location. Please refer to the Fact Finding Guide for more information.

Precautionary suspension

Precautionary suspension should only be considered when a serious incident occurs or is reported to a manager. The main circumstances when it may be appropriate to consider precautionary suspension include:

- Alleged inappropriate behaviour; for example refusal to carry out a reasonable instruction, violent or threatening behaviour
- Alleged serious breach of conduct. For example suspected or admitted theft, where there is a reasonable belief that the serious breach might be repeated and/ or there is a risk to people, property mail or the good image of Royal Mail Group
- There is a reasonable belief that the investigation may be hampered if the employee remains at work

Please refer to the When to Consider Precautionary Suspension Guide for more information.

Formal conduct process

If the manager who conducts the fact finding feels there is a case to answer, they must decide whether, if the allegation is proven, the penalty appropriate would be likely to be within or outside their authority. If they feel a major penalty is a possible outcome,

they must at that stage pass it to another manager, normally the second line manager.

The next steps for the manager hearing the case:

- Identify time and location for the conduct meeting – plan enough time to prepare for, hold the meeting, and to write up the notes. Notes should be written up immediately after the meeting to ensure accuracy
- Ensure the fact finding investigation is completed fully
- Copy all relevant documents that will be referred to during the meeting
- Consider the actions of the employee and develop the conduct notification
- It is good practice to put the documents in date order and number each page, these documents should be sent to the employee with the invitation letter. The letter must contain details of the conduct notification and in cases which may involve a major penalty that dismissal is a potential outcome

Conduct notifications

Developing conduct notifications

The conduct notification should be set out in the letter inviting the employee to the formal meeting. The notification must contain sufficient information about the misconduct to enable the employee to prepare to answer the case at the conduct meeting. It needs to be clear about what the employee is alleged to have done. This is critical in progressing the case. Areas for the manager to follow are detailed below.

- If the conduct involves delay – Was the delay unintentional, unexcused or intentional? What mail was delayed? When?
- If the conduct involves inappropriate behaviour – What is the inappropriate behaviour? Who was affected? When did it take place?
- In cases of Bullying and Harassment – Who has been bullied and harassed? When? How?

Managers should not use legal language for example:

- Perverting the course of justice
- Breach of the Secret Official Act

Good image of Royal Mail Group

All employees have a duty to uphold and adhere to the standards in the Code of Business Standards. Any breach of the Code may be investigated in line with the Conduct Policy and in cases involving criminal acts may lead to a criminal prosecution.

Where the company's standards are not adhered to and the good image is put at risk this should be reported to a manager. Ignoring inappropriate and unacceptable behaviour is wrong and in itself may damage the good image of Royal Mail Group.

Examples of conduct notifications

The notification must be related to what the case actually involves.

Example one

On 28 October, Darren was on a delivery round. At lunch time, before finishing his delivery, he called the Delivery Office and spoke to the Delivery Manager to say that he was sick and could not complete his delivery. He said that he was in lots of pain and struggling to walk.

During the afternoon, Darren was seen at a football match by his DOM. He was seen running up the stairs to his seat.

A fact finding meeting was held on 29 October. Darren admitted that he had not completed his delivery the day before and confirmed that he had called the Delivery Manager. He also admitted that when he got back to the office he told a colleague he was going to the match that afternoon. When questioned about the match, Darren said that he did not know the time of the kick off. He also said he went to see his doctor as soon as he left work.

After requesting a break and speaking to his union representative, Darren changed his responses and said that he did know the time for kick off which was 12.00 and that he did not go to see his doctor. His round was not due to finish until 14.00.

Conduct notification

Gross misconduct in that you falsely claimed to be sick in order to attend a football match on 28 October.

Note – in this example the DOM is a witness in the case and therefore cannot be involved in hearing the case.

Example two

On 3 March, Sanjay refused a reasonable request by his manager to move from one area of work to another. At the time, Sanjay felt that he was doing the work that he had signed for and that he should not be asked to go to the other work area. Despite an explanation about why he needed to move work areas from his manager, he continued to refuse the request.

Sanjay was given ten minutes to reconsider and reflect on his refusal to work as required. Ten minutes later, Sanjay reluctantly agreed to move to the other area of work. This was not the first time Sanjay had refused to change work areas. He claims that he has signed for and trained to work on the mech and should not be asked to do work in any other area. The manager has explained that everyone needs to be flexible and work in the area required to maintain timescales. They have held two informal discussions on this same in the previous six weeks reminding Sanjay of the need to work as required.

Conduct notification

Misconduct in that you failed to follow a reasonable instruction to move from x area of work to y area of work on 3rd March.



Example three

Sarah is a Royal Mail driver and has large number of parcels to deliver. She completed her round at 2.00 on Jan 6, returned to the Delivery Office, signed in the van keys and went home.

The following day, a colleague finds a small parcel in the van and hands it to the Delivery Manager. The manager asks Sarah to a meeting in his office and asks for an explanation.

Two days later, Sarah attends a fact finding meeting with the Delivery Manager. Following the fact finding meeting the manager concluded that although the parcel was delayed, it was not delayed intentionally.

The Delivery manager considers the information raised in the fact finding. Sarah's five years' clear conduct record with the business and concludes that the case can be dealt with informally.

The Delivery Manager invites Sarah to an Informal Discussion meeting. Following the meeting, the case was closed and no further action required.

Repeated breaches of misconduct

Where a more serious penalty is being considered as a result of repeated breaches of misconduct, the notification letter must include details of the "live" penalties on the employee's record.

In complex cases or where support is required in developing conduct notifications, managers should contact HR Services Advice & Support.

Formal conduct meeting

Invitation to the meeting

Having identified the conduct notification, the manager must invite the employee to a formal conduct meeting giving at least two days' notice.

In complex cases the notice period may be extended up to five days to allow the employee sufficient time to prepare. The invitation letter should contain details of the conduct notification, the date, time and location of the meeting and their right to be accompanied.

All documents and evidence the manager plans to use in the conduct meeting or as part of the decision making process must be sent to the employee with the invitation letter.

The manager should also ask the employee for a copy of any additional documents, e.g. statements they intend to use. These can be exchanged at the beginning of the conduct meeting.

Before the meeting

Before the meeting the manager should:

- Ensure the meeting is held in an office where they will not be interrupted
- Plan in diary time to prepare for the meeting, hold the meeting and write up the notes
- Consider if a note-taker is required
- Prepare a meeting plan. The plan should include: introductions, purpose of the meeting, questions for each conduct notification, time for employee responses and a check that the employee has nothing further to add
- Consider visiting the scene of the incident to gain a better understanding of the location and understand who might have been able to hear or see the incident
- Consider making a simple sketch of the site to understand position of witnesses etc.

During the meeting

During the meeting the manager should:

- Introduce all parties and explain their role. The colleague or union rep can act as an observer, help in putting the case or present the case itself but should not normally respond to any questions asked directly to the employee.

- Explain that the notes will not be a verbatim record but a summary of the main points. These will be typed up following the meeting and sent to the employee for comment
- Check that any unsigned notes from previous meetings are accurate
- Note any disagreements between original and signed notes
- Ensure both they and the employee have access to the same documents at the start of the meeting. New documents can be included in the case file
- Explain each notification and present the evidence from the investigation
- Provide the employee or their representative the opportunity to present their case and for the employee to answer any allegations
- Encourage the employee to answer direct questions. Where the union representative or colleague answers on behalf of the employee, the manager should check that the employee is happy with the response and make a note in the meeting notes
- Provide the employee with the opportunity to ask questions and present evidence
- Establish the facts
- Ensure the employee has had the opportunity to cover all they wanted to, including presenting any mitigation
- Conclude the interview by summarising the main points and list anything the manager feels needs to be checked, including interviewing additional witnesses before making a decision
- Inform the employee what the next steps are and the timescales

After the meeting

The manager should write up the notes immediately after the meeting.

The manager should forward a copy of the notes to the employee and allow them three working days to reply with any changes that they would like to make.

The manager must complete any areas for further investigation and send the employee a written record of the further enquiries including any relevant documents obtained. This may result in a second formal conduct meeting with the employee or they could comment in writing before a specified time.

In most cases anonymity cannot be preserved in conduct cases. Anonymisation should only be considered where there is a real fear of intimidation or reprisal where a specific legitimate request for anonymity has been made.

In cases where the anonymity of witnesses has been preserved, information released will be presented in such a way to achieve that objective in accordance with employment law.

Following the formal meeting the manager should consider the information available to decide whether the incident can be dealt with informally or what penalty should apply. Please refer to the Making Decisions and Report Writing Guide.

Employee cannot attend the formal conduct meeting

The employee may not be able to attend the meeting for a number of reasons including sickness. The manager should balance the need for the employee to be able to present their case against the need to progress the case without undue delay.

Normally the meeting can be rearranged within a short period. Where this is not possible the manager can refer to the Absent Whilst on a Formal Procedure Guide.

Other support

Support and further information can be found on the Royal Mail Group helpline.

Feeling First Class: Support is the confidential and independent helpline – provided free for employees and available 24 hours a day.

Feeling First Class: Support can be accessed by:

- Calling **0800 6888 777**
- Visiting **www.rmgfirstclasssupport.co.uk**

Keeping records

Records must be kept of all contact made with the employee and kept in the case file. Records should:

- Be accurate
- Be up to date
- Be held securely and locally in accordance with the data Protection Act

More information on how to keep good records can be found in the *Keeping Records Guide*.

Decision Making and Report Writing

Overview

This guide sets out the steps to follow when making a decision following a formal conduct meeting.

This should be read in conjunction with the Conduct Policy, as well as the related guidance documents listed in the 'related forms and documents' section later in the guide.

Purpose

Royal Mail Group expects its employees to maintain high standards of conduct and to adhere to our business standards. There may however, be times when an employee's conduct or behaviour falls short of the expected standards.

Where the action of the employee is serious, the manager must take formal action. This guide ensures that managers make sound decisions based on the facts available following a thorough investigation under the Conduct Policy.



Is the case upheld?

In dealing with a conduct case the manager must decide whether, on the balance of probability, the case is upheld. The manager must consider the entire evidence raised during the formal conduct meeting and subsequent investigations.

- List each of the issues and conduct notifications
- In one column list the evidence that supports each issue or notification
- In the other list evidence that does not support

Where the evidence is contradictory, the manager must evaluate the credibility of the information they have and record their reasoning. Managers should contact HR Services Advice and Support to get support in difficult and complex cases.

Where the manager decides that there is no case to answer, they must close the case.

Appropriate penalty

If the manager decides that having reached a decision that the case is upheld, the manager must then consider a range of penalties. When reaching a decision on the appropriate penalty, the manager must use their judgement as each case has to be considered on its merits. The manager must not rush their decision, they must consider:

- Seriousness of the case
- Impact on the business

- Mitigating factors – illness, stress, lack of training or experience in new role, ignorance of standard, local arrangements at the relevant location
- Length of service and previous conduct record
- Genuine remorse
- Employee open and honest from the start of the investigation

The manager should make note how important each of the above are. They should write down the range of penalties considered, and explain why the penalty chosen is appropriate.

Decision

The decision should be communicated to the employee normally face to face where it is practical to do so. In all cases, the managers should tell the employee the decision, why they made the decision and why they have given the penalty they considered appropriate.

Delay in reaching a decision

If, for any reason, the manager is unable to reach a decision within a reasonable period after the formal conduct meeting, then they must write to the employee explaining the reason for the delay together with the revised date for completion.

Decision report

In all cases the employee should receive a written explanation of the decision on why the case is upheld and their thought process in deciding the appropriate penalty. Managers should outline the details of the thought process in a report with details of the penalty where appropriate.

Where dismissal is appropriate, the employee should be informed of:

- The reasons for the dismissal
- The date on which their employment will end
- The appropriate period of notice unless the dismissal is summary
- Their right of appeal

Structure of the report

The report should be structured in the following way:

Background – how the issue was raised, timeline of events, employees involved in the fact finding process.

Formal conduct meeting – date of meeting, names and dates of follow up meetings, other evidence gathered e.g. e-mails, date fact finding file sent to the employee and date returned, any delays in making the decision. Use a separate heading for each conduct notification, under each notification the manager should set out:

- The relevant evidence, including what the witnesses said
- The employee's responses and issues raised.
- How they view conflicting evidence
- Conclusions on how the case is found
- Responses to the mitigation or issues raised by the employee including comparator cases raised
- Appropriate penalty

See appendix one for an example decision letter and decision report.

Keeping records

Records should be kept of all contact made with an employee. Records should:

- Be accurate
- Be up to date
- Contain details of any discussions between the manager and the employee
- Be held securely and locally in accordance with the Data Protection Act

More information on how to keep good records can be found in the Keeping Records Guide.

Appendix one

Dear [Employee's title and surname]

Decision

Following your meeting with me on [date] to consider the formal notification [enter brief details of incident using conduct notification wording from invitation to formal conduct meeting letter].

I have now carefully considered all the circumstances of your case and my decision is [details of the outcome].

I enclose a report giving details of how I made this decision.

You have the right to appeal against my decision. If it is your intention to do so, you must let me know within three working days of receipt of this letter. If you decide to appeal, you will be notified of the time and place of your appeal meeting.

I recognise that being faced with conduct action can be a stressful time and I would like to remind you that you may contact the Feeling First Class: Support on **0800 6888 777** and available 24 hours a day if you feel that you require support.

Yours sincerely

[name and contact details of the manager who heard the case]

Examples of deliberations

1. Mr B received two conduct notifications, both of which I consider as gross misconduct in that it was alleged that:

- Mr B had stolen £20 from the manager's jacket during a fire practice when the office had been evacuated; and
- That when challenged about why he had not evacuated the building, Mr B had sworn at his manager

2. Conduct notification 1: Mr B had taken £20 from his manager's jacket

a) The evidence in support of this conduct notification comprised the following:

- Mr B's manager had put his jacket in his office prior to the fire alarm practice, the jacket pocket contained £20
- Immediately after the fire practice, the £20 was gone
- Checks revealed that Mr. B was the only member of staff who had not evacuated the office during the fire alarm practice
- £20 - the same amount of money as had been in the jacket - was found hidden at the bottom of Mr B's desk drawer following a search by his manager

b) The evidence put forward by Mr B in answer to this conduct notification comprised the following

- The money did not belong to the manager
- Mr B's manager has been 'gunning for' Mr B ever since Mr B started going out with the manager's former girlfriend

c) Following the conduct meeting:

- I questioned the manager who denied that he had set up Mr B
- Other members of the team confirmed that the first line manager was very fair in his dealings with all employees

d) Conclusion: on balance, I find evidence to support conduct notification one and that Mr B did take £20 from the manager's jacket

3. Conduct notification 2: Mr B swore at his manager

a) The evidence in support of this conduct notification comprised the following:

- Both Mr B's manager and three colleagues clearly heard the abusive language and gave witness to that fact
- When I visited the scene of the alleged offence it was clear that those four individuals were standing in very close proximity and would have had no trouble in hearing what was said

- b) The evidence put forward by Mr B in answer to this conduct notification comprised the following:
- Mr B maintained that both his manager and the three colleagues 'had it in for him' because they supported a rival football team
 - Mr B claimed to suffer from 'Tourette's Syndrome', which results in him 'involuntarily' swearing. I asked whether he had ever mentioned this to management, colleagues or Occupational Health: he said that he had not, but that his GP would confirm the diagnosis
- c) Following the conduct meeting:
- Questioned the three colleagues about whether they had 'stitched up' Mr B: all were adamant that they had not. It also transpired that none of them supported the rival football team
 - Despite two extended deadlines, Mr B failed to provide any GP evidence in support of his alleged 'Tourette's Syndrome'
- d) Conclusion: on balance, I find the evidence to support the conduct notification two and that Mr B did swear at his manager:
- The witnesses who claimed to have heard Mr B's abusive comments were very credible, unlike Mr B
 - Mr B produced no credible evidence to support his alleged medical ailment

4. The penalty

Having concluded that there the case is upheld for the two conduct notifications, I then considered what penalty would be appropriate.

In doing so, I reviewed Mr B's conduct record which showed that he currently had a 'live', two year serious warning for abusive language towards a manager on an earlier occasion.

Whilst I did consider whether a lesser penalty might be appropriate, I felt that both of the conduct notifications amounted to acts of gross misconduct and that the seriousness of the offence, combined with the breakdown of trust and confidence in Mr B, warranted dismissal.

In all the circumstances, I concluded that summary dismissal was appropriate.

[name of manager / date]

When to Consider Precautionary Suspension

Overview

This guide explains precautionary suspension, the circumstances under which a manager may consider using this approach and the steps that should be followed when an employee is placed on precautionary suspension.

This should be read in conjunction with the Conduct Policy and the Conduct Agreement.

Definition of mail

For the purposes of this guide, the term "mail" includes all items which individuals are entrusted to collect, process, convey, deliver or otherwise handle or have access to. This includes letters, parcels and unaddressed items.

When it may be necessary to consider precautionary suspension

Precautionary suspension should only be considered when a serious incident occurs or is reported to a manager. It is important that all cases of precautionary suspension only last as long as necessary. The main circumstances when it may be appropriate to consider precautionary suspension are:

- Alleged inappropriate behaviour; for example, refusal to carry out a reasonable instruction, violent or threatening behaviour
- Alleged serious breach of conduct. For example, suspected or admitted theft, where there is a reasonable belief that the serious breach might be repeated and/or there is a risk to people, property, mail or the good image of Royal Mail Group
- There is a reasonable belief that the investigation may be hampered if the employee remains at work

Where a serious incident occurs or is reported to a manager the manager should ask for an explanation and check the facts of the case before reflecting on the information available. There are a number of potential outcomes:

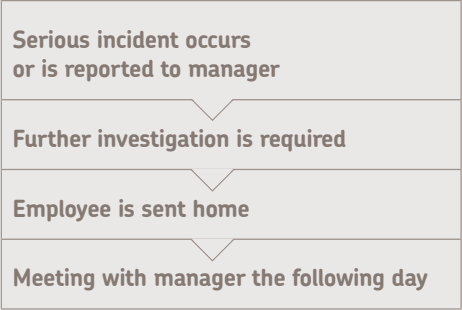
- The manager concludes that no action is required
- The manager concludes that further investigation is required, low risk of repetition and low risk to people, property, mail or to the good image of Royal Mail Group. The manager decides that the employee can remain working during the investigation
- The manager concludes that the incident is serious and there is a reasonable belief that the serious breach might be repeated and/or there is a risk to people, property, mail or the good image of Royal Mail Group. In these cases the manager arranges to meet the employee on the following working day or shift and the employee is sent home. Keys should be returned by key holders before they are sent home

Where an employee has been sent home, the manager must contact HR Services Advice and Support to discuss the facts of the case.

If a Royal Mail Group Security criminal investigation is also taking place relating to the case, managers must liaise with security before making their decision on whether to suspend or allow the employee to return to work following a suspension. This ensures that the incident is handled appropriately and that all relevant factors are considered.

The manager then decides what action is appropriate taking into account the

seriousness of the case, risk of repetition and the consequences to the business. Where there is a need for further action, the manager needs to follow the steps outlined in the diagram below:



The manager meets with the employee to discuss the alleged incident and the action they intend to take at this stage. There are four potential outcomes following the meeting with the employee:

- No action required and employee returns to normal duty
- Further investigation required; however the employee can continue to work in their normal duty
- Further investigation required: the employee should not work in their current role, however they can undertake alternative work
- Further investigation required and given the potential seriousness of the case, the employee should be precautionary suspended. This applies where, there is a high risk of repetition and/or a serious risk to people, property, mail or the good image of Royal Mail Group if the employee returns to work

The manager should explain to the employee their decision and advise them in writing. Importantly, if the case requires further investigation they should know what the next steps will be and when they will find out more details.

Cooling off

Where the employee has refused to carry out a reasonable instruction, they should be given 10 minutes “cooling off” time to reconsider their actions before the manager considers following the process outlined above.

The employee should be encouraged to see their local representative during this period where possible. However decisions cannot be delayed where no representative is available.

Employees who are not fit and able to do their work

For employees who are not fit and able to do their work or it is unsafe for them to continue in the workplace, for example being under the influence of alcohol or non-prescribed drugs, the manager should send the employee home, and take all necessary steps to ensure the safety of the employee and others. The manager should arrange a meeting with the employee the following day.

The manager should refer to the Alcohol and Drugs Guide where appropriate.

In cases where the employee’s behaviour is extreme and the manager has a concern for the wellbeing of the employee and the safety of others, the manager should send the employee home taking the necessary steps to ensure the safety of the employee. The manager should meet with the employee the following day and if the employee’s behaviour has not improved, precautionary suspension of the employee should be considered.

The manager has a duty of care to the employee and should consider a referral to Occupational Health Service.

Further investigation

The manager must keep the facts under review during an investigation. If it becomes clear that the seriousness of the incident or risk of repetition is different than first thought, the manager must review the outcome.

In some cases this will result in an employee returning to work on their normal duty or to an alternative role and in other cases this may result in the employee being precautionary suspended. In all cases, the manager must meet with the employee and let them know why that decision is being taken. Where further investigation is required, managers should follow the Conduct Policy and appropriate Conduct Policy guides.

Prejudging the case

In all cases, whether the employee is suspended or not, the outcome of the case will not be affected. In cases where an employee is either precautionary suspended or other precautionary action taken, the employee will be made aware that it is not a formal penalty and it does not suggest any prejudgment.

Procedure for precautionary suspension

Managers should record details of the precautionary suspension via Managing My Team on PSP, Guides on how to record the details can be found on PSP by clicking on the Advice and Help tab on PSP.

The suspension with pay should be confirmed in writing within one day (24 hours) by the suspending manager.

The letter should make clear that the employee is precautionary suspended; the reasons why they have been precautionary suspended, what their rights and obligations are during their suspension. The letter should also make clear that the employee is not to attend Royal Mail Group premises without the prior written permission of their manager, approach witnesses or discuss the details of the case with work colleagues. However they are able to get support and discuss the case with their union representative and this includes sharing the content of letters.

The “Confirmation of precautionary suspension” letter should be used for this purpose. The suspending manager must produce a report of the reasons for the suspension. The report should include an outline of the reason why the suspension has taken place. The manager must keep a file copy of the report locally. This will be provided to the employee with the letter. Fact finding must start at the earliest opportunity, ideally within the first week. The manager will receive prompts from PSP.

Duration of precautionary suspension

It is important that all cases of precautionary suspension only last as long as necessary. All suspensions must be reviewed after 48 hours and then weekly. The individual circumstances and, therefore, considerations of each case will be different, but the key consideration should be whether the suspension needs to continue. During each review the manager should consider the following:

- Is the case less serious than previously thought?
- Is there a risk of the employee repeating the offence?
- Is there a risk to people, property or mail?
- Is there a risk to the good image of Royal Mail Group?
- Is there a risk to the integrity of any investigation?

Following the precautionary suspension review, the manager may decide:

- That no further action is required and the employee can return to work
- Even if action under the Conduct Policy is required, the employee may return to work to their normal role or to an alternative role
- An unacceptable level of risk still exists so the employee remains on precautionary suspension



Where the suspension continues, the manager must record the reason in the case file. In cases where there is no conduct notification after four weeks, the third line manager will receive a prompt from PSP to review the case. This review is to explore the reasons for the delay, the continued need for suspension and not the details of the case. With the agreement of the employee, the review will include the union representative.

Where the employee returns to work, they should be advised in writing of the decision to end the precautionary suspension using the 'Precautionary suspension outcome' letter. The manager must also update PSP via Managing My Team.

Maintaining contact

While an employee is suspended from work, it is important that weekly contact is maintained. Where the case is passed to the second line manager, the first line manager or another manager must maintain contact.

This contact should cover the wellbeing of the employee and, importantly, keep them up to date with planned office events. The employee and the manager should agree arrangements for maintaining contact during

suspension. The contact should be weekly and can be by telephone, email or letter.

The employee should be reminded of the Feeling First Class: Support on **0800 6888 777**.

We recognise that an employee whilst on precautionary suspension may meet colleagues from their office and understand that the suspension may be talked about. Where the employee on precautionary suspension wants colleagues to provide information on the case, they should ask the manager dealing with the case or their union representative to talk to the colleagues on their behalf.

Throughout the investigation, the employee can discuss, share documents and obtain support from their union representative or the work colleague they have asked to support them at conduct meetings.

Authority to precautionary suspend

In most cases, suspensions will be carried out by a unit manager, such as a Delivery Office Manager or an Operations Manager. In larger units, by the Shift Manager or an appropriate manager. Royal Mail Group Security can suspend employees on the authority of a 'When to Consider Precautionary Suspension'

appropriate manager. In all cases suspension must be reported immediately to a senior manager. The suspending manager must also inform the appropriate union representative if agreed by the employee. As outlined above, managers must phone HR Services Advice and Support before suspending the employee.

Where an employee is precautionary suspended and is subsequently dismissed with notice, the employee must be informed that precautionary suspension will continue until their last day of service.

Precautionary suspension involving union representatives

If the case involves a CWU union representative, refer to the Conduct Policy – Approach for Union Representatives Guide and the suspending manager should notify the Divisional Representative before the suspension.

Information on the approach to Unite / CMA representatives can be found in Appendix 4 of the CMA IR Framework.

Criminal actions outside employment

Criminal actions outside employment should not be treated as automatic reasons for suspension, formal conduct notification or contemplation of dismissal.

When a manager become aware of criminal actions involving an employee, suspension is only appropriate where there is a serious risk to people, property, mail or the good image of Royal Mail Group.

Managers must contact HR Services Advice and Support when they are made aware of an employee being involved in criminal action outside work before taking precautionary action.

Right to be accompanied

Where a union representative is readily available, employees can be accompanied at the meeting where the decision to send home is made.

However this decision cannot be delayed where the representative is not available.

The employee can also be accompanied at the meeting with the manager the following day. Their companion may be:

- A work colleague normally from the same work location
- A trade union representative
- An accredited employee of a trade union

For further information see the Right to be Accompanied Guide.

Annual holiday during suspension

If annual holiday was booked before the precautionary suspension, it should be taken during the period of the suspension. If it has not been booked, the employee will accrue annual holiday which can be taken on their return. If the employee wishes to cancel any planned holiday, they should contact their manager and let them know, confirming that they are contactable and will be available for meetings. They can also request holiday whilst on suspension, and this may be granted subject to local arrangements. If the employee is dismissed, any outstanding accrued holiday will be paid as appropriate.

Sick during suspension

Where an employee is suspended and then goes sick, the employee will remain suspended but sick pay rules and sick pay limits will apply. The employee should notify their manager when they are no longer sick to enable the manager to return them from sick pay to basic pay.

Letters and forms

- Advising of precautionary suspension letter
- Update on precautionary suspension letter
- Precautionary suspension outcome letter

Security of Customers' Mail

Overview

Royal Mail Group has an obligation to minimise the risk of loss, theft, damage and interference to mail or Royal Mail Group property. Any loss or breach of security undermines confidence in our ability to safeguard the mail. It may attract negative media attention and adversely affect customer confidence, retention and growth.

Definition of mail

For the purposes of this guide, the term "mail" includes all items which individuals are entrusted to collect, process, convey, deliver or otherwise handle or have access to. This includes letters, parcels and unaddressed items.

Security of the mail

Royal Mail Group expects high standards from employees when dealing with the protection of mail in its possession and everyone in the business has a responsibility and part to play in maintaining the appropriate level of protection.

When mail is put at risk and when any Security Standards or related Standard Operating Procedures are broken, the matter must be fully investigated and action may be taken in line with the Conduct Policy.

Employees must protect the security of the mail by:

- Ensuring they are aware of and have access to the security standards and related procedures required in their role
- Individually or collectively working to or complying with the standards
- Reporting any instances of loss, theft, damage or interference

Mail must be prepared and delivered correctly in line with agreed day to day business procedures.

Breach of security standards – mail related

Whether mail is stolen or not, a conduct investigation can still take place in respect of an employee whose actions cause the mail for which they are responsible to be insecure. Points to consider:

- Was mail left insecure by not following operational specifications?
- Was the employee using the correct piece of delivery equipment for the role they were performing? If not, is this out of choice by the employee or due to lack of appropriate equipment at the unit?
- Was the piece of delivery equipment used in line with business processes?
- Has the employee received appropriate training to use the piece of delivery equipment?
- Is there evidence to demonstrate they have been briefed on the importance of securing the mail?

Reports of insecure mail can come from a number of sources including:

- Information from a member of the public or reports from another employee within Royal Mail Group. In both of these cases the manager will need to consider all relevant factors
- Through the findings of a visit undertaken by managers
- Through loss of mail reported by the employee themselves



Examples of mail left insecure may include:

- Mail left unattended and accessible in an unattended and unlocked vehicle. Where shared vehicles are used, the manager must establish which employee was responsible for the breach in security. Where it is not possible to establish which employee is responsible, managers should contact HR Services Advice and Support
- Misuse of delivery equipment which makes the mail contained on or within insecure. This will include mail within high capacity trolleys and light weight trolleys, where the delivery equipment is left insecure or the equipment has been left unattended for longer than the operational specification for that piece of equipment
- Delivery pouches left unattended and insecure at any point on a delivery
- Mail left at an unauthorised drop off point
- Door stepping- items left in an insecure location at or around customers' premises

Breach of security standards – non mail related

On occasions security standards are breached without any loss of mail e.g. a Royal Mail vehicle is left unlocked, unattended and in an insecure location, even if there is no mail in the vehicle.

This is still a breach of security standards. The matter must be fully investigated and action may be taken in line with the Conduct Policy.

Access control

It is important that correct access control procedures are in place to secure the estate and business assets as well as safeguarding the mail. Photo ID badges must be worn at all times. Points to consider:

- Were the correct access control procedures in place?
- If not, did this facilitate an offence taking place?

Theft by an employee

Managers must ensure that any incidents of suspected theft are reported to the Security Helpdesk immediately on **0207 239 6655** or **5474 6655**.

Avoidable damage to mail

This applies when mail is damaged while in the course of the post and the damage could have been avoided by ensuring the mail was treated correctly. This also needs to be fully investigated and action may be taken in line with the Conduct Policy.

Managing Employees who are on Precautionary Suspension due to a criminal investigation

Overview

There may be times when an employee has been investigated and suspended following suspected criminal activity. This guide provides information for managers on how to deal with cases where criminal prosecution is being considered or progressed.

This should be read in conjunction with the Conduct Policy and the When to Consider Precautionary Suspension Guide.

Criminal investigation

Royal Mail Group Security carries out criminal investigations into crimes against any part of Royal Mail Group and takes appropriate action in line with the Royal Mail Group Prosecution Policy.

Where an employee has breached Our Code of Business Standards, policies and processes and is subject of a criminal investigation, Royal Mail Group Security will advise the relevant manager.

Conduct Policy

The manager investigating the conduct case will receive the Security executive summary and this will form part of the fact finding process. Managers may contact the security team for more information; contact details of the investigation manager will be included in the executive summary. Further information will be provided unless this would compromise other criminal investigations.

The manager should not wait to progress the conduct case until the criminal process is concluded. It is essential that managers use the Conduct Policy as soon as they are made aware of the initial facts of the case and that the conduct process is followed in a timely manner.

Managers who require support should contact HR Services Advice and Support. In dealing with the case, managers must liaise with security before making their decision on whether to suspend or allow an employee to return to work following a suspension. This ensures that the incident is handled appropriately and that all relevant factors are considered.

Late Attendance

Overview

This is the guide to the standards required of all Royal Mail Group employees regarding punctuality, and the process that will be followed where an employee fails to maintain those standards.

This should be read in conjunction with the Conduct Policy.

Recording attendance times

All employees should record their attendance daily by the locally recognised method. Attendance times should be recorded accurately. The employee should let their manager know why they are late or are going to be late. Managers should keep records of late attendance.

Definitions

What is a persistent late attendee?

A persistent late attendee is an employee who incurs four unexcused lates in excess of five minutes during any three-month period. Additionally, combined late attendances of two hours or more may, in some circumstances, amount to unacceptable or persistent late attendance.

Late attendance of less than five minutes

Late attendances of less than five minutes should normally be disregarded unless they become frequent, in which case the employee concerned will be advised that further occurrences may lead to formal action under the Conduct Policy.



Excused late attendance

Late attendance incurred in the following circumstances should normally be excused and not count towards the standard set out in the definition of a late attendee above:

- Where the employee has difficulty in getting to work e.g. car breakdowns, public transport delays, adverse weather condition, etc.
- Due to domestic distress.

Where excusing late attendance is appropriate, the actual time of attendance should be recorded with a brief explanatory note from the manager.

Unexcused late attendance

Unexcused late attendances should be recorded accurately using the locally recognised method. The manager should also ensure the employee is made aware that the late attendance has been recorded as unexcused.

Consequences of late attendance

Late attendance should normally be dealt with the right word at the right time. If this does not bring about the desired improvement, the manager should consider arranging an informal discussion. Where an informal discussion does not bring about the desired improvement, the matter should be dealt with formally under the Conduct Policy.

Consequence of being late for extra duty

Late attendance for attendances outside of the normal hours will be dealt with by pay being calculated for the actual hours worked.

Time lost through unexcused late attendance

Employees have a responsibility to make up lost time. However, it would be unreasonable to require the occasional late attendee to do so; especially where, by making extra effort, they complete their scheduled duty by their normal finishing time. Each case should be dealt with on its own merits. Lost time must be made up before overtime becomes payable.

Where the start had been delayed because of their own late arrival, on occasions an employee would be expected to work beyond their normal finishing time without payment, for example an OPG was completing a delivery or collection or an engineer finishing some urgent maintenance work.

Trialists

Persistently late attendance will be considered before confirmation of appointment but this does not automatically mean that the trial period will be extended.

Right to an Appeal

Overview

This guide is designed to provide further information on an employee's right to appeal a formal conduct action and how to go about conducting this appeal.

Royal Mail Group reserves the right to review this guide to maintain continuing relevance and effectiveness.

Who has the right to appeal?

Any Royal Mail Group employee who has had formal conduct action taken against them has the right of appeal.

An appeal may result in the original outcome being confirmed, reduced or revoked.

Step one: Notification of the intent to appeal

If an employee wishes to appeal a conduct action or dismissal, they must inform their manager within three working days of having receiving the written confirmation of the outcome.

The employee should state the grounds for their appeal in this written notification.

Step Two: Appeal hearing arranged

Upon receiving the written notification to appeal from the employee, the manager should arrange an appeal hearing. This should be arranged as soon as possible and within two weeks (up to a serious warning) or within four weeks (for major penalties).

The appeal manager should confirm in writing the date, time and location of the hearing at least five working days in advance of the hearing.

The appeal manager should also forward the employee a copy of the file from the conduct meetings previously held

which resulted in the conduct action that the employee is appealing against.

Additionally, all employees have the right to be accompanied to the appeal hearing. Their companion may be:

- A fellow work colleague normally from the same work location
- An official employee of a trade union
- A trade union representative

For more information please visit the Right to be Accompanied Guide.

Step Three: Appeal hearing

The appeal meeting is a re-hearing of the case and is an opportunity for the employee to present their opinion as to why they disagree with the outcome. It is the employee's opportunity to state their case why the penalty should be set aside or reduced. The result could be revoking or confirming the decision, or reducing the penalty.

For appeals against warnings or serious warnings the appeal will normally be held out of line (or for geographical reasons at an adjacent unit) at the next level of authority to where the decision was made.

Appeals against major penalties (action short of dismissal or dismissal) will normally be held by an appeals manager.

During the appeal meeting, the appeal manager will:

- Provide the employee the opportunity to present their case
- Provide the employee with the opportunity to ask questions and present any further evidence

In some cases, further investigation will be required – in which case, the hearing may be adjourned by the appeals manager. The employee will be made fully aware of any relevant new evidence, copies of which will be provided and given sufficient time to consider it with their representative or colleague.

Step Four: Next steps

The employee will normally be told the outcome of the appeal face to face as soon as is reasonably practicable. Timescales for appeals will depend on the level of investigation required and availability of key personnel. The employee should be kept informed of when their appeal will be concluded. The appeals manager may extend the notice period if more time is required by them to conclude the appeal.

In all cases the employee will receive a written notification of the decision, with the reasons for it.

Decisions made during the appeal process are final and are not subject to further appeal.

What happens if the appeal is unsuccessful?

If the appeal is unsuccessful and the original decision is confirmed, any conduct action will proceed in line with the original decision made. If the action is a dismissal, this will take effect from the date specified in the original dismissal letter.

Any penalties imposed as part of conduct action will remain in line with the written notification received before the appeal.

What happens if the appeal is successful?

If the appeal is successful, and the original decision is reduced or revoked, any dismissal or conduct action will be changed.

In the event of a successful appeal against a conduct penalty the employee's record will be changed to reflect the appeal decision and any action changed as necessary.

In the event of a successful appeal against a dismissal decision, the employee will be reinstated and continuity of employment will be preserved. The employee shall be paid in full for the period from the date of dismissal to the date they are reinstated.

Mutually agreed downgrading

In cases where the manager decides that dismissal is the appropriate penalty but a downgrade to a lower grade is mutually agreed, the employee has the right to appeal against the decision that dismissal is appropriate.

If the appeal is successful the employee will return to their original role at the higher grade. If the appeal is unsuccessful the employee will remain in their mutually agreed downgraded role.

Keeping records

Accurate notes should be taken throughout the appeal process and should be held securely, along with any correspondence to or from the employee.

Records should:

- Be accurate
- Be up to date
- Be held securely and locally in accordance with the Data Protection Act more information on how to keep good records can be found in the Keeping Records Guide

Approach for Union Representatives

Overview

This guide outlines the approach to managing the Conduct Policy involving union representatives.

Step one – informal

Following alleged misconduct by a union representative, the manager will discuss the issue with the employee to establish if the matter can be concluded between the two parties to everyone's satisfaction. Where this can be achieved the matter is closed and the process ends at this point.

Action recommended: Seek advice from a senior HR manager or the HR Services Advice and Support if there are any doubts over process

Step two – fact finding

If the matter cannot be resolved at step one and further action is being considered, then a fact finding meeting should take place to determine whether a conduct notification should be made. The manager will advise the CWU divisional representative when formal fact finding is to be progressed. This will be by telephone initially and followed up by email.

Action required: The manager hearing the fact finding is to make the relevant CWU divisional representative aware via telephone and email that a fact finding meeting is to take place. They should also make the senior HR manager aware.

Step three – meeting with the CWU divisional rep

Within one week of completion of formal fact finding under the Conduct Policy, a meeting will be held between the manager undertaking the fact finding meeting, their manager and a CWU divisional representative. The purpose of this meeting is to share the facts that have been established, take into account the union representative's role, the nature of the alleged misconduct and determine whether the matter can be resolved through any of the following actions:

1. Counselling
2. Mediation including restoring relationships
3. Industrial/behavioural/relationship training
4. Action under the CWU's own disciplinary procedure

The above are not mutually exclusive and, where it is determined that informal resolution is appropriate, this may involve one or more of these actions being taken in combination.

Action required: After any fact finding meeting, a meeting with the fact finding manager and their line manager should be held with the CWU divisional representative.

Step four – action required

As a result of the meeting, the manager will first reflect on the fairness principles that underpin the business HR policies and then determine one of the following outcomes:

- No further action to be taken following fact finding; the matter is closed and the process ends at this point. The individual concerned will be advised accordingly in writing
- The matter is to be progressed in line with one or more of the approaches listed in step three. Follow up action will be taken to ensure completion and the individual will be advised accordingly in writing
- The matter will be progressed and concluded through the Conduct Policy with a formal conduct notification in accordance with the normal Conduct Policy timescales and procedures. The individual will be advised accordingly in writing

In addition, the appropriate Director and the CWU Deputy General Secretary (Postal) should also be formally advised in writing of the conduct notification(s) and any subsequent decisions.

Action required: Copy the conduct notification letter and any subsequent decision letter to the relevant Director and separately to the CWU Deputy General Secretary (Postal) CWU Headquarters 150 The Broadway London SW19 1RX.

Step five – outcome

Where conduct action is taken resulting in a penalty being awarded, the accredited union representative will have the right of appeal as detailed below:

- Appeals against dismissal, suspended dismissals and serious warnings both with accompanying conduct transfers only, will be heard by an Independent National Appeals Panel in accordance with this Procedure
- Appeals against suspended dismissals with no attached conduct transfer will be heard by an independent appeals manager
- Appeals against all other penalties will be heard by an appeals manager in line with normal Conduct Policy procedures

Action required: In all cases of dismissal, suspended dismissal and penalties involving compulsory conduct transfer, case papers should be sent via special delivery to HRSC Archives (Appeals), Pond Street, Sheffield, S98 6HR.

In cases of dismissal, the dismissing manager is responsible for ensuring that pay is permanently ceased using an ECR and PSP is updated.

Absent Whilst on Formal Procedure

Overview

This is the manager's guide to managing employees who are absent whilst on a formal procedure in Royal Mail Group. This includes Conduct, Stop Bullying and Harassment or Improving Performance.

Employee reports absent

If an employee reports absent while subject to a formal procedure, their manager should:

- Check with the employee to understand if their absence will prevent them from taking part in the formal procedure
- If they are unable to take part in the formal procedure and if the absence is going to last less than a few days, they should wait until the employee returns to work. If the employee does not return at this point, then the manager should refer to the approach below
- If they are unable to take part in the formal procedure and if the absence is going to last more than a few days, the manager should consider a referral to the Occupational Health Service (OHS) to understand if there is any medical reason why the employee cannot continue with the formal procedure

Employee declines or refuses to attend Occupational Health Service referral

An employee may refuse to co-operate by either declining to give their consent or in refusing or failing to attend their referral appointment.

In such cases the approach that should be taken by the manager should be the same:

- The manager should ensure that they document every attempt made to encourage the employee's cooperation with the process
- The manager should also ensure that the employee clearly understands why the referral to the Occupational Health Service is being made and how the information received from them will be used. In order to demonstrate this, the manager should write to the employee to explain why the referral is being made

Where the employee still declines to give consent or attend a referral, the manager should give the employee two working days to reflect on their decision and encourage them to consult with their union representative.

Where they continue to refuse, the manager should advise them in writing that the formal procedure will progress.

The letter should:

- Include the date and time of the next step, and encourage them to attend
- Remind them that they can still agree to attend an Occupational Health assessment
- Encourage them to talk to their union representative

- Let the employee know that if they are unable to attend in person, they have the opportunity to put forward considerations in writing by a specified date or ask their representative to present the information on their behalf
- Remind the employee that if they do not complete any of the above that a decision may be made with the information that is available and they will be advised of the outcome in writing

Employee is fit to participate in the formal procedure

Where the Occupational Health advice is that the employee is fit to participate, it is expected that the employee will agree to cooperate. If the employee refuses to cooperate then the approach outlined above should be followed.

Continuing with the formal procedure and outcome

Where the manager is continuing with the formal procedure they should still follow the procedure and share all documents and information as outlined within the relevant agreements, policies or guides.

Once the formal procedure has been completed, the employee should be notified of the outcome, along with details of any right to an appeal and what will happen next.

Employee not fit to participate in the formal procedure

If the Occupational Health advice is that the employee is not fit to participate with the formal procedure then the manager should obtain advice from HR Services Advice and Support.

Other Support

Support and further information can be found on the Royal Mail Group Feeling First Class: Support helpline.

Feeling First Class: Support is the confidential and independent helpline – provided free for employees and available 24 hours a day.

Feeling First Class Support can be accessed by:

- Calling **0800 6888 777**
- Visiting **www.rmgfirstclasssupport.co.uk**



Q&A

What are the key changes to the conduct process following the new Royal Mail Group Conduct Agreement?

There is now one agreement across Royal Mail Group to replace the four previous Conduct Codes. The focus of the new process has been to strengthen the informal resolution stage, give greater clarity on delay, and improve the PSP experience including prompts for managers. There is a new approach to precautionary suspension – review consequences first, send the employee home and seek advice from HR Advice and Support before suspension takes place, if appropriate. In addition, conduct letters and guides have been updated to improve clarity and refresh terminology.

Should an informal meeting be recorded – doesn't that make it formal?

A record of the meeting should be taken to record and outline any actions agreed between the employee and manager. Informal discussions do not form part of the formal conduct process. This record of the meeting is kept on file, but does not make it formal. A copy of the record should be shared with the employee.

Can the employee refuse to attend a formal conduct meeting?

If an employee refuses to attend the conduct meeting, managers can continue with the process in their absence. Managers should record every attempt made to encourage the employee to attend. They should write to the employee to reaffirm why they need to attend the meeting and encourage them to talk to their union representative. If they continue to refuse to attend, the manager should write to them to advise them the formal conduct process will continue in their absence. An employee may provide a written submission or the union representative can present the case in their absence. The manager should continue to follow the process by sharing all relevant documentation with the employee and notify them in writing of their decision.

Can I take a union representative to the informal meeting?

No, employees will be encouraged to talk to their representative before an informal meeting with their managers; this reiterates that the process is informal.

Q: How can an employee ensure any witnesses they would like interviewed are included as part of the investigation?

During any meeting with the manager relating to the conduct case (informal, fact finding or formal conduct meeting), the employee or their representative should tell the manager about any witnesses they would like to be interviewed. If it is considered that they can provide further evidence that will assist the investigation, they will be included in the investigation.

What happens to an employee who is already being considered as part of the formal process when the new Conduct Agreement comes into place?

The employee's case will continue to be heard under the previous Conduct Policy.

How long should an employee be placed on suspension?

Precautionary suspension should only be considered when a serious incident occurs. This could be alleged inappropriate behaviour, alleged serious breach of conduct, or there is a reasonable belief that the investigation may be hampered if the employee stays at work. The suspension should be as short as possible and only last for as long as the manager feels is necessary. Managers must always contact HR Advice and Support before taking the decision to suspend.

Why can't managers have a tariff of penalties? Would that be fairer?

Every case has to be heard on its own merits as there may be mitigating factors that differ in cases that are dealing with a similar act of misconduct. Therefore, the outcome and any penalty given in such cases may differ.

Who to contact

Managers are advised to contact HR Advice & Support for:

- Serious cases
- Developing multiple conduct notifications
- Further misconduct comes to light during the conduct process
- General support and advice

Managers must contact HR Advice & Support:

- When considering precautionary suspension / action
- When aware of criminal activities outside of work
- Mutually agreed downgrading

Union Representatives should contact:

- Their appropriate representative

