

Decision Making and Report Writing

Guide for employees

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

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Getting help

Contact your manager if you have any queries about this guide.

Managers can obtain advice by:

Calling the HR Services Advice Centre on 0845 6060603 / 5456 7100

Managers working for Parcelforce Worldwide should call 0845 6042787 / 5456 4747

For web access go to:
<https://www.psp.royalmailgroup.com>



Decision Making and Report Writing

Guide for employees

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 judgment 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 & 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.

Where to go for further information

The Getting Help box on the front page tells you where to find further information.

Guidance is also available on the Policy and Information Site on PSP and HR pages on the intranet (for non-PSP users).

In the case of any inconsistency between this supporting guide and the Conduct Procedure Agreement the terms of the Agreement takes precedence.

Related documents

You may find it useful to read the following documents (located on the Policy and Information Site on PSP and HR pages on the intranet (for non-PSP users)) in conjunction with this guide:

- Conduct Agreement
- Conduct Policy
- Keeping Records Guide

Appendix one

Dear (Employee's title and surname)

Decision

Following your meeting with me on xxxx 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]

Example 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:
 - I 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].