



Date:

To: [insert name of 2nd line manager]

Re: [insert member's name] - Invitation to Appeal Hearing

Further to my previous letters to [insert name of 1st line manager] objecting to the use of the Conduct Code, I understand that you have written to [insert name] on [date] inviting [him/her/them] to an Appeal hearing regarding the penalty of [insert penalty] that was awarded following a charge of [insert charge, including amount of loss and the date it occurred].

As you will be aware, the correct procedure to deal with such losses is the Losses and Gains Procedure, which is not only agreed with the CWU; it is also contractual, being part of the Crown Office Staffing Agreement (COSA). Please find enclosed a copy of the agreed Losses & Gains Procedure for your reference.

May I draw your attention in particular to the following:

- The Conduct Code is clear that it applies to matters of conduct, and not capability. It specifies the use of the Losses and Gains Procedure instead.
- The Losses & Gains Procedure states *"Any colleague whose balancing record falls below the standard will need to be dealt with under the 'escalation process'"* it then goes on to clarify what is considered to be below standard in the Escalation Process (i.e. 3 losses of £30 or more in a 13 week period).
- It further states *"To ensure there is a consistent approach across the whole Crown Office estate, all offices will comply with the actions matrix, without exception. In that way Managers ensure all offices are delivering a consistent approach to loss management within their respective offices"*.

I must make it clear that on behalf of our member I fundamentally object to the inappropriate use of the Conduct Code instead of the agreed Losses & Gains Procedure and would therefore urge you to rescind the penalty that was awarded. The case for rescinding the penalty is clear given the fact that Martin Rouse, former Regional Manager, committed at a recent meeting with the Union to ensuring that all managers use the collectively agreed Losses and Gains Procedure as **"their first port of call"**. I would be grateful if you could confirm as a matter of urgency that you will do so, and instead of using the Conduct Code, that the Losses & Gains Procedure will be used.

If, despite this letter, you continue to rely on the Conduct Code rather than the Losses & Gain procedure please note I will encourage our member to lodge a formal Grievance resulting from the inappropriate use of the Conduct Code. I will naturally make it clear via the Grievance that you were acting outside of the agreed procedures. I will also be reporting this breach of the Losses & Gains Procedure to our Headquarters who have already been in discussions with senior Post Office management regarding our concerns in this matter. Furthermore I will be encouraging our member to lodge a formal grievance against the inappropriate use of the Conduct Code.

In view of the above, I look forward to your confirmation that the discipline penalty has been expunged, meaning there is no need for the Appeal hearing to be held.

Yours sincerely

[Name]

[Position]

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