

Conduct Meetings Guide

Guide for employees

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

Main topic areas

- Overview
- Definition of mail
- Purpose
- Am I the right person to be dealing with the case?
- Authority levels
- Fact finding meeting
- Precautionary suspension
- Formal conduct process
- Conduct notifications
- Examples of conduct notifications
- Formal conduct meeting
- Employee cannot attend the meeting
- Other support
- Keeping records
- Where to go for further information
- Related forms and documents

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>



Conduct Meetings Guide

Guide for employees

- 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.
- 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 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 & 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 28th 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 6 Jan, 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 working 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 has 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 & 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 and can be accessed by:

Calling 0800 6888 777

Visiting www.rmfirstclasssupport.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.

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 Agreement, the terms of the Agreement takes precedence.

Related forms and documents

You may find it useful to read the following documents, located on the Policy and Information site on PSP, in conjunction with this guide:

- Conduct Agreement
- Conduct Policy
- Conduct Approach for Union Representatives
- Fact finding Guide
- When to Consider Precautionary Suspension Guide
- Making Decisions & Report Writing Guide
- Absent Whilst on a Formal Procedure Guide
- Keeping Records Guide