

No. 011/24

9th January 2024

Dear Colleagues,

Lord Falconer Independent Review – The Collective Agreement Update and Next Steps

Further to 23LTB344 dated 20th December. We wish to provide an update regarding the extensive work that has taken place to deliver the terms of the 'Collective Agreement'. We are pleased to report that in the main, most of the developments have been relatively positive and these are outlined below.

Three dismissals referred back to Lord Falconer for a decision (Paragraph 5.1 Collective Agreement)

Lord Falconer on 23rd December announced his conclusions on the three dismissals agreed to be referred back to him for a decision. In two of these cases the dismissals were overturned. The third case will be subject to further consideration by Lord Falconer following witness interviews. The two Reps who had their dismissals overturned were notified of their positive outcomes on the same day and subsequently have decided to return to work rather than take the enhanced package.

Our thanks go to Divisional Representatives Ralph Ferrett and Ian Taylor and Regional Secretary Kevin Beazer who assisted in providing detailed supporting submissions for these three cases.

Eight Cases Disputed by RMG as Being in Scope (Paragraph 5.3 iv of the Collective Agreement)

The decision on the eight cases (all dismissals) disputed by RMG as being in scope was received from Lord Falconer on 5th December 2023 and of the eight, he ruled:

- **One case** was deemed to be in scope and therefore covered by the Collective Agreement. This person subsequently opted to take the enhanced package to leave RMG.
- **Three cases** were upheld by Lord Falconer as being out of scope and these are now subject to a final internal appeal in line with Paragraph 5.3 (vi). PE members Luke Elgar, Steve Halliwell and Bobby Weatherall, will be representing these members.

Branches and Representatives should note that crucially the managers hearing these appeals are not the normal Appeals Managers as the Collective Agreement stipulated:-

“Exceptionally, RMG will ensure any such cases are dealt with independently of the normal managerial line and the panel of Appeals Managers”.

- **Of the remaining four cases** (all members not Reps), Lord Falconer felt he was unable to make a determination at this stage and therefore has afforded both CWU and RMG the opportunity to make further submissions as to why the cases should be deemed to be in or out of scope. Accordingly, we have made our submissions in this regard.

Once again support was provided from Divisional Representatives Ralph Ferrett, Paul Kennedy and Ian Taylor and Regional Secretary Kevin Beazer who completed an additional critique of the cases. These were narrowed down to arguments as to why they should be in scope (meaning dispute related) and were not aimed at addressing whether dismissal was a fair penalty.

Dismissals (Paragraph 5.1 of the Collective Agreement)

We previously reported that 35 members/Reps had decided to return accepting the position of reinstatement (the actual number is now 36 and will extend to 38 with the two new cases referred to above). Beyond this, a further 82 people that were dismissed opted for the enhanced financial package to leave RMG employment.

All back pay was received by 22nd December 2023 with a payslip provided to both leavers and returners. This included the enhanced settlement payment for those who have decided to leave RMG employment. The payslips provided a detailed breakdown of all payments due and this enabled individuals to check for accuracy. Since then we have been working through a number of payroll enquiries with RMG relating to the arrears and, where appropriate, discrepancies are being rectified.

COT3 Settlement Forms

Following many detailed exchanges of correspondence and various meetings between our respective legal representatives with the involvement and input of ACAS, collective COT3 settlement forms were agreed in the first instance for those who opted for reinstatement and those leaving the business with the enhanced settlement. Further work took place to agree the terms of the COT3 for those who received a penalty of less than dismissal and this was finalised on Friday 22nd December.

Refresher Session (Paragraph 8 of the Collective Agreement)

Following dialogue with RMG, we agreed there was no need for the joint session/broadcast, to *“refresh the understanding of what is expected on the Royal Mail Conduct Code and Business Standards”*. As an alternative, it was agreed to have a low-key reintegration back into the workplace via an informal welcome back meeting conducted by the local manager and Rep.

ACAS Session (Paragraph 8 of the Collective Agreement)

Negotiations continue regarding the ACAS session to assist in identifying and discussing the lessons learned from the Independent Review and the dispute. Now we have made significant

progress in most other areas of the Lord Falconer Independent Review and the Collective Agreement, this particular component of the Agreement will be a primary focus.

Conclusion

An immense amount of work has been undertaken to ensure the terms of the Collective Agreement were jointly implemented. The vast majority of our Reps and members who were wrongly targeted by RMG during the 2022/23 national disputes have now been reinstated or received the enhanced settlement. Additionally, all warnings for those who received penalties less than dismissal have now become time expired.

Whilst there is still work to be completed, some major milestones have been reached. We will obviously continue to provide support and representation to those who have cases still to reach a conclusion.

Lastly, we would like to thank everyone who has contributed to the success of the Independent Review and the delivery of the Collective Agreement. Our unified efforts have undoubtedly ensured justice has been delivered for those who RMG wrongly targeted through their aggressive use of an unagreed conduct procedure during the national disputes of 2022/23.

Further developments will be reported.

Yours sincerely



Dave Ward
General Secretary



Martin Walsh
Deputy General Secretary (Postal)



Andy Furey
Assistant Secretary