

## Conduct – Right to an Appeal

### Guide for employees

This guide sets out the rights that an employee has to make an appeal against a formal conduct action and outlines the process they should follow.

#### Main topic areas

- Overview
- Who has the right to an appeal?
- Step one: Notification of intent to appeal
- Step two: Appeal hearing arranged
- Step three: Appeal hearing information
- Step four: Next steps
- Mutually agreed downgrading
- Keeping records
- Where to go for further information
- Related 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 606063 / 5456 7100

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

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



# Conduct – Right to an Appeal

## Guide for employees

### 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 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 information

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 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.

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.

**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 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 policy:

- Conduct Agreement
- Conduct Policy
- Right to be Accompanied Guide
- Keeping Records Guide