

Conduct Code Guidelines

INTRODUCTION

The guidance contained in this document is intended to support the introduction of the revised Conduct Code by providing all managers with practical advice on how to use it effectively. Please read this guide in conjunction with the Code and keep it for future reference.

The important changes within the new Code include:

- Individual rights clearly specified.
- Individual responsibilities clarified.
- Emphasis in Conduct standards.
- A simplified process.

If you require any advice on how and when to use the processes described in this guide, please contact your local Personnel Manager who can provide a wide range of expertise.

Use of the Informal Approach

1. Communicating Standards

As a manager you will want to encourage a high standard of conduct from all members of your team.

To do this you will need to set a good example by living up to the values and associated behaviour standards described in the Leadership Commitment Guide. You will also need to ensure that the team you are responsible for is aware of, and understands, the required standards of conduct. You will find some general guidance on these standards in Section 4 of the Code. It is important, of course, that these standards are reasonable, and that they are applied consistently and fairly within the team for which you are responsible, and also across the Business generally – this is also a legal requirement in many cases. If you need any further advice on the standards required you should contact your manager.

2. Counselling

2.1 You have a key responsibility for developing team members and encouraging them to make a commitment to our business values. You will need to encourage individuals to develop self-discipline, and work with them to achieve the standards that we require of all employees.

2.2 Most conduct issues you will be faced with will only involve minor infringements of the laid-down standards, and will therefore be best handled informally. Often a failure to meet these standards is only of a relatively minor nature, for example, being careless in dealing with some aspects of the job. It is here where informal counselling, or even just a well chosen word at the right moment, can help you nip the problem in the bud before it becomes a more serious issue.

2.3 Every manager has their own style for running such discussions, but here are some broad guidelines designed to help you achieve an effective outcome:

- The discussion must be two-way.
- It must take place as soon as possible after the event.
- It must take place in private.
- Encourage the individual to give their point of view.
- Do not pre-judge the outcome, but listen carefully to any points the individual makes.
- Establish what the problem is, point out any shortcomings, and jointly seek ways of achieving an improvement.
- In offering constructive comments, concentrate on the problem to be solved rather than personalities.
- Emphasise the good business reasons why a change is required.

2.4 It is important to encourage the employee to accept responsibility for self-discipline by getting him/her to suggest ways of overcoming the problem. Agree a strategy for the required improvements. Always encourage the individual to seek help from Employee Health Services where appropriate.

2.5 You may find it useful to write a brief note of the discussion and the outcomes so you can refer to it when reviewing progress. You should ensure that any record of the discussion or outcomes is shared with the individual to promote a common understanding of the issues.

Records of such counselling will not be associated with the individual's conduct record and **should not be copied** to Personnel. In cases of persistent misconduct you will find it useful to keep a note of the facts. The purpose of such informal records is not to build a file of evidence against somebody, but to ensure a common and accurate understanding of the problem.

Use of the Formal Approach

3. When to use the Formal Discipline Procedure

3.1 It is impossible to define precisely when a problem would require a formal rather than an informal approach – this will always depend on the circumstances of the case. However, you will need to use the formal discipline procedure if:

- The infringement persists or,
- The failure to observe standards is of a more serious nature.

In an attempt to develop consistency and fairness in the treatment of individuals, the following tables provide a general guide to relationships between particular types of offence and appropriate action.

In the majority of cases, an isolated incident of most of the examples of **Misconduct** (Table 1) should be dealt with informally. Persistent or more serious examples should be dealt with under the formal procedure

Table 1

EXAMPLES OF MISCONDUCT: Unauthorised absence Unexcused lateness (see note below) Failure to observe standard procedures and instructions (inc. negligence) Minor security lapse Minor health and safety breach Smoking in an unauthorised place Lack of respect for customers Misuse of resources including: <ul style="list-style-type: none">• Time• Computers• Equipment/telephones• Facilities• Accommodation

NOTE: Where an individual arrives late for genuine reasons, such as domestic or travel difficulties, the lateness should normally be excused and therefore disregarded for conduct purposes. Late attendances of less than 5 minutes will also normally be disregarded. If they become persistent, however, they should be recorded and regarded as misconduct. Where lateness is regarded as misconduct it will, initially, be dealt with informally as described in Section 2 of this guide. If an informal approach does not have the desired effect, the formal approach will be used and, in extreme cases, could result in dismissal.

Examples of **Serious Misconduct** (Table 2) will be dealt with formally. Those marked * may be so serious (gross misconduct) as to warrant summary dismissal, i.e. dismissal without notice.

Table 2

EXAMPLES OF SERIOUS MISCONDUCT including gross misconduct

*Theft

*Misuse of business funds

*Dishonesty (including falsification of accounts)

*Violence

Refusal to follow a reasonable instructions

*Major Health & Safety breach

Intoxication

Serious negligence

*Discrimination/harassment/victimisation

Disclosure of confidential information

Serious abusiveness

*Major security breach

Conduct which brings POL into disrepute.

*Criminal acts against the PO, its employees or agents

3.2 These lists are neither exhaustive nor prescriptive; they are shown simply as examples of the sort of misconduct which would normally be viewed as Misconduct, Serious Misconduct and Gross Misconduct. Many of these examples could be placed in any category depending on the circumstances in which they occur.

3.3 The decision on **what level of disciplinary action** may be appropriate will depend on the factors shown below. If the answer to any of the questions is “yes”, then it may be necessary to refer the papers to your line manager.

SOME FACTORS INFLUENCING THE SERIOUSNESS OF MISCONDUCT

Was it potentially dangerous?

Did it involve financial loss or potential financial loss?

Did it result in loss of customer confidence?

Is there a history of misconduct?

Was it wilful?

Was it indicative of a deeper lack of respect for authority?

3.4 Your decision must also take into account any extenuating personal circumstances which may have a significant bearing on an individual's attitude and conduct at work (paying particular attention to advice from Employee Health Services). You should also satisfy yourself that this is indeed a problem of conduct rather than capability, and pay due regard to previous good service. In short, you must consider all the circumstances with that taken in other similar cases; take into account all mitigating circumstances; and be based on the principle of prevention rather than punishment. If you are in any doubt as to how to proceed, please seek advice from your Personnel Manager.

4. Formal Warnings

The first level of formal disciplinary action is a **Formal Warning** and will be handled by first-line managers. It is important that you follow the process mapped out in Figure 1. **The fact that a case has not been managed correctly may be enough for your decision to be viewed as unfair, and subsequently overturned at appeal or by an Industrial tribunal.**

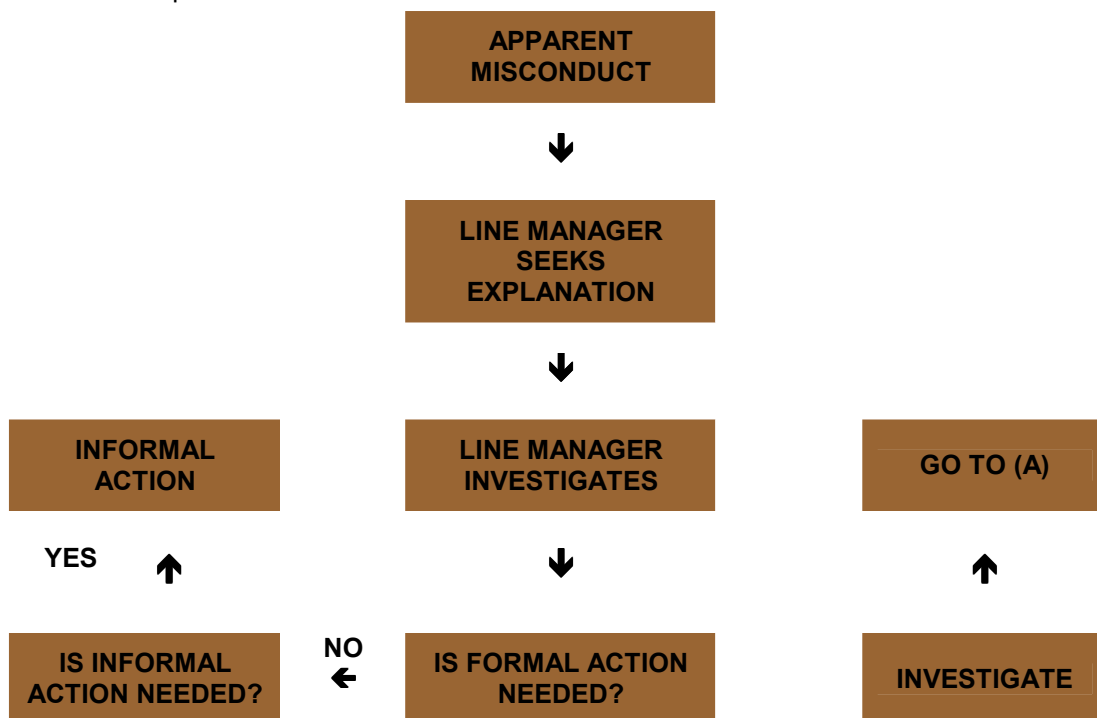
4.1 When you consider that an individual's conduct may warrant a formal warning, you should first request an explanation from the individual – this explanation may be offered in writing or at an interview. If the explanation is fully acceptable, no further disciplinary action should be taken. If the explanation is not acceptable, you will need to conduct further investigation.

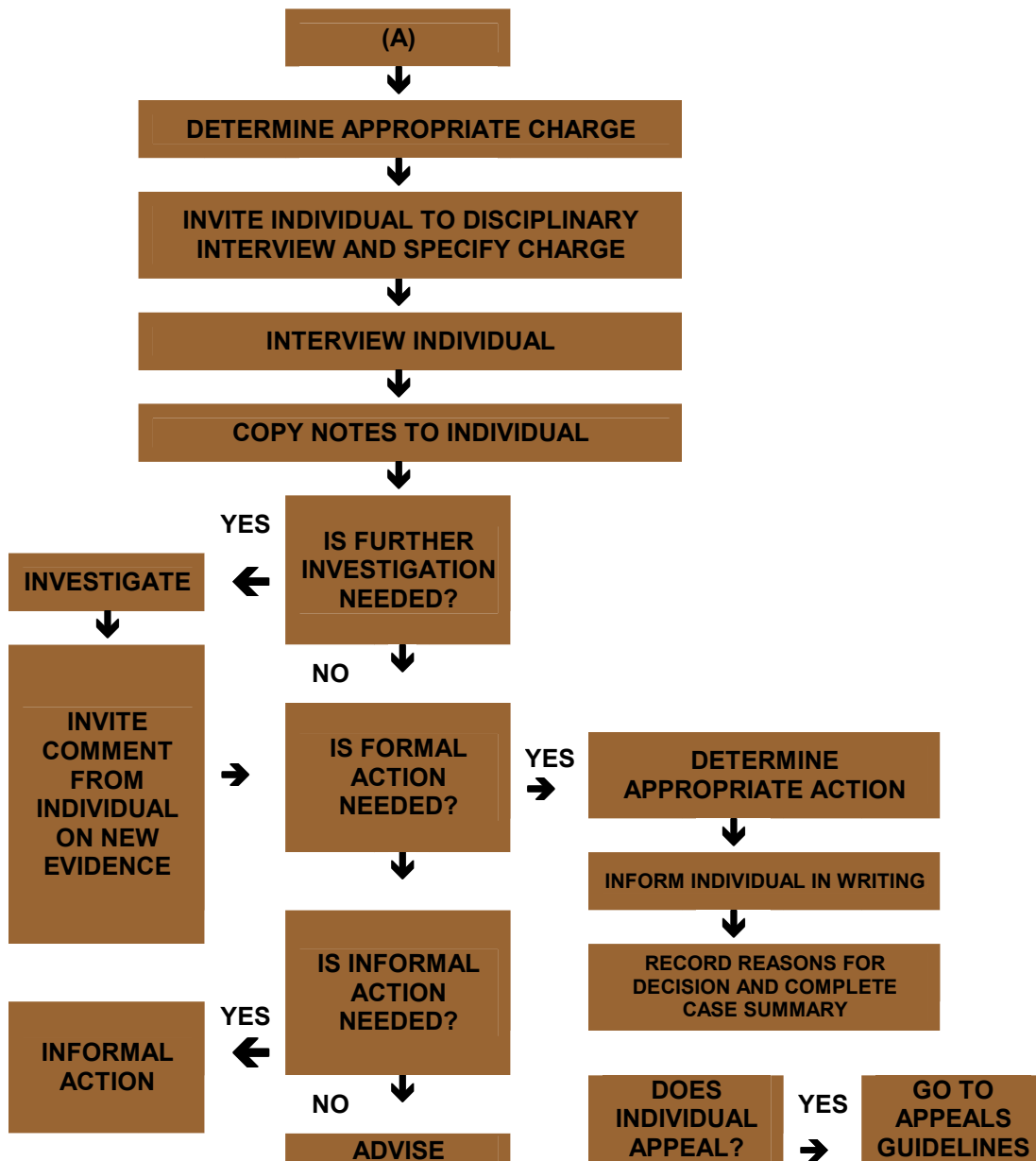
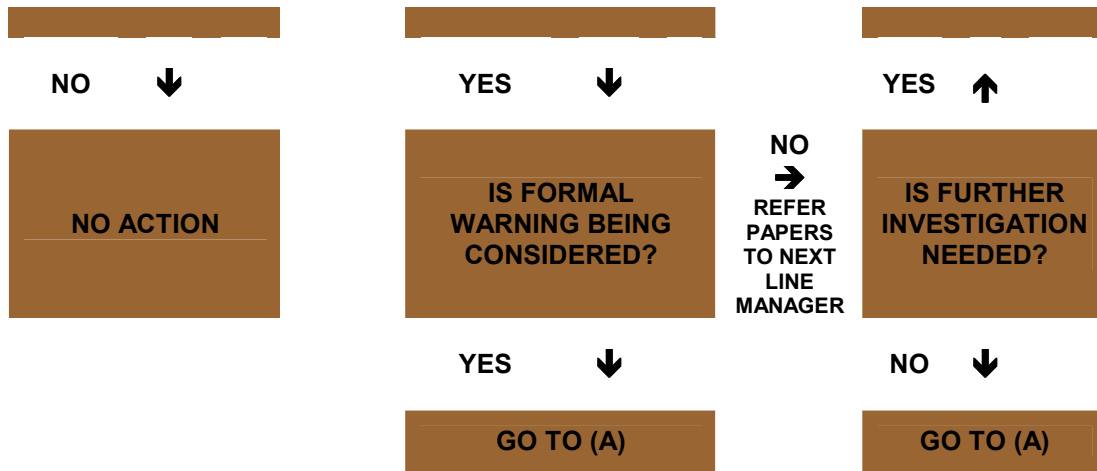
4.2 As part of this investigation you must check any existing conduct records held by Personnel. You may also decide to interview the individual about some aspect of the case. If you do decide an investigatory interview is needed, you should treat it as such. **There must be a clear distinction between any investigatory interview and any subsequent formal discipline interview.**

If, after completing a full investigation, you decide a formal warning may be appropriate, you should write to the individual inviting them to a formal discipline interview. You should then follow the steps described in paragraph 5.3 to 5.8. If you decide a final warning or dismissal may be appropriate, you should refer the case to the second-line manager (see model letter 3).

Fig. 1

Formal Discipline Process





INDIVIDUAL IN
WRITING

NO



COMPLETE CASE
SUMMARY AND PASS
PAPERS TO PERSONNEL

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5. Final Warnings

The second level of formal disciplinary action is the **Final Warning** and will be handled by second-line managers. These warnings are used when misconduct persists despite previous formal warning(s), or where the misconduct is sufficiently serious as to warrant more severe action (see Table 2 for the types of misconduct that may fit into this category). **It is important that whilst this level of warning is referred to as “final”, it does not mean that an individual will be automatically dismissed for further misconduct. Any further misconduct should be fully investigated and action taken in light of all the circumstances of the case. In appropriate circumstances there is no reason why an individual should not be awarded a second final warning.**

Investigating the Facts

- 5.1 Your first responsibility is to establish a clear understanding of the circumstances surrounding the case – generally this will be possible from the information provided by the first-line manager. In some cases you may need to investigate further. Where practical, individuals should be allowed sufficient time to prepare for any interview.
- 5.2 If, after establishing a clear understanding of the circumstances, you decide that a final warning may be appropriate, you should write to the individual advising them of the need for a formal discipline interview (see model letter 1).

Charging the Individual

5.3 It is an important part of a fair procedure that an employee is:

- Aware of their rights.
- Aware of the allegation against them.
- Aware of the possible outcomes if the allegation against them is sustained.
- Given the opportunity to state their case and answer the allegation.

5.4 Sufficient details of the alleged misconduct should be provided so that the employee fully understands what is alleged against them. For example, if an employee is alleged to have stolen £100 belonging to the Post Office on 14th August, then a disciplinary charge of “dishonesty” would be too vague. The employee should be charged with “allegedly stealing on 14th August £100 belonging to the Post Office”. Similarly, if an employee is alleged to have sworn at a customer, a charge of “bringing the Post Office into disrepute” would be too general. The employee should be charged with “allegedly swearing at a customer”. If you require assistance in forming a charge please seek advice. A copy of the letter detailing the charge, and inviting the individual to a disciplinary interview should be sent to Personnel.

The Formal Disciplinary Interview

5.5 All formal disciplinary interviews must be conducted according to the principles of natural justice. You should ensure that the individual has copies of all the evidence that you have used, in sufficient time to adequately prepare for this interview. The following is a useful guide to how it should be managed:

1. Introduce everybody.
2. Clarify who is to take notes.
3. Ensure everybody understands why they are there, the purpose of the interview and where it fits in the formal discipline process.
4. Ensure the individual has the support of a friend or representative that they require.
5. Ensure the individual understands the charge against them.
6. Outline the facts of the case.
7. Allow the individual, or friend on their behalf, to answer the charge.
8. Actively explore the full circumstances with the individual.
9. Consider any extenuating circumstances.
10. Clarify anything that is unclear.
11. Summarise the interview and invite any final comments.
12. Advise the individual what will happen next, and when.

It is important to keep a full record of formal disciplinary interviews. Such records need not be precise verbatim accounts of the discussion but must, as a minimum, provide an outline of the circumstances and the evidence offered in an individual's defence. You should aim to have a record of the interview agreed and signed by the individual.

An individual should receive a minimum of 2 working days notice of a disciplinary interview.

Reaching a Decision

- 5.6** You may find that further facts come to light during the formal disciplinary interview that were previously unknown and warrant further investigation. If this is the case it is important to delay the decision pending further investigation, and to conduct that investigation as quickly as possible. Any new evidence that arises during such further investigation needs to be communicated openly to the individual in order that they may respond to it. If a decision is to be delayed for a short period it is important that you advise the individual why and for how long.
- 5.7** You should always adjourn a disciplinary interview before making a decision, thereby allowing sufficient time for a proper consideration of all the issues. There must, however, be no unnecessary delay before informing the individual of the outcome. You will need to answer two questions:
- Did the misconduct take place?
 - Is the disciplinary action you are considering reasonable?

On the issue of whether or not the misconduct took place, **you do not need to prove the case**. If you have completed a thorough investigation **you simply need to believe** the misconduct took place, and have reasonable grounds for doing so.

- 5.8** Your decision as to what disciplinary action to take should be based on those factors outlined in paragraph 3.5, and should be reasonable given all the circumstances of the case. As a first-line manager you have the following options:
- Dismiss the case and take no further action.
 - Dismiss the case formally and deal with the issue informally.

- Issue a formal warning.
- Refer the case to the second-line manager (see model letter 3).

As a second-line manager you have the following options.

- Dismiss the case and take no further action.
- Dismiss the case formally and deal with the issue informally.
- Refer the case back to the first-line manager for action.
- Issue a formal warning.
- Issue a final warning.
- Issue a final warning with additional disciplinary action.
- Dismiss with appropriate notice.
- Summarily dismiss.

It is important that the individual is aware of the possible outcome at the time the disciplinary charge is made (see mode; letter 1)

Additional disciplinary action

5.9 An individual will not normally be dismissed without having first received a final warning (however, see paragraph 5.5 of the Code for instances of gross misconduct). In some cases it may be necessary to take additional disciplinary action. The following options should not be applied arbitrarily, they should serve a specific purpose and fit with the need for consistency in the treatment of individuals. If you have any doubts about their appropriateness in a particular case, please seek advice.

5.9.1 Reduction in Pay

This would normally involve a reduction by an amount equivalent to the previous increment for a period up to 12 months. You should have taken advice on the appropriate size and duration of the reduction from your Personnel Manager. In the case of Counter Manager grades, the loss of one or more Job Value Payments may be appropriate. Loss of JVPs would normally be temporary – if it is to be on a permanent basis the individual's responsibilities will need to be adjusted accordingly, as JVPs are a reflection of job size.

5.9.2 Transfer

A disciplinary transfer is not a punishment, it should be used to protect the interests of POL, the individual or other employees. Individuals should only be transferred where the circumstances require it. You should ensure that the individual is **not unreasonably** penalised financially.

5.9.3 Downgrading

This option should be used when the circumstances or nature of the misconduct make it inappropriate to continue to employ the individual at their current grade. In some cases it may be used as an alternative to dismissal where it is not absolutely necessary to end the employment relationship. The downgrading will usually be to the next level, but in some cases a more severe reduction may be necessary.

5.9.4 Deferment of Increment

An increment may be deferred for a period of up to 12 months as a less severe financial penalty than an actual reduction in pay. Again, you should take advice from your Personnel Manager. Your decision must take account of any financial difficulties the individual may have.

5.9.5 Suspended Dismissal

In appropriate cases, dismissal may be suspended for a period of 1 year. In such circumstances the individual should understand clearly the nature of the offence and the required standard of conduct. Further serious misconduct should trigger a further investigation, charge and disciplinary interview before a final decision on dismissal is taken.

Please note that financial penalties should only be awarded after fully considering the impact on the individual and the need for consistency both across the business and between different grades. You should always take advice from the Personnel Manager before informing the individual of your decision.

Informing the Individual

5.10 Wherever practical you should inform the individual of your decision on a face-to-face basis. The individual should always be advised of the outcome in writing (see model letter 2 – Formal Warning and model letter 4 – Final Warning). It is important that you should also advise the individual:

- The precise nature of the misconduct.
- The nature of the disciplinary action and duration.
- The improvement required and timescales involved.
- The consequences of further misconduct.

6. Dismissal

6.1 The dismissal of an individual due to unacceptable conduct should be a last resort. Both informal and formal aspects of the conduct process have been designed with emphasis on promoting positive improvement and the development of high personal standards. Where individuals fail to respond positively to these informal/formal interventions there may be no option but to dismiss. Except in cases of summary dismissal (see below), an individual will receive their appropriate period of notice. You should seek advice from Personnel on how much notice an individual is due.

Model letter 5 is provided for use in these circumstances. If you require advice concerning a case which may result in dismissal, please seek advice from your Personnel Manager.

6.2 In some cases (see Table 2) the misconduct may be considered so serious as to make any further working relationship and trust impossible. Such conduct is regarded as gross misconduct and may result in summary dismissal. A summary dismissal decision should be arrived at only after following the formal disciplinary process. Summary dismissal takes effect immediately without the normal period of notice.

7. Suspension

The key reasons for suspending an individual are:

- Dishonesty.
- Violence.
- Intoxication.
- Being held in custody.
- Refusal to follow a reasonable instruction.

In the case of suspected dishonesty, POL cannot allow an individual to remain at work in a position of trust, and they may therefore be suspended – this will normally be carried out by a member of the regional Security and Investigation team. Individuals should not be suspended without having the opportunity to reflect on, and to provide an explanation for, their conduct. As a first-line manager, you have the authority to suspend where there is evidence of:

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

7.1 The purpose of suspension in these cases is specific – it is used to protect the interests of the business, the individual, other employees, agents or clients. You should consider transferring the individual to another work area if this would achieve the same result and is a practical option. **Where suspension is used it should only last for as long as is necessary to complete investigations and allow the individual to answer the charge at a formal disciplinary interview. You should ensure this is carried out as quickly as possible.**

7.2 Individuals must not have their pay deducted until a final decision is made, and should therefore receive pay for the period of their suspension. However, where an individual is suspended after making themselves incapable of work through violence, intoxication, being held in custody, or refusal to follow a reasonable instruction, their pay may be withheld. If, after further investigation, no formal disciplinary action is taken, withheld pay will be restored.

7.3 If you need to suspend an individual for any reason, you should always ensure that your Personnel Manager and line manager are informed. The Personnel Manager will write to the individual confirming the terms of the suspension.

8. Documentation

One of the most important requirements when managing conduct is to ensure a high standards of documentation. The case file needs to include all documentation relevant to the circumstances surrounding the misconduct, and your subsequent decision. The contents must be clearly listed at the front of the file. You will also need to complete a summary of the case and attach this to the front of the file. You should use the summary form which is shown in the annex to these guidelines.

9. Appeals

If an individual notifies you of their intention to appeal against your decision, you must refer the papers to the line manager, or to the National Appeals Authority's (via your Personnel Manager as appropriate – (see model letter 6). For advice on handling appeals you will need to refer to the separate Appeals Guidelines.

Annex 1. List of model letters

1. Invitation to a formal disciplinary interview
2. **Notification of a formal warning.**
3. **Notification of referral to a higher authority.**
4. **Notification of a final warning.**
5. **Notification of dismissal.**
6. **Notification of referral to appeals manager.**

1. Invitation to a formal disciplinary interview

PERSONAL – IN CONFIDENCE

To:

From:

Date:

FORMAL DISCIPLINARY INTERVIEW

Following my investigation I now charge you with allegedly

.....
..... (see paragraph 5.3 of Guidelines).

You will now need to attend a formal disciplinary interview with me at

.....
..... (date*, time and place).

You may be accompanied by a friend at this interview who must be an employee of the Post office and may be a representative of your union.

At this interview you will be given every opportunity to answer the charge detailed above and to let me know of anything you want me to consider before reaching a decision.

(For inclusion if appropriate: You should also be aware that if I find the charge(s) proven one of the options I may consider is your dismissal.)

*minimum of 2 days notice required.

2. Notification of a Formal Warning

PERSONAL – IN CONFIDENCE

To:

From:

Date:

FORMAL WARNING

Following your formal disciplinary interview with me on (date) I have now completed my investigations.

On the basis of the evidence I have decided to award you a formal warning which will remain on your record for a period of 12 months (or less if a shorter period is considered appropriate).

I have decided this because (give brief reasons for your decision).

You have the right to appeal against this decision – if you intend to do so you must let me know in writing within 5 working days.

Please acknowledge receipt of this letter by signing and dating the attached copy and returning it to me.

.....

Receipt Acknowledged

.....

Signed

Date:

3. Notification of Referral to a Higher Authority

PERSONAL – IN CONFIDENCE

To:

From:

Date:

FORMAL DISCIPLINARY INTERVIEW

Following my discussion with you and subsequent investigations, I have decided to refer the issue to (insert name of **your** line manager). This is necessary as further investigation may result in disciplinary action which is outside my authority. Please find a record of our discussion attached.

4. Notification of a Final Warning

PERSONAL – IN CONFIDENCE

To:

From:

Date:

FINAL WARNING

Following your formal disciplinary interview with me on (date) I have now completed my investigations.

On the basis of the evidence I have decided to award you a final warning which will remain on your record for a period of 2 years (5 years in cases of dishonesty).

(For inclusion is appropriate): Also, I have decided to take additional disciplinary action by See paragraph 5.9 of the Guidelines).

I have decided this because (give brief reasons for your decision).

You have the right to appeal against this decision – if you intend to do so you must let me know in writing within 5 working days.

Please acknowledge receipt of this letter by signing and dating the attached copy and returning it to me.

.....

.....

Receipt Acknowledged

Signed

Date:

5. Notification of Dismissal

PERSONAL – IN CONFIDENCE

To:

From:

Date:

DISMISSAL

Following your formal disciplinary interview with me on (date)

I have now completed my investigations.

On the basis of the evidence I have decided to dismiss you with/without notice (see paragraph 6.2 of the Guidelines). You last day of service will be (date).

I have decided this because (give brief reasons for your decision).

You are entitled to appeal against this decision – if you intend to do so you must let me know in writing within 5 working days.

Please acknowledge receipt of this letter by signing and dating the attached copy and returning it to me.

.....

.....

Receipt Acknowledged

Signed

Date:

6. Notification of Referral to Appeals Manager

PERSONAL – IN CONFIDENCE

To:

From:

Date:

I have received your letter advising me of your intention to appeal against my decision to (insert details of disciplinary action).

The details of this case have been passed to me (insert either name of **your** line manager or “an **Appeals Manager**”) in order that your appeal may be heard independently. You will be contacted shortly to make the necessary arrangements.

Annex 2. Case Summary

Appeal Against Formal Disciplinary Action

1. FULL NAME OF EMPLOYEE

POSTCODE

TELEPHONE (POSTLINE/STD)

5. BRIEF DETAILS OF CASE

Is this an appeal against a Formal Warning, a Final Warning with additional disciplinary action or Dismissal? Include details of investigation and whether this is linked to any other cases.

6. DETAILS AND DATE OF CHARGE

5. SPECIFIC DETAILS OF ACTION TAKEN/REASONS FOR DECISION

8. DATE OF DECISION

9. NAME AND CONTACT NO OF
MANAGER MAKING DECISION
(Including Postline/ STD No)

10. DATE OF SUBMISSION TO
PERSONNEL MANAGER/
HUMAN RESOURCES GROUP

**FOR COMPLETION BY PERSONNEL
MANAGER/HUMAN RESOURCES**

GROUP	
11. DATE SENT TO REGION	
12. APPEALS MANAGER	
13. DATE CASE COMPLETED (i.e. date of notification to appellant of outcome)	
14. OUTCOME	
IMPROVEMENT OPPORTUNITIES IDENTIFIED	
16. SUBSEQUENT ACTION TAKEN	

