

No. 479/2022

1st December 2022

TO: ALL BRANCHES WITH POSTAL MEMBERS

Dear Colleagues,

EXECUTIVE ACTION: ROYAL MAIL – SUSPENSION OF FACE TO FACE APPEALS

We have received an email from Royal Mail informing us of executive action being taken in relation to all appeals now being heard virtually.

Branches, Representatives and Members will be aware of the very lengthy battle we had in reinstating the ability to have a face to face appeal following the lockdown rules during the pandemic.

We have attached for your reference and information the correspondence received from Royal Mail along with our formal response.

You will note the reason given for the suspension of face to face appeals by Royal Mail is the continued period of industrial action being taken by the CWU and its members. Independent case managers are now apparently too busy delivering or driving vans in order to hear appeals in person. We do not believe this is their role.

Branches will note from our response, we believe virtual appeals to be discriminatory and detrimental to at least some of our members, especially those living with disabilities including poor mental health and/or who are covered by the Equality Act.

There is nothing in the email from Royal Mail which makes us think any circumstances have changed since we reached agreement on the joint statement on the 12th of August to reinstate face to face appeals and therefore believe they should continue.

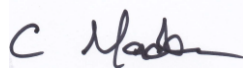
The other purpose of publishing our response is to assist any member who feels they are suffering a detriment as a result of a virtual appeal and who will be making an application for an employment tribunal via the early conciliation process and ACAS, may wish to use the letter as part of the process to show virtual appeals have not been agreed

Our advice to members and representatives is to continue making requests for face to face appeals in line with the joint statement of August the 12th and should any member feel they have suffered a detriment to enter the early conciliation process.

The joint statement is attached for ease of reference.

Any enquiries to this LTB please contact: The **PTCS Department** reference **420**, email address: snicholas@cwu.org

Yours sincerely,



Carl Maden
Assistant Secretary

From: Alistair Wood [mailto:alistair.wood@royalmail.com]

Sent: 25 November 2022 16:32

To: Carl Maden <cmaden@cwu.org>

Cc: Karen McKay <karen.mckay@royalmail.com>; Simon Cunniffe <simon.cunniffe@royalmail.com>;
Graham Long <graham.b.long@royalmail.com>; Stuart MacDonald
<stuart.macdonald2@royalmail.com>; Alistair Wood <alistair.wood@royalmail.com>

Subject: Face to face appeals

Dear Carl

I write further to our joint statement on face to face appeals dated 12th August 2022.

As a result of the continued industrial action by the CWU, it will be necessary for our managers to spend more time working in the Operation throughout December to ensure we meet our service commitments during this critical trading period. This includes the Independent Case Management team. Consequently, we do not have the capacity to offer the option of face to face appeals and until further notice, cases will be heard virtually in line with the approach taken during the Covid pandemic. We will review this decision on conclusion of industrial action.

Kind regards

Alistair

Alistair Wood

Director, Workforce Performance and Policy (HR)

Royal Mail

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Email: alistair.wood@royalmail.com





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Classified: RMG – Internal



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 Group: Communication Workers Union
 @CWUnews

From the office of **Carl Maden** Assistant Secretary
Email: cmaden@cwu.org | Mobile: 07725 937911

PTCS/CM/sn/420

29th November 2022

Alistair Wood
Director, Workplace Performance and Policy (HR)
185 Farringdon Road
London
EC1A 1AA

BY EMAIL

Dear Alistair,

FACE TO FACE APPEALS

Further to your email, sent to me at 16.32 on Friday 25th November 2022.

I would have expected you to pick up the phone and discuss this with me prior to sending the email, however, I guess you are just falling in line with how Royal Mail wish to conduct Industrial Relations.



Your email states "As a result of the continued Industrial Action by the CWU, it will be necessary for our managers to spend more time working in the Operation throughout December to ensure we meet our service commitments during this critical trading period. This includes the Independent Case Management Team. Consequently, we don't have the capacity to offer the option of face to face appeals and until further notice, cases will be heard virtually in line with the approach taken during the covid pandemic. We will review this decision on conclusion of Industrial Action."

It seems you are more interested in a punishment charter of executive action for our members, your employees, than being prepared to resolve the dispute.

There is nothing within your email above or the circumstances you describe, which changes the conditions of why we agreed the joint statement to restore face to face appeals in August 2022. The reason we went to virtual appeals was due to the fact people were in 'lockdown', they were unable to leave their homes without a risk to life, the same cannot be said now.

The reasoning behind your move is also confusing. Simon Thompson, joined by some of the Regional Operational Directors (ROD's) have been going on Workplace telling everyone the Industrial Action is not having an effect and the offices are clear, please let me know if you want me to send you the videos/photos. If this is true, why do Independent Case Managers (ICM's) need to be spending more time in the operation?

General Secretary: Dave Ward

 Facebook: Dave Ward CWU  @DaveWardGS

You get at least the legal notice of 14 days for any strike action, therefore, why do ICM's need to be spending more time working in the operation outside of strike days? Surely, if they are required to support the operation on strike days, although this is not their role, they can plan this when they are allocating their appeals?

This also leads to other questions, including: -

What are you going to do about our members, your employees, who live with a disability and are disadvantaged by a virtual appeal?

What are you going to do about our members who do not have the technology to do a virtual appeal? Will they be disadvantaged further and offered a conference call without the opportunity to be able to explain themselves properly or provide further evidence on the day?

What are you going to do about our members who cannot use the technology for a virtual appeal? Will they be disadvantaged further and offered a conference call without the opportunity to be able to explain themselves properly or provide further evidence on the day.

How are ICM's going to prepare properly for appeals if they are delivering mail?

How are ICM's going to conduct further investigation from an appeal if they are delivering mail?

If this decision was only made on Friday 25th November, why have appeals which were already arranged as face to face appeals, been changed to virtual?

What are you going to do about members who have already requested a face to face appeal, instead of a virtual appeal, which has been delayed and not heard yet?

All of the above were relevant during our negotiation to restore the face to face appeals after the COVID pandemic and they are still relevant today.

On many occasions, you have attempted to impress upon us the professionalism of the ICM's. This action will demean and devalue the professionalism you hold so highly.

In my opinion, virtual appeals are still discriminatory to some of our members, your employees. They will disadvantage people and do not give a fair hearing. Therefore, I can only come to the conclusion, the reason you are taking executive action is to punish our members, your employees for taking Industrial action.

At a time when Royal Mail are stating they have no money, you are paying senior managers on a much higher wage, to perform the duty of an Operational Postal Grade (OPG), whilst claiming you can't afford a pay rise for the OPG's, surely you see the irony in this?

If the operation is in such a state where the Independent Case Managers are required to such an extent there is a need for virtual appeals, I am proposing the following, for members who are able, comfortable and happy to have a virtual appeal, this is ok, they will continue. However, for anyone who wants a face to face appeal, I propose Royal Mail continue to pay them and hold their appeals when the ICM's are not working in the operation.

We will be advising our representatives and members to continue to pursue face to face appeals in line with the joint statement of the 12th August 2022.


We will provide and use this letter at any Employment Tribunal should it be required.

I am proposing you either restore the original face to face position of appeals or take up my proposal in this letter.

I will of course make myself available, should you wish to discuss this subject matter.

I look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read "C Maden", is placed on a light blue rectangular background.

Carl Maden
CWU Assistant Secretary

Joint statement between Royal Mail and CWU on the resolution of face-to-face appeals

These principles will apply to all dismissal appeals and Bullying and Harassment cases (where there are protected characteristics), involving independent case managers (ICMs). For the purposes of this document these will all be referred to as appeals.

During the COVID-19 pandemic, appeals were moved 'online' and have been completed virtually for two years. Recognising how forms of communication have changed as a result of the pandemic, Royal Mail proposed that appeals should continue on a virtual basis. CWU expressed concern that individuals may want an in person appeal and removing the ability for this to take place could impact significantly on them.

Royal Mail and the CWU agree an appeal can be an extremely difficult time for individuals and recognise they should have the opportunity for their appeal to be heard in a timely and fair way, which minimises the stress to those involved. We understand individuals may have different preferences for their appeal, some will prefer virtual and others in person.

Royal Mail and CWU have been discussing this and have jointly developed the following principles.

Principles

1. Individuals will be offered an appeal on a virtual and in person basis enabling them to make a choice. This will not preclude any person wishing to present their appeal in writing.
2. The ICM will be responsible for setting up the appeal. If individuals choose for their appeal to be heard in person, this will be arranged at the earliest opportunity. However, individuals should be aware that in person appeals are likely to be later than virtual appeals.
3. The location and time will be set by the ICM and usually in one of 25 locations spread around the country (see below). However, upon request from the individual, the location can be varied by the ICM where it makes more sense to do so. In making this decision, the ICM will consider:
 - the location of the individual and any exceptional circumstances
 - their case load and capacity
4. The aim will be to keep travel to a reasonable time for individuals attending an in person appeal; this will usually be up to one and a half hours each way.
5. If the appeal is completed virtually this will usually be through Microsoft Teams, unless the individual would prefer to complete the appeal via telephone or in writing.
6. Where an individual is living with a disability, as defined under the Equality Act, and as a result would be at a substantial disadvantage by having a virtual appeal, Royal Mail and CWU recognise that in most cases it would be a reasonable adjustment to arrange for an in person appeal at an appropriate location.

Interpretation and review

Any questions of interpretation or collective application of this approach should be raised to the signatories of this joint statement in the first instance.

This approach will be reviewed on a quarterly basis.

Signed on behalf of Royal Mail

Signed on behalf of CWU

Alistair Wood
Director of Workforce Performance and HR Policy

Carl Maden
CWU Assistant Secretary

Date.....

Date.....

Appeal Locations

- | | |
|--|--|
| Aberdeen | Liverpool |
| Bangor (Wales) | London (includes Mount Pleasant, Romford, Greenford) |
| Belfast (includes Donegall Quay and Mail Centre) | Manchester |
| Birmingham | Medway |
| Bristol | Newcastle |
| Cardiff | Norwich |
| Chelmsford | Nottingham |
| Edinburgh | Peterborough |
| Exeter | Plymouth |
| Gatwick | Southampton |
| Glasgow | Swansea |
| Inverness | Swindon |
| Leeds | |