



Post Office Conduct Code

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THE CONDUCT CODE

1. SCOPE:

This code applies to all employees of Post Office Ltd. including those employed in Cash Services, irrespective of grade or band. This code applies with effect from 6th April 2009 and supercedes all earlier versions of the code.

2. PURPOSE

2.1. Post Office Ltd aims to develop excellent standards of performance and conduct in its employees in order to provide excellent standards of service to its customers. This code details the individual employee's rights and responsibilities in establishing and maintaining the required standards of conduct. Publication of a code such as this is a statutory requirement under the Employment Rights Act 1996 and is based on the principles of fairness and natural justice laid down in the Code of Practice issued by the Advisory, Conciliation and Arbitration Service (ACAS).

2.2. The purpose of the code can be summarised as follows:

- To help establish the required high standards of conduct.
- To help employees maintain these standards.
- To ensure the consequences of failing to meet these standards are understood.
- To provide a process for dealing with breaches of these standards.

2.3. The key principle of the Code is prevention and correction rather than punishment. This will be achieved through coaching and guidance to help individuals reach the required standards and a progression of formal and final warnings where this approach fails or is inappropriate. It also recognises that, in cases where a final warning does not result in the required improvement, or in cases of gross misconduct, there may be no option but dismissal.

2.4. This code has been developed with help from employees and is agreed and supported by the Communication Workers Union and the Unite CMA.

2.5. The following Postal Instructions have now been replaced by this code and associated guidelines:

- P1 & N1 JOO13 Discipline Procedure,
- P1 & N1 JOO16 Punctuality: late attendance,

Document title: POL Conduct Code	Version or draft number: v8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: ² POL HR Help
-------------------------------------	--------------------------------------	--	----------------------------------	--	--

- P1 & N1 JOO17 Insubordinate, Obstructive or Violent Conduct,
- P1 & N1 JOO27 Loss of or damage to official property.

3. RIGHTS

Post Office Ltd will manage conduct in accordance with the following individual rights which it recognises are held by all its employees:

- To be treated with respect and courtesy at all times;
- To be treated fairly and reasonably;
- To know what standards are expected;
- To a speedy resolution of disciplinary issues;
- To understand the disciplinary process;
- To a full investigation of the facts before disciplinary action is taken;
- To have their view of a case fully considered;
- To be provided with all the evidence used by managers in arriving at their decision, in sufficient time to consider it in detail;
- Where Post Office Limited intends to call relevant witnesses, to be given advance notice of this intention.
- To be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses.
- To be given the opportunity to raise points about any information provided by witnesses.
- To be given a minimum of two working days notice of any disciplinary interview or appeal hearing and to be provided with the evidence (including any witness statements) no later than at the commencement of this period.
- To know, understand and comment on any charges that may be made against them;
- To have all mitigating circumstances taken into account;
- To be accompanied by a colleague (of the same sex where required), who may be a representative of a trade union, during formal disciplinary interviews;
- To be advised of the outcome of any formal disciplinary interviews;
- To a copy of any notes of disciplinary interviews (and notes of informal counselling, where they are made);
- To appeal against formal disciplinary action.

4. RESPONSIBILITIES

4.1. All employees are personally responsible for:

- ensuring that they understand what standards are expected of them and seeking advice where in doubt;
- striving to meet these standards.

Document title: POL Conduct Code	Version or draft number: v8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: ³ POL HR Help
-------------------------------------	--------------------------------------	--	----------------------------------	--	--

- Ensuring that where, during an investigation, they intend to call relevant witnesses, that they give advance notice to the employer of this intention.

4.2. In addition, line managers must also:

- set a good example;
- ensure that appropriate standards are communicated to their team(s)
- help their team members to understand and meet these standards
- address failure to meet these standards in accordance with the process and principles explained in this Code

5. STANDARDS

This section of the Code aims to provide a guide to the standards of conduct required of all employees.

5.1. Personal conduct

Employees are required to maintain a high standard of personal conduct including efficiency, reliability, integrity, sobriety, punctuality and attendance. Similarly, employees are required to follow reasonable instructions from their manager.

5.2. Respect for other employees

Employees are required to maintain a high standard of conduct in relation to all other employees and to treat them with respect and courtesy, particularly in relation to the requirements of our equal opportunities and harassment policies. Similarly they have a responsibility to protect the health and safety of other employees.

5.3. Respect for customers and clients

Our customers and clients are a major priority - we aim to provide an excellent service to both. Employees are therefore required to treat them with respect at all times.

5.4. Protecting business resources

Our reputation for reliability and integrity is a key element of the service we provide. Employees are therefore required to ensure that Post Office Ltd property, resources and funds are not used for improper purposes.

Document title: POL Conduct Code	Version or draft number: v8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: ⁴ POL HR Help
----------------------------------	-----------------------------	---	-------------------------	---	---

5.5. Protecting information

Employees are responsible for protecting access to confidential information and for ensuring it is not subject to unauthorised disclosure. This, in part, involves observing the security procedures in relation to computer systems and maintaining the confidentiality of business and personal information.

5.6. Protecting business interests

Any outside employment must be openly declared and must not be contrary to Post Office Ltd commercial interests or bring Post Office Ltd into disrepute. Employees are required to avoid activity which conflicts with their duty to Post Office Ltd and to ensure that their actions are not improperly influenced by personal considerations.

5.7. It is important to note that many of these standards have a clear legal basis. The relevant legislation can be found in:

- Health and Safety at Work Act 1974
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Data Protection Acts 1984 and 1998
- Fair Employment (Northern Ireland) Act 1989
- Disability Discrimination Act 1995
- Employment Rights Act 1999
- Race Relations (amendment) Act 2000
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Discrimination) Regulations 2003
- Equality Act 2006

As employees are required to observe the correct internal procedures, reference may need to be made to other documents. For example:

- Competition Law Compliance Manual
- Counter Operations Manual
- Environmental policy
- Equal Opportunities policy
- Expenses policy
- Harassment policy
- Health and Safety policy
- Smoking policy

Document title: POL Conduct Code	Version or draft number: v8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: ⁵ POL HR Help
----------------------------------	-----------------------------	---	-------------------------	---	---

6. MANAGING CONDUCT

6.1. The informal approach

The vast majority of conduct issues will be managed informally. The way in which this fits into the overall process is shown in the Managing Conduct model at Figure 1.

6.2. Communicating and counselling

The informal approach to establishing and improving standards has two key elements. The aim of this approach is to help the individual to understand and achieve the required standards. The two elements are:

- Communication of standards - where individuals need to know what is expected of them.
- Counselling - where individuals need more specific guidance and encouragement.

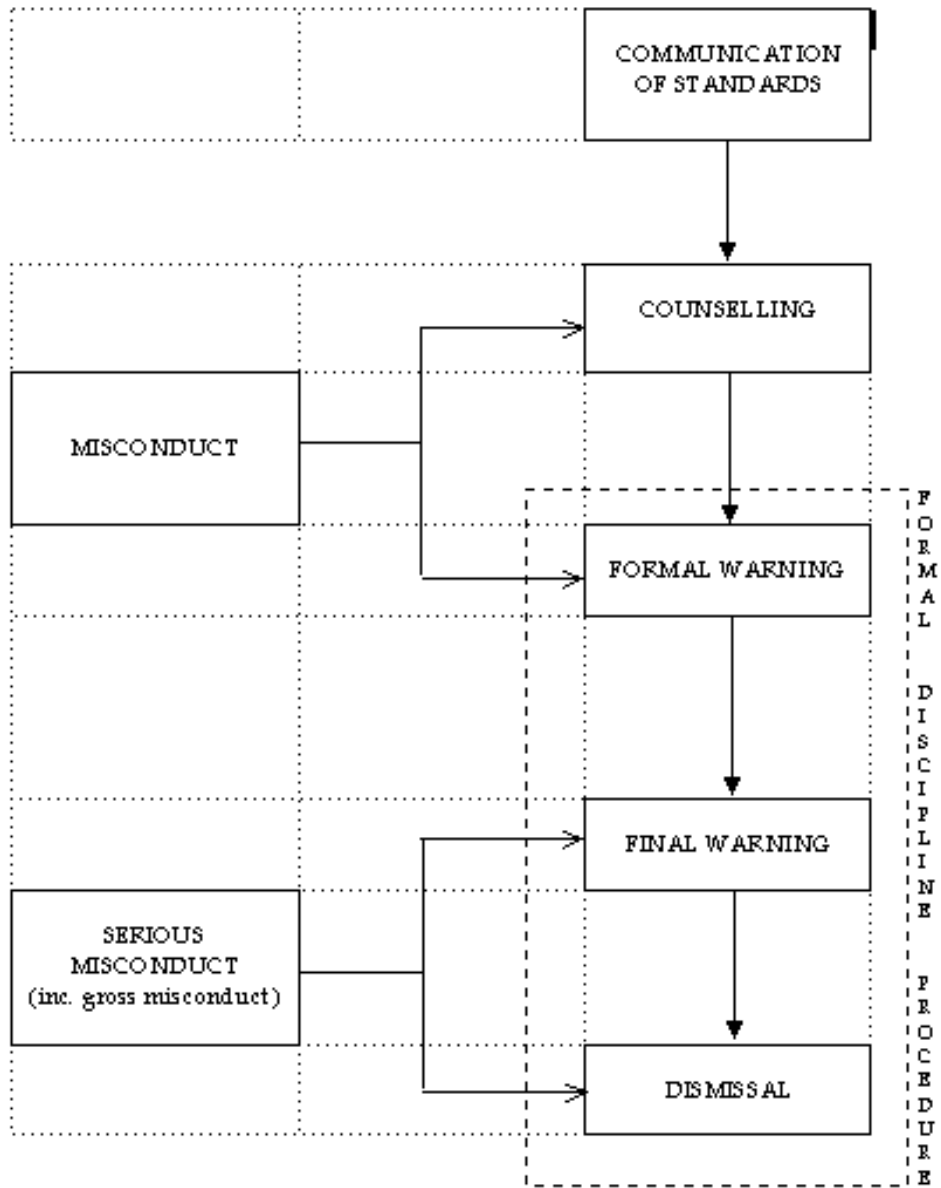
6.3. The formal approach

Formal disciplinary action will only be taken in cases where informal action does not result in the required standard of conduct, or where the misconduct is so serious as to warrant immediate use of a formal approach. This approach provides for the use of formal warnings, final warnings (with or without additional disciplinary action) and dismissal. The way in which the formal procedure fits into the overall process is shown in the Managing Conduct model at Figure 1.

6.4. Where a final warning is issued it may also be necessary to take further disciplinary action. This is limited to a disciplinary transfer and should only be considered where it is clearly necessary in the interests of Post Office Ltd., the individual or other employees. A disciplinary transfer cannot lead to a loss of earnings and pension entitlement and full account should be taken of any personal hardship before it is imposed.

Document title: POL Conduct Code	Version or draft number: v8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: POL HR Help
-------------------------------------	--------------------------------------	--	----------------------------------	--	---------------------------------

FIGURE 1: MANAGING CONDUCT MODEL



Note: All formal disciplinary action has an appeal stage which is not shown on this diagram. Refer to the Appeals Guidelines for further information.

Document title: POL Conduct Code	Version or draft number: V8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: ⁷ POL HR Help
-------------------------------------	--------------------------------------	--	----------------------------------	--	--

6.5. The process also provides for summary dismissal (i.e. dismissal without notice) where cases of misconduct are sufficiently serious as to warrant this. It is not possible to provide a definitive list of behaviour which constitutes such gross misconduct. However, the following examples would normally be considered as such and may therefore lead to summary dismissal.

- | |
|--|
| <ul style="list-style-type: none"> · Dishonesty (inc. falsification of accounts) · Theft · Misuse of business funds · Serious violence · Serious abusive behaviour · Sexual or racial harassment · Serious disregard of Health & Safety standards · Serious disregard of security standards · Criminal acts against the Post Office, its employees or agents. |
|--|

6.6. This code applies equally to union representatives and officials. However, where disciplinary action is being considered against a senior representative or official acting in the capacity of a senior representative the case should be submitted to the Head of IR and managed in accordance with paragraph 4.8 of the Industrial Relations Framework agreement.

7. THE FORMAL PROCEDURE

7.1. The formal procedure will be used when an individual's conduct is considered sufficiently below standard. The individual will normally have been counselled on the problem previously, though this may not be the case where instances of misconduct are judged to warrant the immediate use of a formal approach.

7.2. Initial Investigation

When it is considered that an individual's misconduct may warrant formal action, the first step is for the line manager to investigate the case by requesting an explanation from the individual - the individual may provide this explanation in writing or at an interview. Where practical, individuals will be given reasonable time to prepare for any interview. If the explanation is acceptable, no further disciplinary action will be taken. If the explanation is not acceptable, the line manager will consider all the

Document title: POL Conduct Code	Version or draft number: v8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: ⁸ POL HR Help
-------------------------------------	--------------------------------------	--	----------------------------------	--	--

circumstances of the case and decide whether a formal warning or more serious disciplinary action seems appropriate.

7.3. Who handles the case?

Where initial investigation of the case indicates the possibility of formal action being appropriate, the case will be taken forward by a manager other than the one who conducted the initial investigation i.e. different managers will carry out the investigation and the disciplinary hearing.

Where a formal warning is thought appropriate, it will be handled by the second line manager. The manager handling a formal warning will always be a Band 2A as a minimum.

Where a final warning or dismissal is thought appropriate, it will be handled by the second line manager. The manager handling a final warning or dismissal will always be a Band 3B as a minimum.

It is important that whoever handles a case is in a position to take an independent and objective view. In some situations it will be necessary for a case to be handled out of the line in order to ensure this objective approach is possible. For example, where a case surrounds an allegation of abusive behaviour towards the line manager or where the line manager has been the subject of disciplinary action for similar misconduct.

7.4. Warnings

If the investigating manager (normally the first line manager) considers that a formal warning, final warning or dismissal may be appropriate they will then refer this to the 2nd line manager. At this stage the second line manager will review the initial investigation to establish whether there is a case to answer by the individual. If it is considered that there is a case to answer the second line manager will write to the individual detailing the disciplinary charge and inviting the individual to a formal discipline interview with them, to respond to it. The individual has the right to be accompanied at the interview by their trade union representative or a colleague from within Post Office Ltd. This individual can observe, provide active support or act as the individual's advocate. In the latter case it is important to ensure the individual is given every opportunity to respond personally.

In some cases it may be necessary for disciplining managers to conduct further investigations before making a decision. If further relevant evidence comes to light during such investigation it will be made available to the individual for comment before a final decision is

Document title: POL Conduct Code	Version or draft number: V8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: ⁹ POL HR Help
-------------------------------------	--------------------------------------	--	----------------------------------	--	--

made. Where this evidence is significant it may be necessary for the formal disciplinary interview to be reconvened. Once a decision has been made the individual will be informed in writing and advised of their rights of appeal. The individual should be provided with a copy of the formal interview minutes in advance of any appeal hearing.

A formal warning will remain on an individual's record for a period of no more than 12 months.

A final warning will remain on an individual's conduct record for a period of 2 years (5 years in cases of dishonesty). The term "final" does not mean that the individual will automatically be dismissed for further misconduct - further investigation will take place and a decision taken in the light of all the circumstances. In some cases it may be appropriate to issue another final warning.

7.5. Documentation

All formal disciplinary action from initial investigation through to the outcome of any appeal will be fully documented. A complete file of the original paperwork will be forwarded to HR Services.

7.6. Access to Information

Individuals who are subject to the disciplinary procedure have a right to see **all the evidence used** in judging the merits of their case prior to any disciplinary interview or appeal hearing. Individuals need a reasonable amount of time to consider the evidence in order to be in a position to challenge or comment on it when responding to a disciplinary charge or making their appeal.. Individuals will be given a minimum of two working days notice of any such disciplinary interview or appeal hearing and will be provided with the evidence (including any witness statements) no later than at the commencement of this notice period. Legal advice will not be disclosed. Where evidence from POSIS is used in decision-making it should be made available to the individual. Information contained in POSIS reports which is not concerned with internal discipline cases should not be used. Information should only be provided to the individual concerned. If the employee in question wishes that information to be disclosed to someone else, such as a Union representative, they must provide a signed letter of authority. Anyone making a disclosure under these guidelines must ensure that only the permitted information is provided and that other information which might be stored (particularly on HR systems) is not included. See policy Guidance on Data Protection Act 1998.

Where written statements from witnesses form part of the evidence

Document title: POL Conduct Code	Version or draft number: v8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: POL HR Help
-------------------------------------	--	--	----------------------------------	--	-------------------------------------

against an individual, these will also be made available. In cases where a witness wishes to remain anonymous through fear of reprisals or intimidation, the contents of any statements will be re-written to prevent identification of the witness. Any amendments or omissions will be the minimum required to protect their identity. The statement provided to the employee will be sufficiently detailed for them to understand precisely what has been alleged. **Note: In order that individuals may be protected from others making deliberately false accusations, witnesses should be reminded that such action will be treated as serious misconduct.**

The employee will be given an opportunity to raise points about any information provided by witnesses to the manager handling the case before any final decision is reached.

7.7. Precautionary Suspension

In some circumstances it may be necessary to suspend an individual from duty to allow for effective investigation or as a precaution against possible further misconduct. This may be necessary where there is evidence of:

- Dishonesty
- Violence
- Intoxication
- Refusal to follow a reasonable instruction

This is not a definitive list - there may be other circumstances in which precautionary suspension is advisable. For example, it may be necessary to suspend an individual who is being held in custody. In cases where a period of suspension with pay is considered necessary, this period will be as brief as possible, will be kept under review and it will be made clear that the suspension is not considered a disciplinary action.

When an individual is suspended pay will not be withheld. However, where an individual is **incapable** of performing effectively through violence, intoxication or refusal to follow a reasonable instruction, pay may be deducted for the period of the suspension.

8. APPEALS

An individual who is the subject of formal disciplinary action, has a right to appeal against the decision. The appeal will be in the form of an independent rehearing and will be undertaken by an independent manager, who will be the 3rd line manager or someone of equivalent level, who has had no previous involvement with the case. Appeals against decisions to dismiss will be heard by an independent Appeals Manager, minimum Band 3A.

Document title: POL Conduct Code	Version or draft number: v8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: ¹ POL HR Help
-------------------------------------	--	--	----------------------------------	--	--

In cases of dismissal, appeals will be heard before the last day of service wherever possible.

As an appeal is a rehearing of the case, the manager hearing the appeal can find the case against the individual proven, but disagree with the original penalty. The options under the conduct code are; confirming the original penalty; reducing it or upholding the employee's appeal and finding no case to answer. An appeal will never be used as an opportunity to punish the employee for appealing against the original decision, and will not result in any increase in penalty.

The decision of the Appeals Manager is final. There are no further internal processes to contest an appeal decision, though an employee can lodge a grievance if they feel that the Appeals Manager has failed to follow the correct Appeals process.

9. AUTHORITY LEVELS

Responsibility for maintaining standards and investigating instances of alleged misconduct lies with the first line manager.

Disciplinary action will be carried out by a manager other than the investigating manager. This will be the second line manager.

Managers must be a minimum Band 2A in order to have the authority to issue formal warnings.

Decisions relating to final warnings and dismissal will not be made by managers lower than Band 3B.

10. CAPABILITY

This Code and related guidelines are about conduct not capability.

Where individuals are incapable of performing to the required standard due to a lack of competence or because of health problems one of the following policies/ processes and postal instructions may be more appropriate:

- Losses and gains procedure (see Postal Instruction P1 J0026)
- Improving performance – CMA grades
- Non culpable inefficiency - CWU grades (see Postal Instruction P1 E0100);
- Absence management and medical retirement (Postal Instruction P1 Q0014 and P1 Q0023)
- Trial on first appointment (postal Instruction P1 A0020)

Document title: POL Conduct Code	Version or draft number: v8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: ¹² POL HR Help
----------------------------------	-----------------------------	---	-------------------------	---	---

- Trial on promotion (Postal Instruction P1 L0141)

Advice is available from HR Services on the circumstances in which each of the above should be used.

Document title: POL Conduct Code	Version or draft number: V8	Date issued: 6 th April 2009	Review date: April 2010	Owner: Policy: Jackie Ilesley Document: Amanda Booker	Location stored: POL HR Help
-------------------------------------	--------------------------------------	--	----------------------------------	--	---------------------------------