



CONDUCT CODE A NATIONAL AGREEMENT BETWEEN ROYAL MAIL AND THE CWU

ROYAL MAIL CONDUCT CODE

1. PURPOSE AND SCOPE
2. GUIDING PRINCIPLES
3. EMPLOYEE OBLIGATIONS
4. EMPLOYEE RIGHTS
5. REMEDIAL APPROACH
6. THE DISCIPLINE PROCESS
7. ACCESS TO DOCUMENTS
8. AUTHORITY LEVELS
9. REPRESENTATION
10. PROCESSING CASES
11. PRECAUTIONARY SUSPENSION FROM DUTY
12. CRIMINAL ACTS OUTSIDE EMPLOYMENT
13. GROSS MISCONDUCT
14. DISCIPLINE PENALTIES
15. APPEAL PROCEDURE
16. LATE ATTENDANCE
17. SAFEGUARDING CUSTOMERS' MAIL
18. TRADE UNION REPRESENTATIVES
19. LOSS OF OR DAMAGE TO PROPERTY

ROYAL MAIL CONDUCT CODE

This agreement supersedes the Royal Mail Conduct Code (1993) and the Late Attendance Procedure (1996). It also supersedes Appendix 2 of the IR Framework 'Senior Representatives Discipline Procedure' and the IARB for the duration of the agreed pilot contained at [Appendix 4](#).

1. PURPOSE AND SCOPE

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct including job performance. It is important to bear in mind that this Code is about conduct. There are separate procedures to deal with other issues like attendance and inability to perform a job effectively.

This code with its procedure applies to all employees irrespective of grade. Specifically the Code aims to:

- reflect best practice, especially ACAS guidelines
- provide an approach that is fair, consistent and will deal with individuals in a non-discriminatory and timely way
- operate in a way that is supportive and corrective
- support Business standards relating to operational performance, respecting people, health and safety, business ethics
- encourage and support individuals to meet these standards
- to give our customers excellent service and to create a satisfying and rewarding working environment
- set down employee rights and obligations

2. GUIDING PRINCIPLES

- counselling and other remedial action will be considered when appropriate to encourage individuals to improve behaviour.
- at every stage in the procedure the employee will be advised of the full nature of the charges against him/her and will be given the opportunity to state his/her case before any decision is made
- the employee will be made fully aware of the evidence against him/her in line with the procedure
- no charge will be made until sufficient facts of the case have been determined
- no disciplinary action will be taken against an employee until the case has been satisfactorily investigated
- no employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will normally be dismissal without notice or payment in lieu of notice

- at all stages of the formal procedure (i.e. excluding counselling) the employee will have the right to be represented by the relevant union representative or be accompanied by a friend from the same work location
- an employee will have the right to appeal against any discipline penalty imposed
- the procedure can commence at any stage if a Post Office Security Investigation Services (POSIS) investigation has been completed and the report is available to management
- when progressing a case and new information indicating a different charge comes to light, then a new charge will be made. If evidence comes to light regarding the original charge e.g. its seriousness, the original case will continue.
- cases will be handled as speedily as possible, and where there is significant delay the individual will be notified of the reason and when a decision is likely to be made
- the Personnel function have a defined role in the process which ensures professional advice and guidance is given on process and technical matters.

3. EMPLOYEE OBLIGATIONS

Royal Mail requires all employees to take a responsible approach to their work, customers and fellow employees, to maintain standards of conduct appropriate to their role, and to follow the instructions of their manager.

Employees charged with a criminal offence must notify Royal Mail except in the case of minor offences e.g. minor traffic offences.

4. EMPLOYEE RIGHTS

Employees have a number of rights, the most important of which are outlined below:

- 4.1 Courtesy and Respect Everyone who works for Royal Mail is entitled to be treated with courtesy and respect, by all their colleagues whatever the situation.
- 4.2 Fair Treatment Employees have the right to be treated fairly, including the right to make a case in response to any allegations or questions put, whether formal or informal. Employees also have the right to be treated in an impartial, non-discriminatory way. Harassment and bullying are not tolerated in Royal Mail. There is a detailed procedure for dealing with complaints of harassment which may lead to action under this code. Proven cases can lead to dismissal.
- 4.3 Representation In fact-finding and discipline hearings, individuals have the right to be accompanied by the relevant trade union representative for that location or by a colleague who must be from the same location who may assist in the presentation and/or representation of the case. An employee may obtain advice from outside Royal Mail, or make a complaint to a statutory body, and once he/she has exercised his/her right of appeal and the appeal has been decided, the employee may ask an outside person to take up the

case on his/her behalf. In addition, if the employee feels he/she have been unfairly treated in a disciplinary matter he/she may in certain cases have the right of complaint to an Industrial Tribunal. Details can be obtained from the local Job Centre or DSS Office. Such complaints must be made in a specific period of time. For that reason the code expects that all appeals against dismissal will be completed within three months of the decision to dismiss.

- 4.4 Work Record and Extenuating circumstances. Employees have the right to have their previous work record and conduct and any extenuating circumstances fully taken into account.
- 4.5 Post Office Security Investigation Services Employees have the right to be advised of the role of the Post Office Security Investigation Services and be fully informed about the procedures to be followed before a POSIS interview commences.
- 4.6 Treatment of Cases Employees have the right to expect that discipline cases will be dealt with promptly. In all communications the relevant timescales will be specified. If an offence comes to light concerning an employee who is on sick leave, an explanation would normally await return to duty unless circumstances justify urgent action. In such circumstances Employee Health Service advice should be taken and care given to avoid detriment to the individual's health. Where an employee has commenced sick leave following an offence coming to light, and it is clearly impracticable for them to attend the discipline interview, the case should be pursued on his/her return to work unless it is of such gravity that it must be pursued immediately. (E.g. there is substantive evidence of dishonesty or abuse of sick leave provisions).

5. REMEDIAL APPROACH

When it is considered that an individual's conduct is unsatisfactory a manager - normally the immediate manager - will discuss the issue with the employee concerned, asking for an explanation. This will usually be on the same day and in any event no later than two working days of the matter coming to notice. The manager will then decide whether the explanation is acceptable (giving any necessary counselling or a ticking-off) or whether it is necessary to carry out more detailed fact-finding within the discipline process.

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 formal discipline process.

Counselling

The initial approach should be a two way discussion, aimed at pointing out any shortcomings in conduct or performance and encouraging improvement. Criticism should be constructive, and the emphasis should be on finding ways in which the employee can remedy the shortcomings. Where an improvement is required it is important that the employee understands what needs to be done, how performance or conduct will be reviewed. The employee should be told that if there is no improvement the next stage may be the formal disciplinary procedure.

6. THE DISCIPLINE PROCESS

Fact-finding: When it is considered that an employee's conduct may have breached a rule or standard, the employee's line manager will make a prompt and detailed investigation of the facts and may seek a more detailed explanation

from the individual. It may include examination of relevant documents and a fact-finding interview where the employee has a right to be accompanied by the relevant union representative for the location or by a friend who must be from the same work location. Before progressing a case formally, a manager should consider whether it is appropriate for him/her to handle the case. For example, it would be inappropriate if the manager concerned is a relative or close friend of the individual.

Where an individual is on overtime or scheduled attendance working to another manager and commits an alleged offence the line manager at the time deals with the case.

Counselling: Where the outcome of the fact-finding investigation does not warrant formal disciplinary action, the manager will decide whether there is a need for the individual to be counselled to encourage the employee to improve and to correct behaviour. Where counselling takes place follow-up action will be taken as appropriate.

Progressing a case formally: If the manager who conducts the fact-finding feels there is a case to answer he or she must decide whether, if the allegation is proven, the penalty appropriate would be likely to be within or outside his/her authority. If he/she feels it could be outside he/she must at that stage refer the matter up. The manager progressing the case will write to the employee to ask him/her to attend a formal minuted discipline interview, giving at least two working days notice of the hearing and setting out details of the allegation. At the interview the employee is entitled to be accompanied by a relevant union representative for the location or by a colleague who must be from the same work location. If the manager is considering dismissal the notification will make this clear. The interview will be with the manager taking the decision. At the hearing the colleague can act as an observer, help in putting the case, or present the case itself. Normally the employee should also respond personally to any relevant questions raised by the manager conducting the interview.

The discipline procedure can start at this level if a POSIS investigation has already been completed and the report is available to management. In such cases the POSIS report may form part of the interview. The report and any recommendations may be made available to the employee in line with the principles on access to documents. At the earliest opportunity the manager dealing with the case will tell the employee the decision face to face where practical, and follow this up with a formal letter setting out the reasons for the decision. Some delay may be necessary if the issues raised need further checking or investigation, or where complex issues requiring detailed consideration have arisen. In this event the manager may adjourn the hearing, make the employee fully aware of any new evidence and give sufficient time to respond to it with his/her representative.

Where a union representative or colleague attends a discipline or appeal hearing in their working time they will be given sufficient paid release from duty to prepare, attend and travel if necessary. Travel and other expenses will not be met.

7. ACCESS TO DOCUMENTS

Information and documents that a manager may rely on in reaching his or her decision should be made available in advance of interviews, normally at least two working days. Only in certain cases will access to some papers be denied, e.g. if Solicitors recommend. Legal advice to Royal Mail will not be disclosed.

In cases where the anonymity of witnesses has to be preserved, information/documents released will be presented in such a way to achieve that objective in accordance with Employment Appeal Tribunal.

8. AUTHORITY LEVELS

The authority to give Reprimands and Serious Warnings lies with the immediate manager. Major penalties will only be given by an individual's second line manager of at least Royal Mail Executive Manager Level 2 grade who is in the direct reporting line.

Managers in an acting or temporary promoted capacity have the authority of that grade. Postmen, Postwomen, PHG's and LA's whilst on acting duties will not have the authority to discipline managers under their control. These minimum authority levels cannot be altered without further national negotiations, guidelines.

9. REPRESENTATION

The relevant representative would normally be: -

- a) initial hearings/warnings - the local representative for that location
- b) hearing held by Royal Mail Executive Level 2 or above - the Area Representative for that location
- c) Appeals against dismissal/Major Penalties - the nominated representative.

10. PROCESSING CASES

Possible breaches of the code will normally be dealt with by the line manager of the employee concerned, and that manager will decide how to pursue the case in line with the code. The manager has some discretion as well as an overriding duty to see that the principles of the code are upheld. If the manager needs advice on the operation of the code, he or she can seek it from their own manager or from the Professional Line Support Manager who may be supported by Personnel.

Where dismissal or action short of dismissal may be an outcome, the fact-finding should be carried out by a manager other than the manager who will make the decision in the case, unless the dismissal manager will be RM Executive Manager 1 or above.

Individuals who are under the procedure and their representatives who believe there have been significant procedural irregularities may contact the Professional Line Support Manager during the process to seek clarification of the issue. This is not an appeal and is not intended to hold up the case.

Where an employee has a serious concern about a particular issue or instruction he/she may pursue the matter via the Grievance Procedure. This procedure should always be used where someone is unhappy about an instruction, rather than refusing to carry out that instruction. The Grievance procedure cannot be used where he/she is unhappy with the outcome of their conduct case.

In addition, a manager who feels that a case is particularly sensitive or complex can ask their manager to deal with it, though this should rarely be necessary. However, if a manager feels that there is a need for a penalty to be imposed, which is above his or her authority level, he or she must pass the case to his or her line manager.

11. PRECAUTIONARY SUSPENSION FROM DUTY

There are circumstances in which it is necessary to suspend an employee from duty. The main reasons to justify suspensions include:

- Suspected, alleged or admitted dishonesty
- Drunkenness/being under the influence of non-prescribed drugs
- Refusal to obey a reasonable instruction
- Violent or abusive behaviour
- Alleged wilful delay of the mail

In addition there may be other circumstances in which a serious breach of conduct will appear to have occurred and it is clearly in the interests of all concerned to remove the employee from duty. If an employee in his or her private capacity has been arrested, or charged with or convicted of a criminal offence, he or she may also be suspended where the circumstances warrant it.

Where the individual has refused to carry out a reasonable instruction he/she should be given 5-10 minutes 'cooling off' time to reconsider his/her actions before being precautionary suspended. The individual should be encouraged to see his/her local representative during this period when possible.

In normal circumstances suspension will only be carried out by a unit manager, such as a Shift Manager or Delivery Office Manager. Also POSIS can suspend employees on the authority of an appropriate manager. However, there are times when a manager other than the Unit Manager may have to act quickly, for example in cases of drunkenness or violent behaviour.

Where possible the relevant senior manager will be consulted first, and in all cases suspension should be reported immediately to senior management - if necessary by telephone at home.

Suspension should only occur when it is necessary to prevent the risk of further breaches of conduct, to protect employees, property or mail, or to protect Royal Mail's good image and standing in the community.

It should only last as long as is genuinely necessary and will be reviewed after 48 hours and at reasonable periods thereafter. Precautionary suspension will normally be with pay but not so in cases of drunkenness, being under the influence of non-prescribed drugs, refusal to obey a reasonable instruction, violent or abusive behaviour and in cases of admitted dishonesty.

In cases of suspension of employees facing criminal charges, the initial suspension will be with pay. This will be reviewed after 48 hours and as information comes to notice a decision will be taken as to whether pay should continue. The decision as to whether pay should be stopped will only be made following careful consideration and consultation with Personnel.

On any occasion where pay is stopped notice will immediately be given in writing to the employee with a statement of the reasons for stopping pay. Where pay is stopped but it is subsequently decided that a discipline penalty is not warranted, the stopped pay should be restored.

12. CRIMINAL ACTS OUTSIDE EMPLOYMENT

Criminal actions should not be treated as automatic reasons for charges or dismissal under the Code regardless of whether the offence has any relevance to

the duties of the individual as an employee. The main considerations should be whether the offence is one that makes the individual unsuitable for his or her type of work or unacceptable to other employees or the business. The charge of bringing the business into disrepute may be appropriate but should not be automatic.

Employees should not be dismissed solely because a criminal charge against them is pending or because they are absent through having been remanded in custody.

13. GROSS MISCONDUCT

Some types of behaviour are so serious and so unacceptable, if proved, as to warrant dismissal without notice (summary dismissal) or pay in lieu of notice. It is not possible to construct a definitive list of what constitutes gross misconduct, and in any event all cases will be dealt with on their merits. However, the following examples show some types of behaviour, which in certain circumstances could be judged to be gross misconduct.

- Theft
- Violence
- Harassment and bullying
- Abusive behaviour to customers
- Wilful Delay of mail
- Deliberate disregard of health, safety and security procedures or instructions
- Unauthorised entry to computer records
- Criminal acts against the Post Office or its employees

14. DISCIPLINE PENALTIES

Formal disciplinary action will always be notified in writing. Line managers will deal with minor breaches by way of a ticking off, as soon as possible but out of the hearing of others. Each case will be treated on its merits with disciplinary action being taken as appropriate to the seriousness of the issue. The three types of penalties are outlined below.

Reprimand: A record will be kept for a period of one year.

Serious Warning: A record will be kept for 2 years, or 5 years in cases of dishonesty. A Serious Warning can be accompanied by either of the following:

- Suspension without pay for 1-3 days
- Disciplinary transfer to another job within the manager's area of authority.

Major Offence (Dismissal or action just short of dismissal): Only one of the following can be applied; but exceptionally in the case of suspended dismissal another penalty may be attached.

- **Suspended dismissal** - the period should be clearly specified in the range of 3 months to 2 years, with it clearly set out that any further serious breach of the Conduct Code during that time could automatically result in dismissal. The normal procedures would apply in establishing whether any further breach had occurred, and the individual would be given clear notice in the subsequent call to a discipline hearing that dismissal was a possibility.

- **Reduction in pay** - this means reducing pay to its position before the most recent increment or annual review. Reduction in pay may lead to loss of earnings and pension entitlement and full account should be taken of any personal hardship before it is imposed.
- **Downgrading** - this should be reserved for the most serious cases not involving dismissal.
- **Deferment of pay step** - this involves loss of earnings and may involve loss of pension entitlement and full account should be taken of any personal hardship before it is imposed.
- **Disciplinary transfer to a job outside the manager's area of control** - this should only be considered where it is clearly necessary in the interests of Royal Mail, the individual or other employees. Disciplinary transfer may lead to loss of earnings and pension entitlement and full account should be taken of any personal hardship before it is imposed.
- **Dismissal with notice** - except in the case of proven gross misconduct dismissal will always be with notice. Where there is just cause the requirement to work, notice may be waived.
- **Dismissal without statutory notice** - Summary dismissal

Where someone remains in employment following a Major Offence a record will be kept for 2 years (5 years if dishonesty is involved).

Implementation of penalties - normally, from the date the decision is announced, or on completion of an appeal if one is made. However, dismissals will take effect from the date specified in the dismissal letter, which will normally include a period of notice.

It is not possible to provide a tariff of penalties. Each case has to be judged on its own merits and in the light of all the circumstances including the employee's record and service and any mitigation with the aim of being corrective. Penalties will be more serious where frequent breaches have occurred.

Repeated breaches of the code

Where an employee repeatedly is guilty of misconduct it may be necessary to take more severe action than a particular breach of conduct calls for by itself. For example, someone who has a number of current serious warnings is likely to face dismissal. In such cases, when the person is called to the discipline hearing to deal with the latest breach, the notification will make it clear what disciplinary penalty is being considered, and that this is because of the number of previous penalties.

15. APPEAL PROCEDURE

Every employee has the right to appeal against a discipline penalty. If the employee wishes to appeal, he/she should tell the manager who imposed the penalty within 3 working days of written notification of the penalty. Individuals will be encouraged to state their grounds for appeal. A hearing will then be arranged within 2 weeks (up to serious warning) or within 4 weeks (for major penalties) and the employee will be notified in writing of the time, place and manager dealing with the appeal at least 5 working days beforehand.

If the employee appeals against a discipline penalty he/she can be accompanied by their relevant union representative or a colleague from the same work location who may assist him/her to present his/her case. At the hearing the employee will be expected to present his/her case.

The appeal is a hearing at which the appropriate appeal manager will rehear the case in its entirety. It is the employee's opportunity to state his/her 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 Reprimands or Serious Warnings the appeal will 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 Offences (action short of dismissal or dismissal) will be held by an Appeals Manager normally at an appropriate main unit within the Area.

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 and given sufficient time to consider it with his/her representative.

The employee will normally be told the outcome of the appeal face to face within 5 working days. If this is not possible the individual will be informed of the reason and the expected delay.

In all cases the employee will receive a written notification of the decision, with the reasons for it.

If management is unable to arrange an appeal in a reasonable time, an offer extending the notice period may be made, at management's discretion. In the event of a successful appeal and consequential reinstatement then continuity of employment will be preserved.

16. LATE ATTENDANCE

An employee who repeatedly attends late without an acceptable excuse will be dealt with under the discipline procedure and in extreme cases this could lead to dismissal. Managers should keep appropriate written records of late attendance. While pay may not be stopped for late attendance persistent offenders may be required to make up lost time.

As a general indicator a persistent late attender is someone who incurs 4 unexcused lates in excess of 5 minutes during any 3 month period.

Counselling should be the response in dealing with employees who are persistently late. Where counselling does not bring about the desired improvement the matter should be dealt with under the discipline procedure. The normal appeal procedure will apply.

The agreed guidelines are contained in [Appendix 2](#).

17. SAFEGUARDING CUSTOMERS' MAIL

UNEXCUSED DELAY TO MAIL

The responsibility for safeguarding the mail and giving it prompt and accurate treatment is one of the most important duties of all employees. Various actions

can cause mail to be delayed, e.g. carelessness, negligence, breach or disregard of a rule or guideline. Such instances are to be distinguished from wilful delay although they may also be treated as misconduct, and in more serious instances could also result in dismissal.

Furthermore, Royal Mail does recognise that genuine mistakes and misunderstandings do occur and it is not the intention of the Business that such cases should be dealt with under the Conduct Code beyond counselling for the isolated instance. The key is that employees should do their job to the best of their ability and, if in doubt, ask for their manager's advice and guidance.

WILFUL DELAY

Wilful delay of mail is classed as gross misconduct, which if proven could lead to dismissal. The test to determine whether actions may be considered as wilful delay is as follows:

Deliberate action taken by an employee that causes mail to be delayed is called wilful delay. Where proven, such breaches of conduct can lead to dismissal, even for a first offence; indeed Wilful Delay is a criminal offence and can result in prosecution.

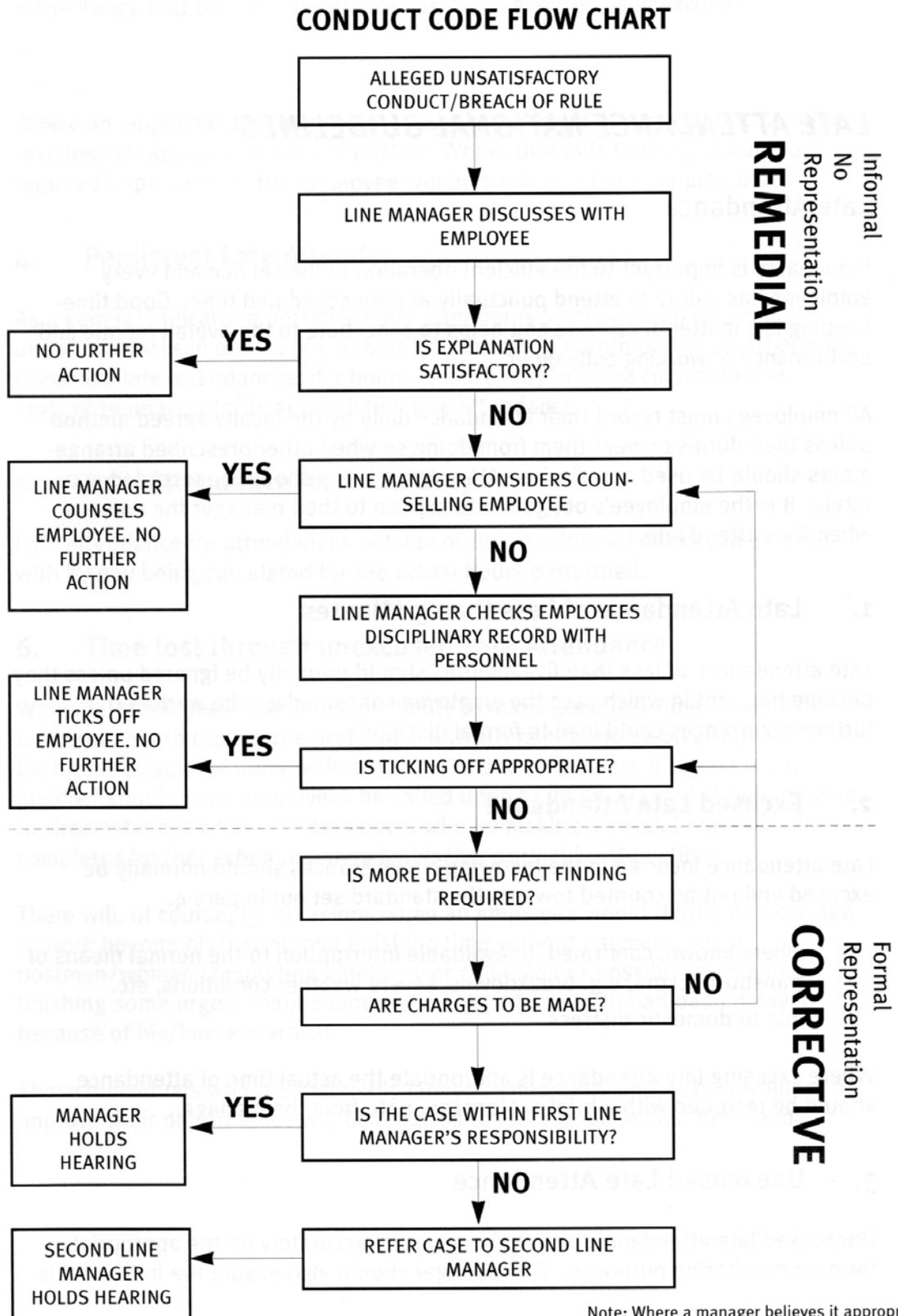
Agreed guidelines are contained in [Appendix 3](#).

18. TRADE UNION REPRESENTATIVES

The standards contained within the Conduct Code apply to all employees. However, it is accepted that disciplinary action against a Trade Union Official/Representative can be misconstrued as an attack on the Union. The long-term aim will be to avoid such a perception. A significant transitional step towards achieving the longer term aim call for an interim process to build trust between all parties. The agreed interim process is set out at [Appendix 4](#). The current Appendix 2 of the IR Framework Agreement and the IARB will be suspended for 12 months to allow this interim trial process to be fully evaluated.

19. LOSS OF OR DAMAGE TO PROPERTY

All losses of property (including cash or valuables) or damage to official property must be reported to the manager. Where loss or damage is clearly attributable to negligence or carelessness, or is deliberate, disciplinary action may be taken.



Note: Where a manager believes it appropriate, he/she may go straight from seeking an explanation to the formal fact-finding stage.

LATE ATTENDANCE NATIONAL GUIDELINES

Punctuality is important to the efficient operation of the service and every employee has a duty to attend punctually at their scheduled time. Good timekeeping is a matter of attitude and helps to contribute to the overall morale and performance of working colleagues.

All employees must record their attendance daily by the locally agreed method unless their duties prevent them from doing so when other prescribed arrangements should be used e.g. diaries. Attendance times should be recorded accurately. It is the employee's obligation to explain to their manager the reasons when they attend late.

1. Late Attendance of Less than 5 Minutes

Late attendances of less than five minutes should normally be ignored unless they become frequent in which case the employee concerned will be warned that further occurrences could lead to formal discipline.

2. Excused Late Attendance

Late attendance incurred in the following circumstances should normally be excused and not be counted towards the standard set out in para 4.

- a) where known, confirmed, unavoidable interruption to the normal means of transport occurs, e.g. breakdowns, severe weather conditions, etc.
- b) due to domestic distress

Where excusing late attendance is appropriate the actual time of attendance should be recorded with a brief explanatory note from the manager.

3. Unexcused Late Attendance

Unexcused late attendances should be recorded accurately on the appropriate form for monitoring purposes. The manager should also ensure the individual is made aware that the late attendance has been recorded as unexcused. Where an employee does not comply with the standard in paragraph 1, the initial response should be to counsel him/her. Where that fails to bring about the required improvement, the employee will be subject to the Conduct Code.

4. Persistent Late Attender

As a general indicator a persistent late attender is someone who incurs 4 unexcused lates in excess of 5 minutes during any 3 month period. Furthermore, combined late attendances of 2 hours or more may in some circumstances amount to unacceptable or persistent late attendance.

5. Late Attendance for Extra Duty

Late attendance for attendances outside of the conditioned hours will be dealt with by pay being calculated for the actual hours performed.

6. Time lost through unexcused Late Attendance

Whilst all employees have a responsibility to make good lost time it would be unreasonable to require the occasional late attender to do so on a routine basis. Each case should be dealt with on its merits and only where it can be really justified should such employees be called upon to do so. Regard should be made to circumstances where the employee, who by making a special personal effort, completes his/her scheduled duty by his/her normal finishing time.

There will, of course, be occasions when an employee would rightly be expected to work beyond his/her normal finishing time without payment, e.g. a postman/woman completing a delivery or collection or possibly an engineer finishing some urgent maintenance work, a start on which had been delayed because of his/her late arrival.

Those individuals who are habitually late and apparently unable or unwilling to improve their performance will be required to make good all lost time, and certainly before overtime becomes reckonable, as part of the disciplinary action taken against them.

7. Triallists

A triallist who has come under notice for late attendance should not be automatically discounted from having his/her trial confirmed. However the fact would nevertheless be taken into account when a decision is taken on confirmation or otherwise of the trial.

8. Representation

Representation as agreed under the Conduct Code will apply.

9. Conduct Code

The penalties relevant to this policy are in the Conduct Code and as such all relevant procedures must be adhered to when investigating, interviewing and awarding penalties. Authority levels as detailed in the Conduct Code will also apply.

SAFEGUARDING CUSTOMERS' MAIL AGREED NATIONAL GUIDELINES

1. STANDARDS

Royal Mail's future depends upon continuing to give our customers the highest possible standards of service. One of the most important duties of all employees is to provide customers with the service they have paid for and have a right to expect. Product specifications dictate the timing of collections, processing and delivery of items within the product pipeline (due process). Mails operations are geared up to meet these requirements to ensure that we as a Business get it right first time, every time.

2. TRAINING/LOCAL ARRANGEMENTS

- a) It is essential that our employees are given the correct training and support if they are to provide an excellent service to our customers and complete their work entirely in accordance with the requirements of the job. When this is not possible to do this, for any reason, arrangements should be in place to enable employees to alert their manager at an early stage in order to avoid compromising service standards.
- b) Delay to mail is a serious matter and it is, therefore, incumbent on all Royal Mail employees to ensure all items are processed in accordance with the local arrangements. All employees will be made aware of these local arrangements and the specific requirements of the particular job(s) they will perform. Every time mail is delayed, for whatever reason, Royal Mail's employees should attempt to correct the problem efficiently and effectively as soon as possible.

3. DELIVERY

3.1. PRIOR TO COMMENCEMENT

- a) Where an employee feels that on completion of preparation he/she may experience difficulty in completing his/her delivery within the authorised time allotted, he/she should approach his/her manager as soon as possible before setting out on delivery. It will be for the manager to discuss any problem and advise the employee what particular action should be taken.
- b) When an individual has requested assistance on delivery, but the manager feels that assistance is not required, this decision along with the advice given to the employee will be recorded and associated with the daily traffic volume records. The employee can have access to this record and may ask to see it prior to commencement of his/her delivery. In addition to recording the employee's request, the employee will be instructed to ring his/her local manager prior to a specified time or as soon as possible if full completion of delivery workload within the time allotted proves not to be possible.

3.2. AFTER COMMENCEMENT OF DELIVERY

- a) If an individual is prevented from completing their delivery for any reason, it is essential that this is reported immediately either by returning to the office or by telephone (telephone costs will be refunded). A written record will be kept.

- b) All employees should be informed of the local authorised arrangements, in writing, preferably in plastic card form if available.

4. GENERAL

- a) Employees must be made aware that mail must NEVER be taken home at the end of a delivery. Correct endorsement procedures and correct use of the pouching off wallet, if appropriate, will avoid this.
- b) Although the main aim will be to avoid the circumstances that may pose operational difficulties to an employee and to find ways of overcoming any potential problem at a very early stage, it is also important that all employees are made fully aware of the implications of delaying mail and possible consequences.
- c) Measures shall be put in place to advise staff on the course of action to be taken when difficulties arise when managers are unavailable.

5. SAFEGUARDING CUSTOMER MAIL (ROYAL MAIL CONDUCT CODE)

UNEXCUSED DELAY TO MAIL

The responsibility for safeguarding the mail and giving it prompt and accurate treatment is one of the most important duties of all employees.

Various actions can cause mail to be delayed, e.g. carelessness, negligence, breach or disregard of a rule or guideline. Such instances are to be distinguished from wilful delay although they may also be treated as misconduct, and in more serious instances could also result in dismissal.

Furthermore, Royal Mail does recognise that genuine mistakes and misunderstandings do occur and it is not the intention of the Business that such cases should be dealt with under the Conduct Code beyond counselling for the isolated instance. The key is that employees should do their job to the best of their ability and, if in doubt, ask for their manager's advice and guidance.

WILFUL DELAY

Wilful delay of mail is classed as gross misconduct, which if proven could lead to dismissal. The test to determine whether actions may be considered as wilful delay is as follows:

Deliberate action taken by an employee that causes mail to be delayed is called wilful delay. Where proven, such breaches of conduct can lead to dismissal, even for a first offence; indeed Wilful Delay is a criminal offence and can result in prosecution.

6. DELAY OF CUSTOMERS' MAIL - DECISION MAKING MODEL

Alleged Delay Judgement Incident Does it need First Line Manager to approach employee or not?

- Fact-finding Interview Does it end here, i.e. no action, individual advice or ticking off?
- Formal Action is it appropriate for First Line Manager to deal with? Decide on Serious Warning or Reprimand.

- Is it potential dismissal or action short of dismissal? Pass on to second line manager.
- Precautionary Suspension Where it is potential dismissal, are mail or employees at risk? See para 11 precautionary suspension not automatic.
- Formal Interview Was mail delayed?
- Mail Delayed
- Any mitigating circumstances? Was it wilful or unauthorised / unexcused delay?
- Penalty Proportionate to the circumstances

7. PRECAUTIONARY SUSPENSION FOR WILFUL DELAY OF MAIL

Precautionary suspension is not automatic. The decision to suspend should only be taken after careful consideration and investigation of the explanation for delay has been carried out.

The decision must be made only on available evidence relevant to the incident/s and only if it is considered that by allowing the individual to continue on duty, the mail and its due delivery, the individual, or other employees or Royal Mail's good image could be at risk. See Conduct Code for main procedure (paragraph 11).

TRIAL OF INTERIM PROCEDURE CONDUCT PROCEDURE FOR UNION REPRESENTATIVES

1. PRINCIPLES

To ensure discipline issues concerning union representatives are processed in line with the same principles contained in Royal Mail Conduct Code Agreement whilst avoiding any disciplinary action taken being misconstrued as an attack on the union.

2. PROCESS

2.1 Following any alleged misconduct of a union representative the line manager will, in the first instance, discuss the issue informally with the individual to establish if the matter can be concluded between the two parties to everyone's satisfaction.

2.2 If this is not possible the alleged misconduct could indicate the need for formal discipline. In these circumstances the Line Manager should contact and where necessary hold a meeting with a Divisional Representative within 24 hours of the incident.

2.3 This discussion/meeting shall determine:

- a) Whether the matter can be resolved outside of any formal procedure by counselling or a ticking off or by action by the CWU as appropriate.
- b) Whether the union representative was acting in a representative capacity at the time of the incident. If not the normal Conduct Code should be used.

2.4 For the period of the trial where agreement as to which process should be applied cannot be reached this representative procedure should be used.

3. PROCEDURE

3.1 FORMAL ACTION

If formal action is being considered formal fact finding interviews should take place to determine whether a charge should be made.

3.2 FORMAL CHARGE

Where a charge is formally made this should be advised to the individual in accordance with the normal discipline code timescales and procedures. The appropriate Divisional Director and the General Secretary should also be advised of the charge.

3.3 DISCIPLINE HEARING

The formal discipline hearing should be held in line with the normal authority levels.

3.4 DISCIPLINE AWARD/APPEAL

If a disciplinary penalty is awarded at or as a result of the hearing the individual will be entitled to one appeal as detailed below:

- a) Serious cases involving dismissal, suspended dismissal or compulsory transfer will be heard by the National Appeals Panel.
- b) All other awards will be heard by the Appeals Manager.

3.5 COMMUNICATION OF FORMAL PENALTY

If a disciplinary award is given the appropriate Divisional Director and the General Secretary should be further advised.

3.6 NATIONAL APPEALS PANEL

The panel will consist of a nominated nationally resourced Appeals Manager, National Executive Council Member and chaired by an ACAS Arbitrator. The decision will be by a majority decision and will conclude the procedure under the Discipline Code.

3.7 REPRESENTATION

Individuals will be advised of their ability to be represented throughout the formal procedure. This will be by the appropriate level of representative.

4. REVIEW OF INTERIM PROCEDURE

A joint review facilitated by ACAS of this interim procedure will take place after 12 months and a report from the National Appeals Panel will be sought to assist with the evaluation. The aim will be to determine the next steps in achieving the agreed objective of all discipline cases being handled within the Conduct Code consistent with ACAS Guidelines

5. APPENDIX 2/IARB

During the period of the trial the procedures detailed in respect of Appendix 2 of the RM IR Framework Agreement and the IARB will be suspended for all RM representatives.