

## POST OFFICE COUNTERS CONDUCT CODE

### 1. PURPOSE

1.1 Post Office Counters Ltd aims to develop excellent standards of performance and conduct in its employees in order to provide excellent standards of service to its customers. This code details the individual employee's rights and responsibilities in establishing and maintaining the required standards of conduct. Publication of a code such as this is a statutory requirement under the Employment Rights Act 1996 and is based on the principles of fairness and natural justice laid down in the Code of Practice issued by the Advisory, Conciliation and Arbitration Service (ACAS).

1.2 The purpose of the code can be summarised as follows:

- to help establish the required high standards of conduct;
- to help employees maintain these standards;
- to ensure the consequences of failing to meet these standards are understood;
- to provide a process for dealing with breaches of these standards.

1.3 The key principle of the Code is prevention and correction rather than punishment. This will be achieved through coaching and guidance to help individuals reach the required standards and a progression of formal and final warnings where this approach fails or is inappropriate. It also recognises that, in cases where a final warning does not result in the required improvement, or in cases of gross misconduct, there may be no option but dismissal.

1.4 This code has been developed with help from employees and is agreed and supported by the Communication Workers Union and the Communication Managers Association.

### 2. RIGHTS

Post Office Counters Ltd will manage conduct in accordance with the following individual rights which it recognises are held by all its employees:

- to be treated with respect and courtesy at all times;
- to be treated fairly and reasonably;
- to know what standards are expected;
- to a speedy resolution of disciplinary issues;
- to understand the disciplinary process;
- to a full investigation of the facts before disciplinary action is taken;
- to have their view of a case fully considered;
- to be provided with all the evidence used by managers in arriving at their decision, in sufficient time to consider it in detail;
- to know, understand and comment on any charges that may be made against them;
- to have all mitigating circumstances taken into account;
- to be accompanied by a friend (of the same sex where required), who may be a representative of a recognised trade union, during formal disciplinary interviews;
- to be advised of the outcome of any formal disciplinary interviews;
- to a copy of any notes of disciplinary interviews (and notes of informal counselling, where they are made);
- to appeal against formal disciplinary action.

### 3. RESPONSIBILITIES

3.1 All employees are personally responsible for:

- ensuring that they understand what standards are expected of them and seeking advice where in doubt;
- striving to meet these standards.

3.2 In addition, line managers must also:

- set a good example;
- ensure that appropriate standards are communicated to their team(s);
- help their team members to understand and meet these standards;
- address failure to meet these standards in accordance with the process and principles explained in this code.

#### 4. STANDARDS

This section of the Code aims to provide a guide to the standards of conduct required of all employees. Personal conduct

4.1 Employees are required to maintain a high standard of personal conduct including efficiency, reliability, integrity, sobriety, punctuality and attendance. Similarly, employees are required to follow reasonable instructions from their manager.  
Respect for other employees

4.2 Employees are required to maintain a high standard of conduct in relation to all other employees and to treat them with respect and courtesy, particularly in relation to the requirements of our equal opportunities and harassment policies. Similarly they have a responsibility to protect the health and safety of other employees.  
Respect for customers and clients

4.3 Our customers and clients are a major priority - we aim to provide an excellent service to both. Employees are therefore required to treat them with respect at all times.  
Protecting business resources

4.4 Our reputation for reliability and integrity is a key element of the service we provide. Employees are therefore required to ensure that POCL property, resources and funds are not used for improper purposes.  
Protecting information

4.5 Employees are responsible for protecting access to confidential information and for ensuring it is not subject to unauthorised disclosure. This, in part, involves observing the security procedures in relation to computer systems and maintaining the confidentiality of business and personal information. Protecting business interests

4.6 Any outside employment must be openly declared and must not be contrary to POCL commercial interests or bring POCL into disrepute. Employees are required to avoid activity which conflicts with their duty to POCL and to ensure that their actions are not improperly influenced by personal considerations.

It is important to note that many of these standards have a clear legal basis. The relevant legislation can be found in:

- Health and Safety at Work Act 1974
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Data Protection Act 1984
- Fair Employment (Northern Ireland) Act 1989
- Disability Discrimination Act 1995

As employees are required to observe the correct internal procedures reference may need to be made to other documents for example:

- Competition Law Compliance Manual
- Counter Operations Manual
- Environmental policy
- Equal Opportunities policy
- Expenses policy
- Harassment policy
- Health and Safety policy
- Smoking policy

## 5. MANAGING CONDUCT

The informal approach

5.1 The vast majority of conduct issues will be managed informally. The way in which this fits into the overall process is shown in the Model for Managing Conduct.

Communicating and counselling

5.2 The informal approach to establishing and improving standards has two key elements. The aim of this approach is to help the individual to understand and achieve the required standards. The two elements are:

- Communication of standards - where individuals need to know what is expected of them.
- Counselling - where individuals need more specific guidance and encouragement.

The formal approach

5.3 Formal disciplinary action will only be taken in cases where informal action does not result in the required standard of conduct, or where the misconduct is so serious as to warrant immediate use of a formal approach. This approach provides for the use of formal warnings, final warnings (with or without additional disciplinary action) and dismissal. The way in which the formal procedure fits into the overall process is shown in the Model for Managing Conduct.

5.4 Where a final warning is issued it may also be necessary to take further disciplinary action. The following list provides a range of disciplinary options which may accompany a final warning:

- Deferral of Increment • Transfer
- Reduction in Pay • Downgrading
- Suspended Dismissal

5.5 The process also provides for summary dismissal (i.e. dismissal without notice) where cases of misconduct are sufficiently serious as to warrant this. It is not possible to provide a definitive list of behaviour which constitutes such gross misconduct, however, the following examples would normally be considered as such and may therefore lead to summary dismissal.

- dishonesty (incl. falsification of accounts)
- theft
- misuse of business funds
- serious violence
- serious abusive behaviour

- sexual or racial harassment
- serious disregard of health & safety standards
- serious disregard of security standards
- criminal acts against the post office, its employees or agents.

5.6 This code applies equally to union representatives and officials. However, where disciplinary action is being considered against a senior representative or official acting in the capacity of a senior representative the case should be submitted to the Head of Human Resources and managed in accordance with paragraph 4.8 of the Industrial Relations Framework agreement.

## 6. THE FORMAL PROCEDURE

6.1 The formal procedure will be used when an individual's conduct is considered sufficiently below standard. The individual will normally have been counselled on the problem previously though this may not be the case where instances of misconduct are judged to warrant the immediate use of a formal approach.

### Initial Investigation

6.2 When it is considered that an individual's misconduct may warrant formal action the first step is for the line manager to request an explanation from the individual - the individual may provide this explanation in writing or at an interview. Where practical, individuals will be given reasonable time to prepare for any interview. If the explanation is acceptable no formal disciplinary action will be taken. If the explanation is not acceptable, the line manager will consider all the circumstances of the case and decide whether a formal warning or more serious disciplinary action seems appropriate.

### Who Handles the Case?

6.3 Where a formal warning is thought appropriate, it will be handled by the first line manager (minimum CM3). Where a final warning or dismissal is thought appropriate, it will be handled by the second line manager (minimum CM1).

### Warnings

6.4 It is important that whoever handles a case is in a position to take an independent and objective view. In some situations it will be necessary for a case to be handled out of the line in order to ensure this objective approach is possible, for example, where a case surrounds an allegation of abusive behaviour towards the line manager or where the line manager has been the subject of disciplinary action for similar misconduct.

6.5 If the first line manager considers that a formal warning may be appropriate a letter will be sent to the individual detailing the formal disciplinary charge and inviting the individual to a formal discipline interview to respond to it. The individual has a right to be accompanied by a friend who must be a Post Office employee and may be a representative of a recognised trade union. This individual can observe, provide active support or act as the individual's advocate. In the latter case it is important to ensure the individual is given every opportunity to respond personally.

6.6 If the first line manager considers that more serious disciplinary action may be required, i.e. a final warning or dismissal, the case will be referred to the second line manager. At this stage the second line manager will conduct an initial investigation to establish whether there is a case to answer by the individual.

6.7 If it is considered that there is a case to answer the second line manager will write to the individual detailing the disciplinary charge and inviting them to a formal discipline interview to respond to it. The individual has the same right to support/representation described in paragraph 6.5

6.8 In some cases it may be necessary for line managers to conduct further investigations before making a decision. If further relevant evidence comes to light during such investigation it will be made available to the individual for comment before a final decision is made. Where this evidence is significant it may be necessary for the formal disciplinary interview to be reconvened. Once a decision has been made the individual will be informed in writing and advised of their rights of appeal. The individual should be provided with a copy of the formal interview minutes in advance of any appeal hearing.

A formal warning will remain on an individual's record for a period of no more than 12 months.

A final warning will remain on an individual's conduct record for a period of 2 years (5 years in cases of dishonesty). The term "final" does not mean that the individual will automatically be dismissed for further misconduct - further investigation will take place and a decision taken in the light of all the circumstances. In some cases it may be appropriate to issue another final warning.

#### Documentation

6.9 All formal disciplinary action from initial investigation through to the outcome of any appeal will be fully documented. A complete file of the original paperwork will be forwarded to the local personnel manager.

#### Access to Information

6.10 Individuals who are subject to the disciplinary procedure have a right to see all the evidence used in judging the merits of their case prior to any disciplinary interview or appeal hearing. Individuals need a reasonable amount of time to consider the evidence in order to be in a position to challenge or comment on it when responding to a disciplinary charge or making their appeal. Legal advice will not be disclosed. Where evidence from POSIS is used in decision-making it should be made available to the individual. Information contained in POSIS reports which is not concerned with internal discipline cases should not be used.

6.11 Where written statements from witnesses form part of the evidence against an individual these will also be made available. In cases where a witness wishes to remain anonymous through fear of reprisals or intimidation, the contents of any statements will be re-written to prevent identification of the witness. Any amendments or omissions will be the minimum required to protect their identity. The statement provided to the employee will be sufficiently detailed for them to understand precisely what has been alleged. Note: In order that individuals may be protected from others making deliberately false accusations witnesses should be reminded that such action will be treated as serious misconduct.

#### Precautionary Suspension

6.12 In some circumstances it may be necessary to suspend an individual from duty to allow for effective investigation or as a precaution against possible further misconduct. This may be necessary where there is evidence of:

- Dishonesty
- Violence

- Intoxication
- Refusal to follow a reasonable instruction

This is not a definitive list - there may be other circumstances in which precautionary suspension is advisable. For example, it may be necessary to suspend an individual who is being held in custody.

6.13 When an individual is suspended pay will not usually be withheld. However, where an individual is incapable of performing effectively through violence, intoxication or refusal to follow a reasonable instruction, pay may be withheld for the period of the suspension.

## 7. APPEALS

7.1 An individual who is the subject of formal disciplinary action, has a right to appeal against the decision. The appeal will be in the form of an independent rehearing and will be undertaken by a manager at a higher level than the original one - this could be the second or third line manager depending on the level of disciplinary action taken. Appeals against decisions to dismiss, or decisions which result in a loss of pay will be heard by a member of an independent appeals panel.

In cases of dismissal, appeals will be heard before the last day of service wherever possible.

## 8. AUTHORITY LEVELS

Responsibility for maintaining standards and taking formal disciplinary action lies with the line manager - first line managers (minimum CM3) have the authority to issue formal warnings. Authority for decisions relating to final warnings and dismissal generally rests with the second line managers - these decisions will not be made at a level lower than CM1. In the case of Personal Secretaries decisions on final warnings and dismissal will be taken by the unit head to whom they report

## 9. CAPABILITY

This Code and related guidelines are about conduct not capability.

Where individuals are incapable of performing to the required standard due to a lack of competence or because of health problems one of the following processes may be more appropriate:

- Losses and gains procedure ( see Postal Instruction P1 J0026);
- Non-culpable inefficiency - CWU grades (see Postal Instruction P1 E0100);
- Managing under-performance - CMA grades;
- Absence management and medical retirement (Postal Instruction P1 Q0014 and P1 00023);
- Trial on first appointment (Postal Instruction P1 A0020);;
- Trial on promotion (Postal Instruction P1 L0141).
- Advice is available from Personnel Managers on the circumstances in which each should be used.

## CONDUCT CODE GUIDELINES

### INTRODUCTION

The guidance contained in this document is intended to support the introduction of the new Conduct Code by providing all managers with practical advice on how to use it effectively. Please read this guide in conjunction with the Code and keep it for future reference.

The important changes contained within the new Code include:

- individual rights clearly specified;
- individual responsibilities clarified;
- emphasis on conduct standards;
- a simplified process.

If you require any advice on how and when to use the processes described in this guide please contact your local Personnel Manager who can provide a wide range of expertise.

## USE OF THE INFORMAL APPROACH 1. COMMUNICATING STANDARDS

As a manager you will want to encourage a high standard of conduct from all members of your team. To do this you will need to set a good example by living up to the values and associated behaviour standards described in the leadership pack. You will also need to ensure that the team you are responsible for is aware of, and understands, the required standards of conduct. You will find some general guidance on these standards in Section 4 of the Code. It is important, of course, that these standards are reasonable and that they are applied consistently and fairly within the team for which you are responsible and also across the Business generally - this is also a legal requirement in many cases. If you need any further advice on the standards required you should contact your manager.

## 2. COUNSELLING

2.1 You have a key responsibility for developing team members and encouraging them to make a commitment to our business values. You will need to encourage individuals to develop self discipline and work with them to achieve the standards that we require of all employees.

2.2 Most conduct issues you will be faced with only involve minor infringements of the laid down standards and will therefore be best handled informally. Often a failure to meet these standards is only of a relatively minor nature, for example being careless in dealing with some aspects of the job. It is here where informal counselling, or even just a well chosen word at the right moment, can help you to nip the problem in the bud before it becomes a more serious issue.

2.3 Every manager has their own style for running such discussions, but here are some broad guidelines designed to help you achieve an effective outcome:

- The discussion must be two-way.
- It must take place as soon as possible after the event.
- It must take place in private.
- Encourage the individual to give their point of view.
- Do not pre-judge the outcome but listen very carefully to any points the individual makes.
- Establish what the problem is, point out any shortcomings and jointly seek ways of achieving an improvement.
- In offering constructive comment, concentrate on the problem to be solved rather than personalities.
- Emphasise the good business reasons why a change is required.

2.4 It is important to encourage the employee to accept responsibility for self discipline by getting him/her to suggest ways of overcoming the problem. Agree a strategy for the required improvements. Always encourage the individual to seek help from Employee Health Services where appropriate.

2.5 You may find it useful to write a brief note of the discussion and the outcomes so you can refer to it when reviewing progress. You should ensure that any record of the discussion or outcomes is shared with the individual to promote a common understanding of the issues.

Records of such counselling will not be associated with the individual's conduct record and should not be copied to Personnel. In cases of persistent misconduct you will find it useful to keep a note of the facts. The purpose of such informal records is not to build a file of evidence against somebody but to ensure a common and accurate understanding of the problem.

#### USE OF THE FORMAL APPROACH

3.1 It is impossible to define precisely when a problem would require a formal rather than an informal approach - this will always depend on the circumstances of the case. However, you will need to use the formal discipline procedure if:

- the infringement persists or,
- the failure to observe standards is of a more serious nature.

In an attempt to develop consistency and fairness in the treatment of individuals, the following tables provide a general guide to relationships between particular types of offence and appropriate action. 3.2 In the majority of cases, an isolated incident of most of the examples of misconduct (Table 1) should be dealt with informally. Persistent or more serious examples should be dealt with under the formal procedure.

TABLE 1. EXAMPLES OF MISCONDUCT: Unauthorised absence Unexcused lateness (see note below)

Failure to observe standard procedures and instructions (inc. negligence) Minor security lapse Minor health and safety breach Smoking in unauthorised place Lack of respect for customers Misuse of resources including:

- time
- computers
- equipmentAeiiephones • facilities
- accommodation.

NOTE: Where an individual arrives late for genuine reasons, such as domestic or travel difficulties, the lateness should normally be excused and therefore disregarded for conduct purposes. Late attendances of less than 5 minutes will also normally be disregarded - if they become persistent, however, they should be recorded and regarded as misconduct. Where lateness is regarded as misconduct it will, initially, be dealt with informally as described in Section 2 of this guide. If an informal approach does not have the desired effect the formal approach will be used and, in extreme cases, could result in dismissal.

Examples of serious misconduct (Table 2) will be dealt with formally. Those marked \* may be so serious (gross misconduct) as to warrant summary dismissal, i.e. dismissal without notice.

TABLE 2. EXAMPLES OF SERIOUS MISCONDUCT inc. gross misconduct

- \* Theft
- \* Misuse of business funds
- \* Dishonesty (inc. falsification of accounts) Violence
- \* Refusal to follow reasonable instruction
- \* Major health and safety breach
- \* intoxication
- \* Serious negligence
- \* Discrimination / harassment / victimisation
- \* Disclosure of confidential Information Serious abusiveness
- \* Major security breach
- \* Conduct which brings POCL Into disrepute
- \* Criminal acts against the PO, its employees or agent

3.3 These lists are neither exhaustive nor proscriptive; they are shown simply as examples of the sort of conduct which would normally be viewed as Misconduct and Serious Misconduct. Many of these examples could be placed in either category depending on the circumstances in which they occur.

3.4 The decision on what level of disciplinary action may be appropriate will depend on the factors shown below. If the answer to any of these questions is 'yes' then it may be necessary to refer the papers to your line manager.

#### SOME FACTORS INFLUENCING THE SERIOUSNESS OF MISCONDUCT

Was it potentially dangerous?

Did it Involve financial loss or potential financial loss? Did It result in loss of customer confidence?

Is there a history of misconduct? was it wilful?

Was it indicative of a deeper lack of respect for authority?

3.5 Your decision must also take into account any extenuating personal circumstances which may have a significant bearing on an individual's attitude and conduct at work (paying particular attention to advice from Employee Health Services). You should also satisfy yourself that this is indeed a problem of conduct rather than capability and pay due regard to previous good service. In short, you must consider all the circumstances of the case and be fair and reasonable. Action taken must be consistent with that taken in other similar cases, take into account all mitigating circumstances and be based on the principle of prevention rather than punishment. If you are in any doubt as to how to proceed please seek advice from your Personnel Manager.

#### 4. FORMAL WARNINGS

The first level of formal disciplinary action is a formal warning and will be handled by first line managers. It is important that you follow the process mapped out in Figure 1. The fact that a case has not been managed correctly may be enough for your decision to be viewed as unfair and subsequently overturned at appeal or by an Industrial Tribunal.

4.1 When you consider that an individual's conduct may warrant a formal warning you should first request an explanation from the individual - this explanation may be offered in writing or at an interview. Where practical an individual should be given sufficient time to prepare for any interview. If the explanation is fully acceptable then no further disciplinary action should be taken. If the explanation is not acceptable you will need to conduct further investigation.

4.2 As part of this investigation you must check any existing conduct records held by Personnel. You may also decide to interview the individual about some aspect of the case. If you do decide an investigatory interview is needed you should treat it as such.

There must be a clear distinction between any investigatory interview and any subsequent formal discipline interview.

4.3 If, after completing a full investigation you decide a formal warning may be appropriate you should write to the individual inviting them to a formal discipline interview. You should then follow the steps described in paragraphs 5.3 to 5.8. If you decide a final warning or dismissal may be appropriate you should refer the case to the second line manager.

## 5. FINAL WARNINGS

The second level of formal disciplinary action is the Final Warning and will be handled by second line managers. These warnings are used when misconduct persists despite previous formal warning(s) or where the misconduct is sufficiently serious as to warrant more severe action (See Table 2 for the types of conduct that may fit into this category). It is important to note that whilst this level of warning is referred to as 'final' it does not mean that an individual will be automatically dismissed for further misconduct. Any further misconduct should be fully investigated and action taken in the light of all the circumstances of the case. In appropriate circumstances there is no reason why an individual should not be awarded a second final warning.

### Investigating the Facts

Your first responsibility is to establish a clear understanding of the circumstances surrounding the case - generally this will be possible from the information provided by the first line manager. In some cases you may need to investigate further. Where practical, individuals should be allowed sufficient time to prepare for any interview.

5.2 If, after establishing a clear understanding of the circumstances, you decide that a final warning may be appropriate you should write to the individual advising them of the need for a formal discipline interview ( model letter provided).

### Charging the Individual

5.3 It is an important part of a fair procedure that an employee is:

- aware of their rights;
- aware of the allegation against them;
- aware of the possible outcomes if the allegation against them is substantiated;
- given an opportunity to state their case and answer the allegation.

5.4 Sufficient details of the alleged misconduct should be provided so that the employee fully understands what is alleged against them. For example, if an employee is alleged to have stolen ^100 belonging to the Post Office on 14th August then a disciplinary charge of 'dishonesty' would be too vague. The employee should be charged with 'stealing on 14th August ^100 belonging to the Post Office'. Similarly if an employee is alleged to have sworn at a customer, a charge of 'bringing the Post Office into disrepute' would be too general. The employee should be charged with 'swearing at a customer'. If you require assistance in forming a charge please seek advice. A copy of the letter detailing the charge and inviting the individual to a disciplinary interview should be sent to Personnel.

### The Formal Discipline Interview

5.5 All formal disciplinary interviews must be conducted according to the principles of natural justice. You should ensure that the individual has copies of all the evidence that you have used in sufficient time to adequately prepare for this interview. The following is a useful guide to how it should be managed:

1. Introduce everybody.
2. Clarify who is to take notes.
3. Ensure everybody understands why they are there, the purpose of the interview and where it fits in the formal discipline process.
4. Ensure the individual has the support of friend or representative that they require.
5. Ensure the individual understands the charge against them.
6. Outline the facts of the case.
7. Allow the individual, or friend on their behalf, to answer the charge.
8. Actively explore the full circumstances with the individual.
9. Consider any extenuating circumstances.
10. Clarify anything that is unclear.
11. Summarise the interview and invite any final comments.
12. Advise the individual what will happen next, and when.

It is important to keep a full record of formal discipline interviews. Such records need not be precise verbatim accounts of the discussion but must, as a minimum, provide an outline of the circumstances and the evidence offered in an individual's defence. You should aim to have a record of the interview agreed and signed by the individual. An individual should receive a minimum of 2 working days notice of a disciplinary interview. Reaching a Decision

5.6 You may find that further facts come to light during the formal discipline interview that were previously unknown and warrant further investigation. If this is the case it is important to delay the decision pending further investigation and to conduct that investigation as quickly as possible. Any new evidence that arises during such further investigation needs to be communicated openly to the individual in order that they may respond to it. If a decision is to be delayed for a short period it is important that you advise the individual why and for how long.

5.7 You should always adjourn a disciplinary interview before making a decision thereby allowing sufficient time for a proper consideration of all the issues. There must, however, be no unnecessary delay before informing the individual of the outcome. You will need to answer two questions:

- did the misconduct take place?
- is the disciplinary action you are considering reasonable?

On the issue of whether or not the misconduct took place you do not need to prove the case. If you have completed a thorough investigation you simply need to believe the misconduct took place and have reasonable grounds for doing so.

5.8 Your decision as to what disciplinary action to take should be based on those factors outlined in paragraph 3.5 and should be reasonable given all the circumstances of the case.

As a first line manager you have the following options:

- dismiss the case and take no further action
- dismiss the case formally and deal with the issue informally
- issue a formal warning
- refer the case to the second line manager

As a second line manager you have the following options:

- dismiss the case and take no further action
- dismiss the case formally and deal with the issue informally
- refer the case back to the first line manager for action
- issue a formal warning
- issue a final warning;
- issue a final warning with additional disciplinary action;
- dismiss with appropriate notice;
- summarily dismiss.

It is important that the individual is aware of the possible outcome at the time the disciplinary charge is made (see model letter).

Additional disciplinary action.

5.9 An individual will not normally be dismissed without having first received a final warning (however, see paragraph 5.5 of the Code for instances of gross misconduct). In some cases it may be necessary to take additional disciplinary action. The following options should not be applied arbitrarily, they should serve a specific purpose and fit with the need for consistency in the treatment of individuals. If you have any doubts about their appropriateness in a particular case, please seek advice.

Reduction In Pay

5.9.1 This would normally involve a reduction by an amount equivalent to the previous increment for a period up to 12 months. You should take advice on the appropriate size and duration of the reduction from your Personnel Manager. In the case of Counter Manager grades the loss of one or more Job Value Payments may be appropriate. Loss of JVPs would normally be temporary - if it is to be on a permanent basis the individual's responsibilities will need to be adjusted accordingly, as JVPs are a reflection of job size.

Transfer

5.9.2 A disciplinary transfer is not a punishment, it should be used to protect the interests of POCL, the individual or other employees. Individuals should only be transferred where the circumstances require it. You should ensure that the individual is not unreasonably penalised financially.

Downgrading

This option should be used where the circumstances or nature of the misconduct make it inappropriate to continue to employ the individual at their current grade. In some cases it may be used as an alternative to dismissal where it is not absolutely necessary to end the employment relationship. The downgrading will usually be to the next level but in some cases a more severe reduction may be necessary.

Deferment of Increment

5.9.4 An increment may be deferred for a period up to 12 months as a less severe financial penalty than an actual reduction in pay. Again, you should take advice from your Personnel Manager. Your decision must take account of any financial difficulties the individual may have.

Suspended Dismissal

5.9.5 In appropriate cases, dismissal may be suspended for a period of 1 year. In such circumstances the individual should understand clearly the nature of the offence and the required standard of conduct. Further serious misconduct should trigger a further investigation, charge and disciplinary interview before a final decision on dismissal is taken.

Please note that financial penalties should only be awarded after fully considering the impact on the individual and the need for consistency both across business and between different grades. You should always take advice from the Personnel Manager before informing the individual of your decision.

### Informing the Individual

5.10 Wherever practical you should inform the individual of your decision on a face-to-face basis. The individual should always be advised of the outcome in writing (model letter provided). It is important that you should also advise the individual:

- the precise nature of the misconduct;
- the nature of the disciplinary action and duration;
- the improvement required and timescales involved;
- the consequences of further misconduct.

## 6. DISMISSAL

6.1 The dismissal of an individual due to unacceptable conduct should be a last resort. Both informal and formal aspects of the conduct process have been designed with emphasis on promoting positive improvement and the development of high personal standards. Where individuals fail to respond positively to these informal/formal interventions there may be no option but to dismiss. Except in cases of summary dismissal (see below) an individual will receive their appropriate period of notice. You should seek advice from Personnel on how much notice an individual is due.

A model letter is provided for use in these circumstances. If you require advice concerning a case which may result in dismissal, please seek advice from your Personnel Manager.

6.2 In some cases (see Table 2) the misconduct may be considered so serious as to make any further working relationship and trust impossible. Such conduct is regarded as gross misconduct and may result in summary dismissal. A summary dismissal decision should be arrived at only after following the formal disciplinary process. Summary dismissal takes effect immediately without the normal period of notice.

## 7. SUSPENSION

The key reasons for suspending an individual are:

- dishonesty;
- violence;
- intoxication;
- being held in custody;
- refusal to follow a reasonable instruction.

In the case of suspected dishonesty POCL cannot allow an individual to remain at work in a position of trust and they may therefore be suspended - this will normally be carried out by a member of the Regional Security and Investigation team. Individuals should not be suspended without having the opportunity to reflect on, and to provide an explanation for their conduct. As a first line manager, you have the authority to suspend where there is evidence of:

- violence;
- intoxication;
- refusal to follow a reasonable instruction.

7.1 The purpose of suspension in these cases is specific - it is used to protect the interests of the business, the individual, other employees, agents or clients. You should consider transferring the individual to another work area if this would achieve the same result and is a practical option. Where suspension is used it should only last for as long as is necessary to complete investigations and allow the individual to answer the charge at a formal disciplinary interview. You should ensure this is carried out as quickly as possible.

7.2 Individuals must not have their pay deducted until a final decision is made and should therefore receive pay for the period of the suspension. However, where an individual is suspended after making themselves incapable of work through violence, intoxication, being held in custody, or refusal to follow a reasonable instruction their pay may be withheld. If, after further investigation, no formal disciplinary action is taken withheld pay will be restored.

7.3 If you need to suspend an individual for any reason, you should always ensure that your Personnel Manager and line manager are informed. The Personnel Manager will write to the individual confirming the terms of the suspension.

## 8. DOCUMENTATION

One of the most important requirements when managing conduct is to ensure a high standard of documentation. The case file needs to include all documentation relevant to the circumstances surrounding the misconduct and your subsequent decision. The contents must be clearly listed at the front of the file. You will also need to complete a summary of the case and attach this to the front of the file. You should use the summary form which is shown in the annex to these guidelines.

## 9. APPEALS

You will need to refer to the separate guidelines on appeals - Managing the Internal Appeals Process in POCL.

### LIST OF MODEL LETTERS

- Invitation to a formal disciplinary interview. Letter No. 1
- Notification of a formal warning. Letter No.2
- Notification of a final warning. Letter No.3
- Notification of dismissal: Letter No.4
- Notification of referral to a higher authority. Letter No.5
- Notification of referral to appeal manager. Letter No.6

## MANAGING THE INTERNAL APPEALS PROCESS IN POCL

### 1. INTRODUCTION

The adoption of clear and efficient appeals processes is fundamental to the effective operation of the conduct code within the Business. By observing the standards and following the procedures described below thoroughly you will be able to ensure that individual rights and reasonable timescales will be observed.

Employees have a right of appeal against formal warnings, final warnings and dismissal.

## 2. THE STANDARDS FOR HANDLING APPEALS CASES

These standards were developed to support the professional handling of appeals cases.

These reflect the requirements of the revised conduct code for all employees and best practice in dealing with cases. Please observe them.

### 2.1. Professionalism

All cases will be dealt with a high degree of professionalism. In practice this means we will always aim for fairness, reasonableness, consistency, impartiality, thoroughness and credibility.

### 2.2. Timeliness

All cases will be dealt with as quickly as possible, consistent with the need for thorough consideration and investigation.

### 2.3. Measurability

It will be essential to ensure cases conform to company standards, ethics and values. This will be achieved through:

- evidence of timescales being met
  - correct processes followed as shown in Flowchart 1 (Annex D)
  - local reviews of cases by Personnel Managers
  - improvement opportunities identified by appeal managers
  - follow up evidence of implementation of improvement opportunities as appropriate
- ### 2.4. Documentation

High standards of documentation will be maintained covering:

- Rigorous examination of evidence

- Clear reasons for decisions
- Comprehensive reports containing all relevant factors
- All investigatory material included
- Papers presented in orderly fashion.

### 2.5. Individuals Rights To Be Observed

This to include evidence that people fully understand their rights, including the presence of a friend/trade union representative at the appeal hearing.

## 3. STEPS IN THE APPEALS PROCESS

There are 4 distinct steps in the appeals process:

- The original decision
- Handling of the case papers
- Investigations and hearings

- Decision and follow-up  
The process is shown in the flowchart at Annex 1. 4.

## THE ORIGINAL DISCIPLINARY DECISION

It is important that the rationale behind the decision is clearly documented using the case summary template provided in the management guidelines for the revised conduct code. It is the line manager's responsibility to provide this documentation. This case summary must not be a substitute for proper investigation, since appeals managers will probably still need to gather further evidence about the circumstances surrounding the original decision.

## 5. HANDLING OF THE CASE PAPERS

### 5.1 Appeals Against Formal/ Final Warnings

Appeals against Formal Warnings to be heard by the second line manager.

Appeals against Final Warnings to be heard by the Third Line Manager.

On receipt of notification of an appeal all relevant documents will be passed to the next line manager. If the appeal is against a final warning which includes the loss of pay or transfer involving removal of home the case should be sent to the Employee Relations Manager in the Human Resource Group who will allocate it to a member of the National Appeals Panel.

### 5.2. APPEALS AGAINST DISMISSAL

These are appeals due to be heard by an appeals manager from the National Appeals Panel.

As soon as the appeal is lodged the Personnel Manager will send the case summary template contained in the conduct code guidelines (by e-mail or fax) to the Employee Relations Manager, Human Resources Group. The file containing the appeals papers should be retained and forwarded to the appeals manager directly once he/she is appointed.

The Employee Relations Manager will allocate the case to an independent appeals manager and advise the originating unit who will then forward the case papers by registered post. .

It is vital there is no delay in forwarding the papers.

## 6. HEARINGS AND INVESTIGATION.

6.1. The first task is to fix a date for the hearing. Whilst appellants have the right to put their case in writing or to attend an interview, it is important they are encouraged to attend an interview to take the opportunity to put forward their case. The norm is to fix a venue within easy reach of the individuals home.

6.2. A suggested model letter is provided at Annex 2 for use by the appeals manager in advising the individual of the appeal arrangements.

6.3. The originating region/business unit should ensure that refreshments are readily available at the interview location and provide an impartial note-taker. where this is requested. In advance of the hearing, the appeals manager must ensure the note-taker is acquainted with the details of the case.

6.4. Typed notes of the interview should be sent to the individual within 5 working days.

6.5. If further investigation proves necessary because of points raised at the appeal hearing you must ensure the individual is advised of the outcome of those investigations.

This may normally be done in writing. However on some occasions if further relevant evidence comes to light it may be necessary to reconvene the interview to allow this to be discussed.

## 7. DECISION AND FOLLOW-UP

7.1 Consistent with best practice you should not jump to quick conclusions on the outcome of the appeal but allow time to make a considered assessment. Wherever possible decisions should be made within 7 working days. However in more complex cases further investigation may make this impractical. It is important that any delay . anticipated, and the reasons for it, are clearly communicated to the individual.

7.2. It is very important that all managers hearing appeals ensure all decisions reached are well documented and communicated to the originating unit as quickly as possible. This report back should also identify any improvement opportunities arising from the case.

## THE APPEAL HEARING

### 1. THE PURPOSE OF AN APPEAL

A fundamental principle of the Conduct Code in Post Office Counters Limited is that individuals should be able to appeal against any formal disciplinary award including formal and final warnings and more serious awards including dismissal. The purpose of the appeal is to provide an opportunity for the case to be looked at afresh and to give the employee or their friend/trade union representative on their behalf every opportunity to present their case to an independent manager. The appeal will involve a full re-hearing of all relevant evidence. It also means that the independent manager will be able to carry out additional investigations and consider further evidence put forward by yourself or 'friend', at the interview. The process goes beyond a mere review of the case and ensures that all relevant information is taken into account in reaching a decision on your appeal.

### 2. NOTIFICATION OF INTENTION TO APPEAL

Once you have received a letter from the manager giving you the disciplinary award you have 5 working days to notify him/her of your intention to appeal.

### 3. APPOINTMENT OF A MANAGER TO HEAR YOUR APPEAL

#### 3.1 Appeals Against Formal/Final Warnings

Once your written notification of your intention to appeal has been received by your line manager this will be forwarded to the second line manager who will make arrangements directly with you to hear the appeal.

#### 3.2. Appeals Against Dismissal

Having received your written application of your intention to appeal against the decision your line manager (or the manager responsible for the disciplinary decision) will forward your case to your Personnel Manager who will then ask the Human Resource Group to appoint an appeals manager to hear your case. He or she will be a member of the National Appeals Panel and will be independent with no prior involvement in the case and will work in another business unit.

#### 4. WRITTEN APPEALS

Written appeals should be forwarded within 10 working days of the notification of intention to appeal. You should note however that by appealing in writing you may make it more difficult for the appeals manager to fully investigate the case. You are therefore encouraged to exercise your right to an interview.

#### 5. SETTING A DATE FOR AN APPEAL HEARING

Having received the papers relating to your case the appeals manager will then write or telephone you to fix a date, time and venue for the appeal hearing. Consistent with the need to treat cases quickly the aim will be to fix a date mutually acceptable allowing for both parties to prepare themselves fully for the interview. You must also inform the appeals manager whether you intend to exercise your right to be accompanied by a friend who may also be a union representative at the appeals hearing.

#### 6. VENUES FOR APPEALS HEARING

The appeals manager will try and find a location within reasonable travelling distance of your home.

#### 7. DURATION OF THE HEARING

Obviously this will depend on a number of factors including complexity of the case. additional evidence to be heard and discussed. However as a rule of thumb, you should be prepared to attend an interview of up to 2 hours duration.

#### 8. THE APPEALS INTERVIEW

It is important to know what to expect at the appeals interview so you can prepare thoroughly beforehand. The manager hearing your appeal will adopt a professional and friendly approach aimed at establishing a good rapport with you.

The ground rules which the manager hearing your appeal will follow in conducting the interview are as follows:

- Introduce themselves and all others who may be present at the hearing including any note-taker (who will not previously have been involved in the case).
- If you are accompanied by a friend/trade union representative the appeals manager will want to know in what capacity they will act. (i.e. as an observer, supporter or advocate.) Remember that even with an advocate, the appeals manager will want you to answer some questions, to increase or consolidate their understanding of facts and views.
- The purpose of the hearing will be explained, how it will be conducted and what powers they have to alter the original decision against which you are appealing. This may include rejecting the case, reducing or increasing the disciplinary award, or deciding there is no charge to answer.
- You will then be asked to outline your case against the original decision.
- This may include any fresh evidence which you would like the appeals manager to consider.

- In addition you will be allowed to comment on any new evidence which has come to light through his/her investigations since the original decision was made.
- The manager's aim is always to listen intently to any points you want to make and ensure he/she understands exactly your position. They are not there to defend previous decisions or the conduct of the case.
- At the end of the hearing the appeals manager will sum up and inform you of when he/she expects to make a decision on the case.

## 9. FOLLOWING THE INTERVIEW

The aim will be for the appeals manager to make a decision on the case within seven working days of the hearing. If further investigations are required as a result of the interview the appeals manager will inform you in writing of the reasons for the delay. On some occasions it may be necessary to reconvene the interview if new evidence has come to light as a result of the further investigations. This is consistent with your right to see and comment on all relevant evidence.

## 10. EMPLOYMENT RIGHTS

The above arrangements do not affect your rights to refer your case to an Industrial Tribunal on the grounds of unfair or constructive dismissal. Application to a tribunal must be made within 3 months of the date of termination of employment.

## 11. FURTHER INFORMATION

If you require any further information about appeals arrangements please consult your Personnel Manager.

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