

Fact Finding Guide

Guide for employees

This guide outlines the approach to take when completing a fact finding investigation.

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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>



Fact Finding Guide

Guide for employees

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 & 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 notes

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 the 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 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 Meetings 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 of 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 and can be accessed by:

- Calling 0800 6888 777
- Visiting www.rmfirstclasssupport.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.

Where to go for further information

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

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 and HR pages on the intranet (for non-PSP users)) in conjunction with this policy:

- Conduct Agreement
- Conduct Policy
- Conduct Policy - Approach for Union Representatives Guide
- Informal Discussion Guide
- Conduct Meetings Guide
- When to Consider Precautionary Suspension Guide
- Use of Security Systems and Disclosure of Data Held or Recorded Guide
- Keeping Records Guide