



# **NFSP Branch Secretaries' Guide**

The National Federation of SubPostmasters

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# Foreword

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**GRO**

By accepting the role of Branch Secretary, you have undertaken one of the most valuable roles in our organisation.

Members will seek your advice and guidance on a multiplicity of topics. To the majority of our members, you will be the face and voice of the Federation.

While the following notes will provide guidance on being a Branch Secretary, your individual input is what will make your branch great.

At times the role will be challenging, so thank you in anticipation of the future time, work, and dedication you are prepared to give to our Federation.

I hope you find being a Branch Secretary as rewarding as I did.

All the very best and once again, thank you.

**GRO**

Kym Ledger  
Chair, NFSP Publicity & Development Committee

# 1 Introduction

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**If you are reading this guide, it is because you have been elected to the post of Branch Secretary or you are seriously thinking about allowing your name to go forward for the post, and you are a full member of the NFSP.**

The NFSP says thank you because in accepting the post of Branch Secretary, you are agreeing to give some of your free time and energy to ensuring that the interests of subpostmasters across the country are not only protected, but also promoted.

You will find the position rewarding. It will be interesting, social and it will keep you involved in what is happening, both in the NFSP and the Post Office. You will also find it demanding and at times, extremely frustrating.

This Guide is not strictly an instruction manual, because a lot of what you will do and how you do it, will be down to you as a person, but it will lay out the areas of responsibility of a Branch Secretary; offer best advice; best practice; and show clearly how the post and its responsibilities fit into the overall structure of the NFSP. For detailed matters, there are usually specific, instructional documents available or alternatively, advice can be sought from your Executive Officers, Regional Secretary or NFSP Headquarters.

## 2 Where do you fit in?

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The NFSP is a national organisation that has developed a regional and branch structure to allow it to represent the interests of subpostmasters most effectively with the Post Office, government and the public. Currently, there are 10 regions sub divided into more than 50 branches.

Each region has a Regional Council based on **one** representative per 50 regional members or part thereof. The Branch Secretary is usually one of these representatives. Each region has a Regional Secretary, who is your first point of contact for help and advice. If your Regional Secretary is unable to help, they will pass you on to your Executive Officer.

Each region is entitled to elect one Executive Officer, for each 800 full members or part thereof in each region, who collectively make up the Executive Council. The Executive Council develops and manages policy on a national level, as well as dealing with the Post Office on national issues.

## 3 Organisation of the branch

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Once the region has established the branch as a fundamental part of its structure, it is important that the branch itself is well organised.

As Branch Secretary, you are responsible for the management of the branch as well as being the main point of contact for dealing with members' problems, queries and questions.

However, you should avoid trying to do everything yourself. It is just not possible. Therefore, the Branch Secretary should firstly involve other members of the Branch Committee in the running of the branch. Who these people are and the roles they can perform will be covered shortly. However, the basis of any sound branch organisation are the Rules by which it operates.

### Branch Rules

Branches can basically formulate any Rules they wish to meet their own circumstances, provided they do not conflict with Regional or National Rules and have been approved by the Regional Council.

However, to assist branches, a model set of Rules has been compiled and is appended to this Guide (**Appendix 1**). Every member of your branch should have a copy of your Branch Rules and your Regional Council should also be supplied with a copy.

### Suggested branch officers

The following are suggested as posts within your committee which will be made up from full, honorary or associate members of your branch. If you can fill them all, it would be ideal, but they are presented in an approximate order of importance:-

#### President (Chair)

To be elected annually, biennially or triennially (dependent upon the Rules of your branch) at the Annual General Meeting. First responsibility is to chair meetings of the branch. The President may exercise a casting vote in the event of an equal number voting for and against on any issue.



It is also advisable to find somebody who is prepared to act as **Vice President (Vice Chair)** who should be elected on the same basis as the President and can support the President by drawing their attention to anyone wanting to speak in any debate. The Vice President should take over the Chair in the event that the President is absent through illness, etc, and should be learning the job of President during the period of office.

### **Membership Secretary**

Membership is the lifeblood of our Federation. It is vital if a branch is to stay healthy, that regular contact is maintained with existing members, and also that somebody from the branch makes early contact with new subpostmasters and ongoing contact with non-members. There is really no substitute for a personal visit to a new subpostmaster and indeed an occasional visit to members who do not attend branch meetings. Membership Secretaries can request details of all members and non-members in their branch at any time from NFSP Headquarters.

In branches covering a large geographical area, it is sensible, if possible, to have more than one person fulfilling this role.

### **Assistant Secretary/Secretaries**

Assistant Secretary/Secretaries can also be elected dependent on the size of the branch. It makes sense to have support to share the workload and take over in an emergency, although all matters should be reported back to the Branch Secretary.

### **Minutes Secretary**

Accurate minutes of all branch meetings are essential. This officer is elected at the Annual General Meeting. The appointment allows the Branch Secretary freedom to deal with problems raised during a meeting. The more members are involved in branch activities, the more interest is maintained. This post can often be combined with another role.

### **Benevolent Fund Officer**

It is an important role of the Benevolent Fund to help those who find themselves in difficult circumstances. Ideally, it requires an individual whose dedicated responsibility is to carry out the role within the branch, deal with cases and bring the Fund to the attention of the membership. Details of the Benevolent Fund can be found in Section 7 of this Guide. Further information on the role of Branch Benevolent Fund Officer can be found in **Appendix 6** to this guide.

### **Social Secretary**

The NFSP has tried to be more than just a representative organisation, and it is not surprising that some of the strongest and healthiest branches also have a full social programme.

### **Delegates to Annual Conference**

In accordance with NFSP Rules, the delegation is one member per every 40 members or part thereof of the region, i.e. 803 members would entitle the region to 21 members in the delegation. These delegates will normally come from those holding Committee appointments in the region and its branches, but not necessarily so. All delegations should endeavour to include the Branch Secretary.

### **Branch Committee**

Having established that the branch is well organised and as many positions as possible are filled, the next item to turn your attention to is the Committee.

A strong and active Committee is necessary for the branch to really be alive. All the Officers elected at the Annual General Meeting should be members of the Committee automatically, and additional members should be elected at the Annual General Meeting to represent the membership.

Having appointed a Committee, it is then important to establish a regular meeting habit. Try and meet once a month, try to fix the day, i.e. the second Monday of every month, and then make sure that the meeting is held whatever happens. If a room is available free of charge, that is ideal. If not, what about meeting in each other's homes? The Committee meeting should be chaired by the President and the names of those attending recorded.

Branch Secretaries' Circulars should be distributed to each member of the Committee. These are available to download from the 'News to Branches' page within the members-only section of the NFSP website or alternatively hard copies are available on request from NFSP Headquarters. This will ensure that committee members are informed about the latest national issues.

The Committee should discuss matters raised at all levels, matters referred to by the Branch Secretary, and those encountered by the Committee members themselves. Any problems that come to light that cannot be dealt with by the Branch Secretary should be referred to the Regional Secretary or Executive Officer.

### **Branch meetings**

Branches are required to hold a minimum of two meetings a year, ideally in addition to the Annual General Meeting. The interest of the members will only be sustained if they are kept informed. Regular meetings of the branch are a vital part of that process. Perhaps also consider circulating a regular newsletter. Ideally, every meeting should have a focal point which will attract the interest of the members and encourage them to attend. A sensible schedule of meetings will also align itself with high points in the NFSP's year:

- A meeting early in the year to consider both any motions they wish to put forward to the region for consideration as motions to Conference and branch members to be considered for appointment as Conference delegates.
- Some branches also find that this is a convenient meeting to double as the Annual General Meeting. If that is the case with your branch, make sure that the correct period of notice is given to members as is set out in your Branch Rules. The agenda for the Annual General Meeting should include the Election of Officers and Committee for the year together with known nominations.

- After Conference has taken place, a meeting can be arranged so that the branch delegates to Conference can report back to branch members.

Branches should invite guests to meetings each year. These could include Executive Officers, outside speakers or a representative from Post Office Ltd.

The National President, General Secretary and Assistant General Secretary may be invited to address a **Joint Meeting** of branches or attend a rally organised by two or more branches.

### **General notes on meetings**

- It is important that the branch members have the chance to put forward their point of view and ask questions.
- All members need to be notified of meetings, including your associate and honorary members.
- Give the correct amount of notice for a meeting in line with your Branch Rules.
- If your branch covers a wide area, remember some people will have a good distance to travel; try to provide coffee and other refreshments.
- Try to choose a venue which is as bright and attractive as possible so that members will wish to return.
- If your branch is geographically large, consider using different venues.
- Headquarters can, if required by Branch Secretaries, organise the printing and distribution of Notices of Meetings, Minutes of Meetings, Reports and Circular Letters. See **Appendix 7** of this Guide for further details.
- Do not forget that all meetings must be minuted. Those minutes, after having been agreed with any amendments made, should then be signed by the President.
- Every meeting of the branch should have an agenda which should be incorporated in the notice of the meeting.

## 4 Responsibilities of the Branch Secretary

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### The running of the branch

The Branch Secretary is the first channel of communication between members and the NFSP; and members and Post Office Ltd (POL).

#### Local security problems

NBSC should be asked to notify the Branch Secretary of any robbery or burglary at any of the offices within the branch. Branch Secretaries should immediately contact the subpostmaster to find out if NFSP assistance is required.

### Branch Secretaries representing members

Part of a Branch Secretary's work is dealing with members' individual problems. Tact, patience, firmness and fairness are necessary when intervening in disputes between a member and POL.

The following are some examples of particular items where a member may seek the assistance of the Branch Secretary:-

- Dismissal
- Contributions to losses, either after a robbery at his office or losses through negligence at the counter, i.e. frauds etc.
- Concessionary closing (e.g. family bereavement, serious illness)
- Public complaints against an individual office
- Mailwork items (to be forwarded to the regional representative on the Mailwork Advisory Group)
- Security
- Attending disciplinary hearings with members

**N.B.** If you are unable for whatever reason to deal with any issue, you must seek help and support from your Regional Secretary, Regional RTU Officer or Executive Officer.



**Attendance at disciplinary hearings with a member**

It has to be remembered that the Branch Secretary attends as a “friend” and that the Branch Secretary is only there as a witness and may not contribute to the proceedings unless specifically invited to do so. However, your input is usually required to represent the member’s case. It is advisable to keep notes for reference should the case proceed further; also to hand to National Officials should the case go to appeal. Listen carefully to both sides and make precise notes. Make sure that you meet with the member prior to the hearing to give some guidance. Usually POL representatives abide by the regulations, but your presence should ensure that this is so. At the termination of the interview, the subpostmaster concerned should be advised that a copy of the statement or record of the interview should be asked for. You are advised, as a Branch Secretary, that a copy of this statement, together with your report, should be stored safely. A brief report of the case must be given to the Executive Officer.

**Prepare your case well in advance. Do not be afraid to take notes into any meeting; facts can easily be forgotten.**

- Collate all the facts
- Make sure that the facts you have are correct. Inform the member that it will not help his case to have matters brought out at the meeting that you are not aware of
- Try to obtain the facts from POL’s side as well, in advance
- Obtain all correspondence that may have been written on the subject
- Avoid assumptions
- Emphasise strong points; ignore any weaknesses
- Prepare to defend the member
- Avoid a dogmatic approach
- Be firm but never close the door on compromise
- Remember that anybody can call a break at any point during the proceedings

**NOTE:** The Post Office representative will probably be preparing his case with similar thoroughness along the above lines.

## 5 The NFSP year

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The NFSP operates on a calendar year, i.e. 1 January to 31 December, both democratically and financially, within which, dates and high points are clearly defined. Each branch needs to organise its own year so that it can play its part in the democratic process of the NFSP.

### **The democratic year**

The routine in a normal year revolves around the publication of the Annual Review, and Annual Conference. To ensure they play a full part in the democratic process, branches need to arrange the timetable for their meetings to coincide with the National process. Additionally, every third year, there are elections for the Executive Council, and every five years, an election is held for the post of General Secretary.

### **Annual Review**

The Annual Review gives both a resume of the NFSP's initiatives over the previous calendar year, and crucially how policy might be taken forward in the coming year. It is distributed with the February edition of *The Subpostmaster*.

This is then supplemented by a verbal report at Annual Conference.

### **Annual Conference**

The Annual Conference is effectively the Annual General Meeting of the NFSP. Each region has the right to be represented. The strength of any region's representation – one delegate per 40 members or part thereof – is directly related to its membership levels. Financial assistance is also available to each Conference delegate attending to cover the cost of attendance.

The purpose of Annual Conference is to discuss the Annual Review and debate Strategic Motions on future direction from regions, making the Conference the ultimate policy making body of the NFSP. The format of Annual Conference is not rigid but is reviewed on an ongoing basis to ensure it is relevant and modern.

Additionally, Conference elects the National President, Vice President and Members' Editor for the coming year. You will have received in October or November nomination forms for the post of Members' Editor who is elected at Conference by Card Vote from nominations received by the General Secretary not less than eight weeks before the Annual Conference.

## **Debate and discussion at Annual Conference**

Annual Conference provides delegates with the opportunity to question, debate and to set NFSP policy.

This is achieved by discussing the contents of the Annual Review, by debating Strategic Motions, and by providing the opportunity for open discussion and debate on day to day issues that concern members.

Any branch is able to put forward written questions on the Annual Review to its region. These will be answered at Conference. Queries on the verbal presentation are allowed on the day at the National President's discretion.

"A Reference Back to a motion previously passed" is allowed in the event that it is believed that there has not been due reporting on the progress of a previous year's motion.

A Strategic Motion to Conference is intended to set or amend NFSP policy for the future.

For either a Reference Back or a Motion to be accepted on to the Conference Agenda, it needs to be in writing and with the General Secretary by the notified date which is normally the last Saturday in February. Prior to this, all Strategic Motions and References Back from branches should be submitted to the appropriate Regional Council for consideration. Only proposals with Regional Council support can go forward to Conference.

Less formal Open Debates, generally headlined under one topic, may be scheduled to allow delegates to air matters of general concern and to impart useful information to both the Conference and to Post Office Ltd (POL) observers. These debates are no less important than Strategic Motions, but do encourage more delegates to contribute to the debate who may not otherwise do so. All of the issues raised during an Open Debate are addressed with POL by the Executive Council.

Guest speakers are featured as appropriate and may give a different perspective to inform debate and discussion.

## 6 Help from NFSP Headquarters

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NFSP Headquarters at Shoreham is open Monday to Friday 9.00am to 5.00pm and there is an on-call facility between 9.00am and 12.30pm each Saturday. You can contact Headquarters on  or at admin@.

The main function of Headquarters is as an administrative centre for the NFSP. Headquarters also provides support and advice.

Headquarters has limited resources, so remember to first contact your Regional Secretary / Executive Officer.

Many issues can be more easily resolved, both in terms of time and effort, at a local level where people know each other, rather than involving a national dimension as would be the case if Headquarters became involved.

If however, you are unable to contact your Regional Secretary / Executive Officer, then you should not hesitate to call Headquarters to get the advice or information you seek.

### NFSP Headquarters services available to branches

A list of services that can be provided by Headquarters for a small fee is listed in **Appendix 7**. All services should be requested in writing and with a minimum of 48 hours notice from when they are required.



## 7 Useful information

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This section is intended to provide useful background information on subjects regularly enquired about by members.

### **Membership benefits**

Membership benefits are what potential new members always ask about, but it is advisable to regularly remind existing members of what they get for their money, and in doing so, you need to be sure to cover the three main areas of NFSP activity.

#### **Representation**

The NFSP is the only organisation recognised by the Post Office to represent the interests of subpostmasters. Representation covers pay; the contract; methods of working; and disciplinary matters.

#### **The promotion of subpostmasters and their role**

This is an area that is often forgotten or simply not recognised as a benefit. It is, however, very important to the future of every subpostmaster. The NFSP regularly presents the case for subpostmasters and sub post offices to government; parliamentary select committees; and political parties generally, as well as other organisations throughout the United Kingdom.

The success of this type of approach is not always obvious but a point to emphasise is that the NFSP is politically neutral and is prepared to talk to all responsible parties without prejudice.

#### **Support for subpostmasters and their families**

It is this section that most potential members see as answering the question about what they get for their money but even here, the support the NFSP can offer subpostmasters is greater than the list of products and services at the end of this section.

The support is about being there to discuss problems and listen to complaints. A branch meeting is an ideal forum for fellow subpostmasters to meet and talk.

The social life of your branch should also be highlighted especially to new subpostmasters as they can quite often be new to the area and not only will they be struggling with a new business but could also be looking to create a new social life.

As to the more obvious support package, the nature of what is available is liable to change, but the following represent some of the most attractive benefits of membership:

- Recommended new products to try, plus exclusive deals for members with NFSP business partners. See the NFSP website for current full details on these.
- Preferential deals on insurance and pensions.
- A dedicated HR helpline to assist with employment issues.
- A relief scheme, to give subpostmasters the chance to take a well earned holiday.
- Free personal injury insurance for subpostmasters and their staff in the event of an attack.
- Free public liability insurance for satellite and qualifying community offices.
- Free tax and VAT investigation insurance for business and/or personal tax affairs.
- Benevolent Fund to help current and former subpostmasters and their families in times of difficulty.
- A regular magazine, *The Subpostmaster*, to keep you up to date on the latest industry news and business opportunities.
- A website with a dedicated members-only section to share the latest news from the NFSP. Visit [www.nfsp.org.uk](http://www.nfsp.org.uk)
- A web forum for subpostmasters to share ideas and information with colleagues. Visit [www.forum.nfsp.org.uk](http://www.forum.nfsp.org.uk)

Individual subpostmasters requiring guidance on tax and finance issues should be referred to their personal tax advisors. Individual subpostmasters requiring guidance in relation to tax matters specific to subpostmasters may be referred to NFSP Headquarters.

## **Benevolent Fund**

At its Annual General Meeting, every branch is required to appoint a member to act as a Benevolent Fund Officer for the branch. This does not have to be the Branch Secretary, but rather should be an individual with dedicated responsibility for the Benevolent Fund, who may in addition carry out other duties. The Benevolent Fund Officer should be conversant with the objects of the Fund, which can be viewed on the NFSP website. NFSP Headquarters should then be notified of that person's name, address and telephone number. Further information on the role of Branch Benevolent Fund Officer can be found in **Appendix 6** to this guide.

## 8 Most regular questions

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This section differs from Section 7 in that it deals with specific questions and provides the information to answer them. However, if you have any doubts about the advice you are giving, check with your Executive Officer, Regional Secretary or NFSP Headquarters.

### Pay

Pay is a very complex topic, which is amended throughout the course of the year through the introduction of new products. If you receive a detailed question on pay, pass it on to your Executive Officer in writing.

### Holiday substitution

The first thing to note is that subpostmasters are not entitled to annual leave as such, but they can claim some reimbursement for the cost of a substitute when taking a holiday. Full details can be found in Section 4 of the Subpostmasters' Contract.

The main points, however, are:-

- The allowance is spread over a two year period. The subpostmaster must give 18 hours personal service each week to qualify. The period begins on April 1 every odd year. To request how many days you have left available, contact Post Office Ltd (POL) HR Service Centre:

HRSC Farnworth,  
HR Services,  
Stone Hill Road,  
Farnworth,  
BOLTON, BL4 9XX

Tel: GRO

- For a subpostmaster with less than 10 years service, there is an allowance of seven weeks.
- For a subpostmaster with more than 10 years service, there is an allowance of eight weeks.

A claim for substitution for any period must be made in advance of the absence.

- Only one allowance is available, regardless of the number of appointments the subpostmaster holds.
- The subpostmaster must be absent from his private business and all of his Post Office appointments.
- The subpostmaster must have incurred additional expenditure in respect of a paid substitute.
- Payments will not be made with respect to family members who regularly work in the sub post office.
- To claim for holiday substitution, the subpostmaster should fill in form P2593 prior to taking their holiday and send this back to HRSC; after holiday, the subpostmaster should complete both forms P2340 and P2340(A) and return them to HRSC. The substitute would need to sign form P2340(A). All these forms can be obtained from HRSC.

### **Sickness substitution**

A subpostmaster is not required to give personal service and is therefore not entitled to sick leave as such. However, under certain circumstances, they can make a claim in respect of the costs of substitution incurred when they are absent from their sub post office through illness. Full details of the scheme can be found in Section 7 of the Subpostmasters' Contract, the main points of which are as follows:—

- Payment is limited to 13 weeks in any consecutive period of 12 months.  
POL may authorise an extension of up to a maximum of 26 weeks in any consecutive period of 12 months.
- A subpostmaster becomes eligible for the allowance after a period of three consecutive weeks' sick absence. The allowance can then be applied retrospectively for all but the first week.
- To be eligible, a subpostmaster must normally provide a minimum of 18 hours personal service a week and be 70 years of age or under.
- Payments will only be made in relation to one appointment regardless of how many are held.
- Claims should be made via the POL HR Service Centre:

HRSC Farnworth,  
HR Services,  
Stone Hill Road,  
Farnworth,  
BOLTON, BL4 9XX

Tel: **GRO**



## **Opening hours**

The standard core hours of opening are:-

Monday to Friday      09:00 - 17:30

Saturday                09:00 - 12:30

Any change from these hours, such as lunch hours and an extra half day, is a concession agreed between the subpostmaster and their Contract Manager.

## **Resignation on total closure**

A subpostmaster who wishes to resign his appointment must give three calendar months' notice in writing. If he does not give such notice, POL may require him to pay any expense which it incurs in providing temporary arrangements to cater for the business which would normally be expected to be transacted at the sub post office during any part of the three month notice period.

It should be noted that there is no specific age limit for the retirement of a subpostmaster. Unless indicated otherwise by the Contract Manager, a vacancy will be advertised at the existing sub post office premises.

## **Resignation on sale or transfer**

Any subpostmaster contemplating resignation from his office on sale or transfer is entitled to, and strongly advised, to seek a pre-resignation interview from his BDM. He will then be informed of their future plans for the office should he resign. The plan will be confirmed in writing.

Depending on the outcome of the pre-resignation interview you may wish to pass further queries onto your Executive Officer.

# Appendix 1

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## Model set of rules for branches

(NOTE - These Rules may be altered to suit the requirements of any particular branch, provided that, as altered, they do not conflict with or infringe the Rules of the NFSP. Branch Rules or amendments to Branch Rules must be submitted to the Regional Council within 14 days of adoption.

**1) Title**

This branch shall be called "The \_\_\_\_\_ Branch of the National Federation of SubPostmasters".

**2) Status**

This branch shall be affiliated to the National Federation of SubPostmasters (thereinafter called "The NFSP") and shall be subject to the Rules of the Federation.

**3) Objects**

The objects of this Branch shall be (a) similar in all respects to those of the NFSP within the area of this Branch and (b) generally to promote and defend the interests of sub-postmasters and to cooperate with other organisations having similar objects and interests.

**4) Membership**

Refer to National NFSP Rules for eligibility criteria for membership.

**5) Officers and Committee**

- a) The Officers should ideally consist of a Secretary, President, Vice-President, Membership Secretary, Assistant Secretary/Secretaries, Minutes Secretary, Benevolent Fund Officer, Social Secretary and a Committee of members all of whom shall be elected at the Annual General Meeting and shall take office immediately on their election. They shall all retire at the next following Annual Meeting but shall be eligible for re-election. The Officers shall be ex-officio members of the Committee for the current year.
- b) If any of the above mentioned offices or a seat on the Committee shall fall vacant from whatsoever cause between Annual General Meetings the vacancy may be filled (until the next Annual General Meeting) at any Special General or Ordinary Branch Meeting providing 14 days' notice of the vacancy shall first have been given to every branch member.

- c) The Branch Committee, Secretary and/or President may be removed from office at a meeting of the branch called for that purpose and such meeting may fill the vacancy or vacancies.
- d) Where a vacancy for a Secretary has not been filled, the branch may appoint an Area Co-ordinator. He shall arrange branch meetings in liaison with the Regional Secretary.

**6) Annual General Meeting**

The Annual General Meeting shall be held in the month of \_\_\_\_\_ or \_\_\_\_\_ in each year.

**7) Special General Meeting**

A Special General Meeting of the branch shall be called within seven days upon the requisition of any seven members by stating their object and giving notice in writing to the Secretary, or at any time on the authority of the President and the Secretary/Area Co-ordinator.

**8) Ordinary Branch Meetings**

These shall be held at least twice a year.

**9) Notice of Branch Meetings**

Conduct of Branch Meetings and Voting.

- a) The Secretary/Area Co-ordinator shall give the following written notice of meetings to all members
  - i) Annual General Meetings: 14 days.
  - ii) Special General Meeting and Ordinary Branch meetings: seven days.
- b) The President or Vice-President shall normally preside at all such meetings and \_\_\_\_\_ shall form a quorum (five to form a quorum). Voting shall be by show of hands and the Chairman shall have a casting vote.

**10) Committee Meetings**

The Branch Committee shall meet at such times and places as may be deemed advisable by the President and the Secretary, \_\_\_\_\_ shall form a quorum (three to form a quorum).

**11) The Secretary/Area Co-ordinator**

He shall keep records of membership and the minutes of all the proceedings of the branch. The records of membership and the Minute Books shall be open to the inspection of any member at any branch meeting or on reasonable notice at any other time. The Secretary/Area Co-ordinator shall present the report at the Annual General Meeting.

**12) Miscellaneous**

A copy of the Rules of the branch should be kept by the Secretary/Area Co-ordinator and open to inspection by members.

**13) Alteration of Rules**

- a) Rule 2 shall not be altered or rescinded.
- b) No other rule shall be altered or rescinded and no new rule shall be adopted except by a two-thirds majority vote of those present and voting at an Annual General Meeting or at a Special General Meeting convened for that purpose. Not less than 21 days' notice of any proposed alteration, rescindment or new rule must be given to the Secretary/Area Co-ordinator who shall lay it before the Committee and give seven days notice with full particulars to all members.

**14) Dissolution**

The branch may be dissolved at any time by a two-thirds majority vote of branch members present and voting passed at any Annual or Special General Meeting provided that at least 14 days' previous notice of such resolution shall be given to each branch member and provided further that the approval of the Regional Council shall first have been obtained. On such dissolution, any assets held by the branch shall be transferred to the Region.

## Appendix 2

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### Expenses – How to Claim

Type of expense	From whom claimed	Chargeable to Union Facilities Fund
<b>Branch</b>		
Postage	Region	No
Photocopying and Printing	Region	No
Stationery, Sundries, etc.	Region	No
<b>Substitution</b>		
Meetings with POL on collective representation	Region	Yes
All other occasions	Region	No
Meeting Regional Council	Region	No
Annual or Special Conference	Region	No
Travel – All Occasions	Region	No
<b>Standard Off the Counter payments set by region</b>	Region	No



# Appendix 3

## Model Branch/Region Expenses Claim Form

National Federation of SubPostmasters \_\_\_\_\_ Expenses Claim

EXPENSES incurred by \_\_\_\_\_

In attending a \_\_\_\_\_

Travel	from	to	£	p	£	p
Mileage _____ miles @ ____ per mile						
Receipted standard class rail fare						
Number						
Days Substitution	_____ @					
Half days Substitution	_____ @					
Subsistence	_____ @					
<b>Sub total</b>						
<b>Other Claims:</b> Eg: Telephone, taxis, postage, meeting rooms etc - to be supported by receipts						
<b>TOTAL</b>						

### Claimant's Certificate

1. Certified that the above expenses were incurred solely on official region/branch business.
2. Documentary evidence of expenditure is attached where applicable.

Date \_\_\_\_\_ Signature of Claimant \_\_\_\_\_

### Regional Treasurer's Certificate

The meeting for which expenses have been claimed is authorised within the Rules of the region.  
All amounts claimed have been examined and are considered to be fair and reasonable.

Substitution costs of meeting claimable under Union Facilities ☐ Yes ☐ No

Date \_\_\_\_\_ Signature of Regional Treasurer \_\_\_\_\_

Cheque Number \_\_\_\_\_

## Appendix 4

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### Model Set of Region Annual Accounts and Balance Sheet

**Annual Accounts and Balance Sheet of \_\_\_\_\_ Region  
of The National Federation of SubPostmasters for the year ended 31 December 20\_\_**

Auditors' Report, made in accordance with Section 36 of The Trade Union and Labour Relations  
(Consolidation) Act 1992 to the Members of \_\_\_\_\_  
Region of The National Federation of SubPostmasters

I/WE have audited the Income and Expenditure Account for the year ended 31 December 20\_\_  
and Balance Sheet at the date, set out herein, in accordance with auditing standards.  
I/WE have verified the income and expenditure and have confirmed by certification by Banks and  
other relevant sources the existence and value of the assets set out in the Balance Sheet.  
In MY/OUR opinion, such accounts show a true and fair view of the results of the Region  
operation for the year ended 31 December 20\_\_ and of the state of affairs of the Region at that  
date.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Registered Auditor:

\_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

National Federation of SubPostmasters \_\_\_\_\_ Region \_\_\_\_\_  
Income and Expenditure Account for the year ended 31 December 20\_\_\_\_

## EXPENDITURE

£ p

1. **Meeting expenses**  
Region Meetings  
Branch Meetings  
Committee Meetings
2. **Expenses paid to region/branch delegates**  
Attending Annual Conference  
Attending Regional Council, Branch or Committee Meetings  
Attending Training Meetings
3. **Loss from sales to members**
4. **Cost of printing, stationery and duplicating**
5. **Postages**
6. **Telephone costs met by region**
7. **Officer time away from counter payments**
8. **Petty cash expenditure**
9. **Honorary members subscriptions paid by region for year ended 31 December 20\_\_ (Previous year)**
10. **Other expenditure not shown above**  
(Please attach details of each item)
13. **Surplus of income over expenditure transferred to general account**

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## INCOME

£ p

1. **Subscription income**  
as shown at item 8 on form sub 4 prepared by NFSP HQ
2. **Donations received by region**
3. **Profit on sales to members**
4. **Interest received from bank**
5. **Dividends received from investments**
6. **Other income not shown above**  
(please give details of each item)
7. **Other income not shown above**  
(please give details of each item)
8. **Deficit met from region general funds**

--	--

**BALANCE SHEET** 31 December 20 \_\_\_\_

**General Account**

Balance at 1 January 20\_\_\_\_

**Add**

Surplus from Income and Expenditure Account

**Deduct**

Deficit from Income and Expenditure Account

Surplus on Social Functions for year

**Union Facilities Account**

Per Accounts Form 7

**Associate Members**

Subscriptions received during year ended 31 December 20\_\_\_\_  
(current year), to be included in Subscription Income calculation  
in year ending 31 December 20\_\_\_\_ (following year)

**Sundry liabilities**

**Creditors**


**Fixed Assets**

Office furniture and equipment - cost or valuation

**Current Assets**

Substitution Claim on HQ  
(year ended 31 December 20\_\_ (current year).)

Sundry Debtors

Value of Stock Held

Value of investments

**Bank Balances**

NS&I Investment Account

NS&I Ordinary Account

Alliance & Leicester Account

\_\_\_\_\_ Bank

**Cash in hand**

Regional Treasurer

Regional Secretary


Date: \_\_\_\_\_ Regional Treasurer \_\_\_\_\_

# Appendix 5

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## Guide for Regional Treasurers

### Regional Treasurer's guidance notes

This guide outlines the basic responsibilities and obligations of the Regional Treasurer and details the relationship between the National Federation of SubPostmasters (NFSP) and the Regional Treasurer.

#### Point of contact

The Regional Treasurer shall be the primary contact for the NFSP in relation to financial matters.

The Regional Treasurer will be responsible for reporting to the Regional Council and to NFSP Headquarters.

#### Certification office return

The Trade Union and Labour Relations (Consolidation) Act 1992 requires that the Accounts contained in the Annual Returns of the NFSP are audited.

The Audited Returns are required to be submitted by 1 June following the end of the NFSP's accounting year on 31 December.

The NFSP meets part of its obligations under the Act by the filing of the Composite Regional Return, which is a consolidation of the individual annual accounts of all the NFSP's regions.

To facilitate the consolidating of the information contained in the Regional accounts and for the Composite Regional Return to be completed and audited, it is essential that the accounting records are submitted to NFSP Headquarters by the due date of 28 February.

### Responsibilities of the Regional Treasurer

#### Management of expenses claims

It is the responsibility of the Regional Treasurer to ensure that no expenses are paid or incurred which are not in accordance with the rules of the region and the NFSP and are for the furtherance of the Objects of the region.

Certain expenditure will be met from Union Facilities and it is the responsibility of the Regional Treasurer to ensure that these expenses are correctly identified and recorded.



**Union Facilities claims**

The Union Facilities Claim forms are to be completed on an annual basis to coincide with the NFSP's financial year (31 December).

NFSP Headquarters will supply two copies of the Union Facilities Claim Form for the year, to be completed as at 31 December.

Carefully defined guidelines exist to identify expenditure that can properly be claimed against Union Facilities and are as follows:

Type of expense claimed	Chargeable to Union Facilities Fund
<b>Region</b>	
Postage	No
Photocopying and Printing	No
Stationery	No
Regional Council, Branch and Committee meetings	No
Travel – All Occasions	No
<b>Substitution</b>	
Meetings with POL on collective representation	Yes
All other occasions	No
Annual or Special Conference	Fixed grant per delegate, paid annually. Balance to be paid by region

**Expenses of undertaking regional activities**

The Regional Treasurer should ensure all payment made for costs incurred on regional/branch activities are in accordance with the Rules of the Region. Attached is the Template Claim Form which should be completed in support of all expenditure payments.

The Regional Treasurer should ensure that all expenses are also supported by receipts or other documentary proof, other than the payment of standard allowances for travel and substitution for time away from the counter.

Payment of approved expenses should be made promptly.

### **Payments to region/branch officials**

The rates of standard allowances paid to region/branch officials will be decided upon by the region having due regard to the away from the counter commitment of the official and the budgetary and financial constraints of the region.

### **Banking arrangements**

The region should open and maintain both a current and deposit account with the Alliance and Leicester Commercial Bank.

Regions should ensure that two signatories are required for amounts in excess of £250 drawn on the region's bank accounts.

The Regional Treasurer should be one of the signatories on the accounts.

Funds held in excess of those required to meet expected day to day requirements should be held on an interest earning deposit account. No other form of investment is permitted.

### **Insurance**

The Regional Treasurer should ensure that all assets of the region are adequately insured.

### **Region incoming resources**

All incoming resources of the region are to be applied in accordance with the Rules and Objects of the region and the NFSP.

### **Form Sub 3 – Honorary and associate members**

The Regional Treasurer is responsible for the completion of an Annual Return, Form Sub 3, which should be submitted to NFSP Headquarters by the first week in January following the end of the financial year.

Form Sub 3 should list the following:—

- (i) Name and address of the region/branches' associate members for the financial year.
- (ii) Name and address of the region/branches' honorary members for the financial year.

Subscriptions due from associate members should be paid directly to NFSP Headquarters. Regional Treasurers will be provided with a list of such members by NFSP Headquarters and it is the Treasurer's responsibility to ensure the list is complete and correct. Members not included on this list will not qualify for membership benefits.

During November or early December, two copies of Form Sub 3 will be forwarded to the region. One copy should be completed and returned to NFSP Headquarters and the other copy retained by the region.

The information collated on Form Sub 3 is extremely important as details of the members are incorporated into the calculation of the subscription income entitlement of the region for the following year, and it is also important as the information is used to update the mailing list for *The Subpostmaster*.

### **Subscription income**

Regions are funded annually by NFSP Headquarters equal to the total of the region's full members multiplied by 20% of the average per capita subscription for full members collected through NFSP Headquarters.

During April or May each year, the region will be paid an advance of subscription income for the current year. The amount of the advance represents two thirds of the subscription income paid for the previous year. Once membership as at September has been agreed, the balance of subscription income due to the region will be paid. The balance of subscription income due to the region is normally transferred in the December of the current financial year.

## **Accounting matters**

### **Accounting systems**

The accounting system used by the regions is QuickBooks accounting software.

Each Regional Treasurer has been supplied with the software and a bespoke accounting template for their region.

Basic introductory training together with a worked sample company will be given to each Regional Treasurer. On going support and advice will be provided by NFSP Headquarters.

As part of the provision of ongoing support each Treasurer is required to forward electronically an 'Accountants copy' of their records to NFSP Headquarters. An 'Accountants copy' is a feature of the QuickBooks accounting software which, whilst allowing you to continue using the accounting software without interruption, allows NFSP Headquarters to examine the entries you have previously made and make any corrections necessary.

Any corrections that are made will be discussed with you and will form part of your ongoing training.

### **Provision of accounting information**

By 28 February each year you are required to forward to NFSP Headquarters your 'Accountants copy' of your records for the year ended the preceding 31 December.

The region's Income and Expenditure Account and Balance Sheet for the year will then be finalised and audited centrally. The 'Accountants copy' including any corrections and audit adjustments together with the region's audited Income and Expenditure Account and Balance Sheet will then be forwarded to you.

### **Audited accounts**

The final audited accounts should be approved by the region and signed by the Regional Treasurer on its behalf.

### **Training**

Regional Treasurers will receive one day's training upon commencement of the Office.

The training day will cover the operation of the accounting system and an introduction to the payment of expenses and the types of expenses that would be expected for the region. Additional advice may be sought from NFSP Headquarters at any time and Regional Treasurers are encouraged to do so where concerns or doubts arise.

Additional training will be provided, at the discretion of NFSP Headquarters, on an ad hoc basis where areas of concern are identified or new practices are required. You are encouraged to advise NFSP Headquarters of areas that you may wish additional training or advice to be provided. NFSP Headquarters is available to support you in your role.

### **Corporation tax**

Regions may be liable to Corporation Tax on investment and trading income. Regions will be required to comply with the relevant taxation legislation.

NFSP Headquarters will deal with the compliance aspects of these obligations which will include the completion of Returns as required and advising of the liabilities and due dates for payment, provided the region has submitted its accounting records to NFSP Headquarters by the due date.

The region is responsible for the payment of any corporation tax liability arising.

# Appendix 6

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## Guide for Benevolent Fund Officers

### Duties of Benevolent Fund Officer

These are two-fold:

#### To create and foster interest within the branch in the Fund

This is really propaganda work on behalf of the Fund – ensuring that members are made fully aware of the existence and aims of the Fund; keeping alive the interest of those who are already members; making sure that your Branch plays its part in collecting funds in order that the work of the Benevolent Fund is not hampered by lack of finance.

Once a member has joined by completing the application form, the monthly deduction is made automatically by the Post Office. Members are asked to contribute under the Charity Payroll Giving Scheme. This is a very efficient way of giving as members benefit from tax relief. They do not have to be a member of the Federation to make contributions from pay but ideally they should be members. Priority is always given to claimants who were contributors to the Benevolent Fund. The Benevolent Fund Officer is not asked to collect monthly donations; but should occasionally remind members that when the cost of living increases, so do the calls made on the Fund. In many branches, social events provide an opportunity of seeking extra donations in the form of raffles, etc. In others, an effective technique can be to encourage members to start or increase their donations at General Meetings.

If occasional reports are made to Meetings of the Branch, it is important to remember that reports do not contain anything which would enable recipients of assistance to be identified and embarrassment caused. Remember, the Fund is confidential. The Board, although answerable to Conference for the administration of the Fund, has sole discretion in dealing with applications for assistance.

#### To investigate cases on behalf of the board within the branch area

As Branch Benevolent Fund Officer, you may be approached to visit a person who is considering making a claim, and perhaps provide help in completing the form. Alternatively, for cases brought to the attention of the Benevolent Fund, you may be asked to make a visit to a potential claimant on the Benevolent Fund's behalf.



In addition, you will occasionally hear of cases which, in your opinion, are worthy of assistance from the Fund. In these instances you are encouraged to arrange a visit, or to collect more information locally, or help the individual concerned apply and fill out their form. NFSP Headquarters can be contacted for a supply of forms or for help and advice on completing them.

Cases can either be concerning serving subpostmasters, retired members, or family of former subpostmasters. In each case, the Benevolent Fund Officer should visit the person concerned and provide them with a claim form. Once this form has been completed by the claimant, then a full report on the circumstances of the case should be written in the space provided. This information should be factual, rather than subjective.

Reports of the Board are strictly confidential and for the use of the Board only.

Under the rules of the Fund, any out-of-pocket expenses incurred by the Benevolent Fund Officer whilst carrying out investigations, will be reimbursed by the Board to that Officer.

A list of the Fund's Objects are available within the "Benevolent Fund" section of the NFSP website; while the Fund's Rules are available on request from NFSP Headquarters.

# Appendix 7

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## List of services available to branches

The following services are available from NFSP Headquarters:—

**(a) Envelope addressing**

Envelopes can be supplied pre-addressed to all subpostmasters. This can also be split to suit the branch i.e. members, non-members, etc.....£1.50 per 100  
plus the cost of the envelopes.....£3.00 per 100  
Additional charge for addressed labels only.....£1.25 per 100

**(b) Typing, printing and distributing of branch meetings, minutes, etc. (A4 only) plus the cost of addressed envelopes and postage**

For the first 100 sheets or part thereof.....£1.50  
For each additional 100 sheets.....£1.25

**(c) Official branch stationery**

Orders are accepted for the supply of official headed notepaper which can incorporate the Federation Badge.

Branch Letter Heading, A4 only .....£3.00 for 100 sheets

**(d) Official envelopes (white)**

These can be supplied in the following size and bear the title of the Federation on the top left hand corner.

DL size - 9" x 4.5" .....£6.00 per 100

**(e) Plain manilla envelopes**

These are available in the following sizes:—

(ii) DL size - 9" x 4.5" .....£3.00 per 100

(iii) Magazine size - 10" x 7" (C5).....£6.00 per 100

(iv) Magazine size - 14" x 9" (C4).....£9.00 per 100

*Please give at least 48 hours for us to process your requirements*

# Appendix 8

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## Guidelines on Representing Members: RTUs, Security Interviews and Appeals

### Introduction

These guidelines should enable you to:

- Understand why it is important for an organisation to have a clear disciplinary procedure that lays down standards of performance or conduct.
- Understand the two different types of action that Post Office Ltd (POL) will consider when dealing with subpostmasters who are thought to be in breach of their contract.
- Be aware of the stages of the POL Contract Application procedures and the main issues for consideration at each of those stages.
- Use the case studies provided to identify the appropriate POL action and the steps necessary to represent the member in an interview.

### RTUs, Security Interviews and Appeals: POL approach and policy

Disciplinary action may take a number of forms depending on the nature of the events that led to POL's decision to begin the process.

In terms of the subpostmasters' contract, the main issues you will need to consider are:

- Poor Performance
- Poor accounting procedures
- Misconduct
- Suspension
- Excess cash held on counter (e.g. during a robbery)
- Reasons to Urge (RTU) Interviews
- Appeals Procedure

There can be the possibility of up to four interviews –

- Post Office Ltd Security
- Factfinding
- RTU
- Appeal

## **Background**

The Contract Application Guidelines were agreed following lengthy negotiations between the NFSP and POL.

The intention of these guidelines is to ensure subpostmasters, NFSP officials and Post Office managers are all working within the same guidelines, and that subpostmasters should be able to feel that the system is fair and will be implemented in a manner that gives them full opportunity to state their case should there ever be a need.

The guidelines work alongside the Subpostmaster Contract

## **Disciplinary procedures**

To be able to represent members effectively you need to understand the principles that should underlay any disciplinary procedures.

### **Disciplinary rules: why have them?**

- Clear rules benefit both the company and the individual
- Sets standards of conduct and performance at work
- People know what is expected of them
- Provides for fairness and consistent treatment

A procedure can help you deal fairly and consistently with disciplinary action, including those that may involve termination of contract.

### **Why have disciplinary procedures?**

Procedure is the means by which:

- Rules are observed
- Standards are maintained
- Short comings are dealt with
- People do the right thing at the right time

## **Rules and procedures**

The relevant reference documents are:

- The Subpostmaster Contract
- Counter Operations Manual/CD-ROM
- Operational Focus

These procedures cover:

- Performance standards  
(Action likely to lead to warnings, termination by three months notice)
- Misconduct/Gross misconduct  
(Action that will result in summary termination of contract)

## **Performance issues**

The POL Contract Application Guidelines provide for the following steps in cases involving performance issues:

### **Performance Discussions:**

- To assist the subpostmaster to improve and avoid further action

### **Written warnings:**

- Where oral warnings not effective
- Failure to improve operational performance or properly maintain premises
- Right to Appeal

### **Contract Termination:**

- Repeated warnings
- No improvement
- No likelihood of reaching and sustaining standard

### **What rights does a subpostmaster have when a written warning is issued regarding their performance?**

The Contract Application Guidelines state that the subpostmaster must be given the opportunity to provide an explanation.

Subpostmasters Contract: Section 18 states subpostmasters should be given the opportunity to provide a written explanation of conduct and allegations. The only time this might not happen is where civil or criminal proceedings are being considered.

The subpostmaster has the right to meeting with the Contracts Manager, which “will not normally be withheld”, as well as the right to be accompanied by an NFSP Official.



**How many times would you expect POL to issue a written warning?**

This will depend on the type and nature of the problems. Any penalty should reflect the individual circumstances. However, given the ultimate outcome could be termination of contract, we would question whether POL has looked at how it is supporting the subpostmaster before considering written warnings or termination. On issues of management of the office, factors that may be taken into consideration could include length of service, previous record, level of training received, other support provided by POL, and any mitigating circumstances. The emphasis here should always be on correcting any shortcomings in performance by training and support. Only when all else fails, should termination be considered as a measure of last resort.

Summary termination should not be used in performance cases, only in misconduct cases. Termination in performance cases will be by three months notice, which gives the subpostmaster the time to sell. There is no right of appeal if POL terminates the contract for such performance issues. This option should not therefore be used by POL to avoid summary termination and its associated appeals procedure.

**Misconduct/gross misconduct**

The POL Contract Application Guidelines provide for the following process in cases involving Misconduct:

**Suspension**

- Subpostmaster advised
- Remuneration withheld
- POL Investigates
- An Interim subpostmaster is engaged by POL.

A suspended subpostmaster is advised that it is good practice to ensure that a contract is drawn up between any interim and themselves regarding arrangements for issues such as heating, lighting, rent, use of premises and arrangements for staff.

- RTU Interview: Reinstatement/Summary Termination (see footnotes 1 & 2)
- Right of Appeal: It should be noted that this is a final right (see footnote 2)

**Footnote 1**

Timescales will vary for each individual case, however should investigations not be concluded within three months of suspension, then a review of the case should take place and the outcome communicated to the subpostmaster.

**Footnote 2**

The right of appeal is the final stage and therefore branches should consult with their Executive Officer at the RTU stage to determine best representation at all stages.

## **Suspension**

When would POL consider suspending a subpostmaster?

- Arrest
- Civil or Criminal proceedings
- Dishonesty suspected
- Public scandal
- Bankruptcy and receivership

## **What are the subpostmasters' rights in the misconduct procedure?**

Subpostmaster Contract: Section 18 states subpostmasters should be given the opportunity to provide a written explanation of conduct and allegations. The only time this might not happen is where civil or criminal proceedings are being considered. In misconduct cases suspension is likely.

Contract Application Guidelines state that the subpostmaster must be told in writing the specific charge and that summary termination might be the outcome.

Guidelines also state that the subpostmaster should have the opportunity to attend a face to face interview with the Contract Manager to answer the charge – this is the Reasons to Urge interview. The NFSP would recommend this course of action.

Section 18 of the Contract states that the subpostmaster has the right to be accompanied by a friend who must be 18 or over and cannot be someone involved in the enquiry. The friend must be a subpostmaster, sub post office assistant or Post Office employee - and can be the local NFSP representative. It is recommended that an NFSP official undertakes this role.

Please note, as part of NFSP training of a branch official, an Executive Officer can accompany the official.

## **Representing a member at an RTU interview**

Reasons to Urge (RTU) interviews normally involve alleged dishonesty and potentially may lead to summary termination of the contract.

## **Your role as the member's representative**

**Main aims** To ensure the member has a fair hearing.

To obtain the best outcome for member, given circumstances of the case – that does not always mean reinstatement, but it might mean time to sell.

## **Preparing for an RTU**

- Allow adequate time to prepare.
- Has POL investigated promptly and established all the facts?
- Ensure you see all evidence POL is using in supporting its allegations before the interview.
- Make notes on the facts and statements made by any of parties involved.
- Keep the case confidential.

### **What should POL tell the subpostmaster?**

- State the specific charge.
- The subpostmaster should be given adequate notice (e.g., seven working days) of any interview being arranged.
- Outcome could be Summary Termination.
- The subpostmaster can request and receive all information relevant to the charge.

## **POL security interview**

A problem is first identified at POL; an audit team may then be sent in, and a suspension may be made following the audit. A POL Security interview will then be scheduled for that day, or for a short time afterwards. Equally, any suspension may not take place until after the interview.

### **If there has been a POL Security interview beforehand, what additional evidence will be available?**

The agreement with the NFSP provides that following interviews by POL Security the investigation report, plus a transcript of the POL Security interview tape will be given to Contract Managers for onward transmission to the subpostmaster and their representative subject to the members agreement.

Immediately after the interview, POL Security may request a search of the person's home and vehicle. Permission has to be given by the member, and as this process can take several hours attendance by the NFSP official is not mandatory.

## **The RTU and security interview**

### **Identify the issue**

- Assess strengths and weaknesses.
- Answer the RTU charge.
- Is the charge appropriate?

### **Ask yourself:**

- Have I considered all the options?
- What are likely outcomes?
- What is the outcome that the member would prefer? Or, at least be prepared to settle for?
- Is there common ground for the most likely option?
- What if? – Ask yourself ‘What if?’ because it gives you the chance to think something through from a different perspective, e.g, What if POL is wrong? What if more evidence emerges?

### **What should you aim to do in your arguments?**

- Establish doubt.
- Develop alternative scenarios.
- Try to obtain a fair agreement.

### **Presenting the Case**

- Diary of events.
- Arguments to be used in defence.
- Record all relevant facts.
- Challenge charge where evidence supports defence.
- What is best practice?
- Was the member following correct procedure?

### **Decision**

- The outcome of the RTU is notified to the subpostmaster, in writing.
- If the outcome is unsuccessful then the option to appeal is also notified.

### **The do's and don'ts**

Once you are face to face with the Contract Manager, what are the do's and don'ts of an interview?

You need to remember that the Contract Manager or POL Security person you will be making representations to is the same person you will be dealing with on behalf of others. How should you deal with the POL officials?

You need to build a relationship that is based on respecting the other person's view point and establishing with the Contracts Manager that your Federation input or view is valid.

You need to maintain credibility – therefore have to accept that a fair outcome may mean that you will not be able to achieve reinstatement. However, you may be able to secure time to sell.

You always need to remember a fair outcome has to be consistent with maintaining the NFSP's profile in the community, integrity, etc.

- Need to retain NFSP credibility.
- Be firm and assertive, but not aggressive.
- Be factual.
- Stay calm – do not allow yourself to lose control of the situation through anger or frustration.
- Follow your prepared notes.

If POL suddenly introduces fresh evidence or, having written one charge into the RTU letter, then starts to discuss other issues that are not relevant to the charge:

- Stop the interview.
- State the reason.
- Ask for RTU to be reconvened.
- Ask for fresh charge and supporting evidence to be supplied.
- Tell them you need adequate time to prepare.

During an RTU and Appeal, the member is the main speaker but usually you are allowed to interject if the need arises.

During a POL Security interview you are not allowed to comment, but a comfort break can be called. An alternative situation can arise where you as the NFSP representative feel that the member may be better served by requesting a solicitor to attend a reconvened interview, in light of new information disclosed during the interview.

## **The appeals procedure**

- Appeal may be in writing or through face to face interview.
- The face to face interview is the recommended option and your Executive Officer should be informed so that they can represent the member at this stage, if deemed appropriate. All your notes should be forwarded on to them.
- 10 days to appeal.
- POL Appeals Manager from National Appeals Panel and who will be from a different part of POL.
- Appeal Hearing normally within six weeks.
- Outcome advised two weeks later.



# Appendix 9

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## A Rough Guide to RTUs and Appeals

### Foreword

It is a sad fact of life that when we undertake work on behalf of the National Federation of SubPostmasters (NFSP), many of us will end up representing a member at a “Reasons to Urge” (RTU) interview, a “Post Office Investigations Department” (POID) interview or at an Appeal Hearing. Many times this will be because the member has transgressed the boundaries of their contract, but often that will not knowingly be the case, especially in the case of robberies or difficult personal circumstances.

This guide is by no means intended to insult the intelligence of those of you who already, very ably, perform these duties on behalf of our membership. More, it is designed to provide reminders of what we have found to be “best practice”, and also to provide an insight for those who may come after us of exactly what is and is not involved in defending the interests of our members.

It is important when making initial contact with the member involved to remind them that, whilst they may be traumatised by what has happened, they should consider very carefully any responses they give to Post Office officials – they may well be used to their detriment later.

Recent history has proved that our success rate at the Appeal stage runs at less than 5% and therefore the bulk of this guide is directed at the RTU stage and preparation for that RTU, as this will always be our best chance of influencing whatever decision is made by a Post Office Ltd (POL) Contracts Manager.

Please also remember that, under the current structure of the NFSP, RTUs can be conducted by anyone within that particular region, including the Regional Executive Officer(s). The region will bear the cost, so it is vital that the person best able to do the job does so. It is also pertinent, where possible, to take another official along with you as an observer to give them much needed experience and training.

The rest of this guide is made up of a series of case studies, along with some questions and answers for you to digest as to how you would deal with each scenario.

The list is by no means comprehensive. It is designed to make you think and hopefully give you some pointers as to how you would deal with your particular case. Do not forget that each case you deal with will be different, involving different circumstances and each requiring a different approach.

We trust that this guide will be of some practical use to you and for those who come after you.

## **Case A: Culpability for a Robbery (1)**

It is remittance day at Post Office A, which has an annual salary of £34,000. The cash remittance van has arrived at 3pm and the subpostmaster has secured his delivery, which amounted to £30,000, in the main safe. At 5pm he takes in a banking deposit of £3,500 and sets the main safe with a view to checking his remittance and transferring the deposit he had just taken in, back to the main safe. He has a note counting machine and is confident that he can count one of his remittance bags before the main safe goes off again. He secures £3,000 of the deposit he has just taken in, which leaves about £3,000 in his till and commences counting his remittance bag which contains £20,000.

At this point, two masked men burst into the office, one carrying a shotgun, the other wielding a sledgehammer which is immediately used to break the parcel hatch window. In a blind panic, the subpostmaster grabs what money he can and runs through into his house locking the access door behind him. Fortunately he still has the safe key in his pocket.

After about 20 minutes he hears a customer in the shop shouting to ask if he is OK and that they have phoned the police. The subpostmaster goes back into the office and secures the money he had taken into the house in the main safe. The police then arrive and he spends the next three hours giving statements.

On official audit, the following morning, it is established that £10,500 has been stolen. Four weeks later the subpostmaster receives a letter from the local contracts manager stating that he is being held liable for £8,500 of the loss.

### **Q. How would you initially deal with this situation?**

As a Branch Official you will undoubtedly have been informed of the robbery at the office and may well have already offered the subpostmaster trauma counselling. The realisation that he is being held liable for some of the loss will have come as a bitter blow at this point, when undoubtedly he is the “victim” of the crime. As much as it sounds perverse, this is one of your best avenues at an RTU. **The subpostmaster is the “victim”, not the “criminal”.**

Be very mindful of this as you progress through the process – going over the events may well cause the person who you are representing immense stress and you need to fully understand that and be mindful of it in the RTU – if it is all too much, you have every right to call a halt to proceedings until such time as your “client” feels able to continue.

We would also suggest that, wherever possible, contact is made with the Contracts Manager prior to the hearing to hear the other side of the argument – forewarned is forearmed. We would also recommend that you request a copy of the audit report and any post robbery report.

### **Q. Is the amount the subpostmaster is being held liable for correct?**

Although it may well seem very unjust, POL can hold the subpostmaster liable for a loss of up to 25% of his annual salary.

Therefore in this case 25% of £34,000 = £8,500. Harsh but true.

**Q. What evidence would you try to collect prior to the RTU and what advice and guidance would you give to the subpostmaster?**

Always be very aware that POL will have done its homework prior to the hearing, and may well produce Horizon print outs during that hearing that can completely flatten your argument if you have not, in turn, done YOUR homework. This is why we would completely advocate that you spend time with your “client” going over the exact events and also extracting as much evidence as possible from his Horizon terminals, well prior to the RTU.

Transaction logs for the couple of hours before the incident to prove that the levels of cash held on the counter were not unreasonable, are one starting point. You and your client must be telling the same story - any contradictions will not help.

**Q. Do you think that in this instance the subpostmaster was correctly carrying out procedures?**

Read your Security Manual. POL will argue that you should not take more than £5,000 out of the safe at any one time for counting purposes. However, what is more dangerous – going in and out of the safe four times in a 20 minute period, or counting £20,000 with the aid of a note machine inside four minutes?

Also be very aware that the same Security Manual states that you should never put your personal safety at risk in such circumstances and should just hand over the money.

**Q. What would be your expectations for the outcome of the case?**

You are there to support the member involved and as such must project some hope for a good result in a case such as this. That hope must be tinged with some realism however. We would suggest that a substantial reduction in the amount to be charged would be a win. It is important that you do not over-promise, lest you under-deliver.

## **Conclusion to Case A**

In this case you have an even chance of success. Security procedures were followed, although you will have to deal with the point of how much money the subpostmaster had decided to count in the first instance. Furthermore, the subpostmaster showed uncalled for courage in bolting with whatever money he could lay his hands on, thus preventing a far greater loss to POL. Finally, the amount of cash out of the safe was not all “working cash” – the bulk of it was a remittance which he was duty bound to check within 48 hours.

At the RTU the liability was reduced to £4,250 (50%) and on appeal (one of very few recent successes), was waived altogether as the argument over “working cash” was finally recognised.



## **Case B: Culpability for a Robbery (2)**

Post Office B, salary approximately £22,000, is in an inner city urban deprived area. Many of the other shops nearby are empty and boarded up. It has not been a particularly busy day and at 4.45pm the subpostmaster decides to set his 40 minute safe to prepare a remittance return of £3,000 for the next day, knowing that the cash collection vehicle is normally on his doorstep at 9am the next morning. The safe is situated in a back room behind the counter but is in a direct line of sight from the parcel hatch.

At 5.25pm the inner safe goes off and the subpostmaster opens it to take out the £3,000 he needs to make up his remittance. At this point he hears the shop door open and goes back towards the counter to serve. He is met by a sawn off shotgun pointing at him through the parcel hatch. Having had a robbery five years previously, the subpostmaster takes no chances as instructed and lets the assailant in. The robber demands that the office shutters are closed but in his panic the subpostmaster is unable to operate them. He is then pushed in to another back room and locked in, while the assailant calmly empties the cash from the safe and the counter and makes his escape.

The subpostmaster is released some 30 minutes later by a passerby who has heard his cries for help. The police are called and a subsequent investigation by POL reveals that £24,000 has been stolen.

Some weeks later the subpostmaster receives a letter from the local Contracts Manager stating that he is being held liable for £5,500 of the loss.

### **Q. How would you deal with this scenario in the first instance?**

Again you are dealing with a case which will have caused much trauma. Be aware that your “client” is probably very angry at being charged by POL when he had suffered the attack. Best advice would be to arrange a visit to the office and very sympathetically go through the events with the subpostmaster. This will also give you a good idea of the area and the layout of the office. We also suggest that you attempt to contact the Contracts Manager dealing with the case in order to identify what particular issues POL may have with the case.

The subpostmaster tells you that he feels too traumatised by the incident to “re-live” it at a hearing and wishes to submit written evidence in his defence.

### **Q. What advice would you give him?**

He has every right to do so, if that is his wish, indeed the letter from POL inviting him to a hearing will have offered him that option.

We would STRONGLY RECOMMEND that such a course of action is unlikely to help his case – rarely has it been proven that we have any success in cases where written evidence has been submitted.

The subpostmaster is adamant that he is going to proceed down the written evidence path.

**Q. How would you assist in this scenario?**

Even if it is against your best advice, the member still has every right to expect our support and assistance. You must stress to your “client” that his written evidence must be very comprehensive – he will not get across the case required in a one or two page letter compared to an hour long hearing. We would also stress that it is vitally important that he allows you to see and potentially amend what he intends to submit before it is sent – you need to know that he has not written anything which may prejudice his case.

THE CASE PROCEEDS AND THE ORIGINAL DECISION IS UPHELD

**Q. How would you proceed from here?**

Undoubtedly at this stage the subpostmaster will have realised that your advice was correct, but he will also undoubtedly wish to appeal the decision. Again he has every right to do so – it is due process, but your chances of any success are greatly diminished. You have to agree to represent the subpostmaster at the appeal. In this case, as the first submission was written, you can still represent him – had the RTU been done at a hearing, you would have to pass the case on to a colleague.

**Q. How would you attempt to overturn the decision at the appeal stage?**

You do have grounds to work on. The assailant was obviously a cool professional, who would have undoubtedly checked out the area and the office prior to the attempt and spent time watching the closing procedures employed at the office. Would it have made any difference if the safe had not opened until 5.35pm after the office was closed? Or would the subpostmaster just have been subjected to a longer period of trauma at closing time while the assailant waited for the safe to open? Five minutes here is costing your client £5,500. Is that just?

**Q. What would your expectations be for the outcome of the appeal?**

The same result? A reduction in the amount charged? Or do you expect your “client” to be exonerated of any liability?

## **Conclusion to Case B**

You may well ask, what is the difference between this case and the previous one? On the face of it there is very little difference, but in terms of procedure there is a great deal. Security was not followed “by the book” and the subpostmaster was cutting corners knowing he was operating in a rough area (he had had previous experience).

Suffice to say the appeal was not successful and the subpostmaster was held liable for the original amount of £5,500. The only concession gained was that the amount would be deducted from his salary in 12 monthly instalments.



## **Case C: Failure to meet Contractual Obligations (1)**

Subpostmaster C is requested to attend an RTU interview to explain why his post office had not been open on 28 December, a Saturday morning. A customer had called to post some letters to find the office closed, with a hand written note on the door saying that the office would re-open on Monday, 30 December. The customer mentioned the closure to his local MP, who in turn reported it to POL.

The subpostmaster had told his Contracts Manager that he had been very ill over the Christmas period and was still too unwell to open the office on the Saturday. Indeed that morning he had been to the emergency doctor to get a prescription. He had tried to find some cover but was unable to get any at short notice.

### **Q. Sounds simple? So why is the hearing taking place?**

On the face of it there would appear very little to answer for here. It sounds for all the world like a genuine emergency and it would be outrageous for someone to be threatened with losing their livelihood over it.

For that very reason you should probably be very suspicious that there is more to this than meets the eye.

### **Q. What questions would you ask before the RTU?**

Probably more to the point is who would you be asking? It is essential in this type of case that you get in touch with the Contracts Manager dealing with the case to hear the POL side of the story. You do not want to be going into an interview like this cold, to have way more thrown at you than you were expecting.

### **Q. So what are the possibilities?**

It is perfectly possible that this is just a warning shot to the subpostmaster and possibly to some of his colleagues. A warning about the contractual obligation to be open on the Saturday after Christmas had been issued and, as a complaint had been made that the office had been closed, especially coming from an MP, it is felt that some sort of investigation procedure must be followed. If this is the case you can probably expect that your “client” will be reprimanded, maybe get a written warning about his future conduct, and an apology would be issued to the customer. Realistically nothing more should come of it, if this is what the case is about.

It is also perfectly possible, however, that there is much, much more to the case. In conversation with the Contracts Manager dealing with the case, you are told that this is not the first time that this has happened. Indeed, you are told that on three previous occasions in the last two years similar closures during contracted opening hours had been noted (only one of which had been reported to the NBSC by the subpostmaster), and that four other complaints had been made by members of the public over “incidents” in the office.

Now you are dealing with an entirely different case and you will have to think hard about how you will conduct your “defence”.

## **Conclusion to Case C**

To be honest there is not one. The case itself is fictitious, although we have dealt with several cases along similar lines. The point we are trying to make to you is that it is often the “home-work” that you do before the hearing that is the most important part of the process.

It is essential that you are aware of what you are dealing with, otherwise a seemingly “innocent” case might prove to be very sinister indeed.

In all probability the subpostmaster will be issued with a written warning, one copy to be signed and returned to the Contracts Manager, one copy to be retained by the subpostmaster. It is important to remind the subpostmaster that this warning will remain on his file.

## **Case D: Failure to meet Contractual Obligations (2)**

After a very busy Wednesday during which subpostmaster D had worked single handed for much of the day as his member of staff had been taken ill, he completes his office balance and rolls the office over into the next trading period. Early on the Thursday morning the subpostmaster has been to the local cash and carry to pick up the stock required for his store and returns to his office at 9.50am to find the POL Audit Team on site.

The subpostmaster asks to be allowed into the secure area. Access is refused. The auditors find a £3,000 shortage in the office cash and ask the subpostmaster if he knows why that is so. He tells them that as his member of staff had been ill the previous day, he had not been able to get out to the bank to get the money he would need for his run to the cash and carry early the next morning. He had therefore “borrowed” the £3,000 from the Post Office safe and had now been to the bank and had the money to put back in the safe in his pocket.

The auditor accepts the cash from the subpostmaster to make good the shortage and then immediately suspends the subpostmaster for “falsifying the accounts” and “for failure to protect the cash and stock of the Post Office”, reading him his rights much to his embarrassment in front of the customers in his shop.

It is at this point that you get a call from the member involved.

### **Q. How would you deal with this situation in the first instance?**

Knowing what you know, you must realise that this will be a damage limitation exercise from the word go. The first thing you may need to assist with is advice on who is going to run the office in the interim while the process progresses. It is essential that the office resumes trading as soon as possible, otherwise any possible sale of the business could be jeopardised.

You must also manage the expectations of the subpostmaster – it is highly unlikely, with what he has admitted, that he will be reinstated to his office.

**Q. What went wrong here?**

Sadly, you got the call too late to stop the damage being done. If the subpostmaster had said that he did not know where the money had gone, you might have had a chance. He would have been asked if he could make the shortage good (which he could) and although he would most likely have still been suspended, at least you would have had a fighting chance at the RTU.

**Q. What would your expectations be for the outcome of the hearing?**

It would be a miracle to get the subpostmaster reinstated in this case. Realistically you are looking for the subpostmaster to be given time to sell his business so that he can recoup some or all of his original investment.

**Conclusion to Case D**

As thought, the subpostmaster had his contract terminated. He was given time to sell and, as a fellow subpostmaster agreed to run his office on a temporary basis, he managed to sell his business five months later, albeit not at the price it might have commanded had there not been a problem.

One final point to note - just why did the audit team arrive? Was the subpostmaster just unlucky? Or is there more to it than that?

Audits rarely happen on the “off chance” at present, manpower issues in POL dictate that. Audits are normally triggered after a number of potential issues have been flagged up over a period of several weeks or months. Be aware that with the introduction of Horizon Online, the ability of POL to remotely monitor offices will be greatly enhanced.

**Case E: Failure to meet Contractual Obligations (3)**

Subpostmaster E has been in post at his £32,000 salary office for nine months. He has two part-time members of staff who work three mornings a week each, so he works weekday afternoons on his own. Ever since he started, the subpostmaster has struggled to balance the office at the end of the week. Losses and gains each week have been anywhere between a few pounds and up to £2,500.

Each week where he has been off by more than £100 he has phoned the NBSC Helpline to inform them that he cannot find where the discrepancy lies and has then proceeded to settle the amount centrally, something which has happened on no less than 15 occasions over the course of the nine months. He has also done the same with the four transaction corrections that he has received during the same period.

It is at this point that the audit team descends upon his office. The audit shows up a loss of £1,200 in the office, £800 in stock and £400 in cash. As the subpostmaster cannot explain the



discrepancy he is suspended “while investigations are in progress”. The subpostmaster makes good the loss by cheque.

It is at this point that you are contacted.

**Q. What would be your first actions here?**

Undoubtedly this is a mess that will take a lot of unravelling. Again, one of the first things you need to address is the need for continuous service at the office. You manage to persuade a recently retired colleague to take over the office on a temporary basis and then arrange a meeting with subpostmaster E.

At the meeting, it quickly becomes apparent that the subpostmaster is not aware of correct procedures and certainly does not appear to know how to balance his office. You question him on how his training as a new subpostmaster went and discover that he missed four days out of the two weeks due to illness and then only had trainer support in his office for a week, including one balance.

You ask him why he had not contacted you well before now if he was struggling with things and he replies that he felt it was his problem, not one to bother a union official with.

**Q. What evidence would you try to collect before the hearing?**

Although it will be difficult to amass all the evidence you may need as the subpostmaster is barred from his office, you do have the advantage that the temporary subpostmaster is your recently retired colleague. You may therefore be able to lay your hands on some of the relevant paperwork. You will also need to try and ascertain what the “net” state of his central account is. Are you dealing with more, or less, of a loss? A call to the Contracts Manager here may shed some light on the situation.

Two weeks before the hearing you receive a call from the temporary subpostmaster telling you that he has discovered a remittance bag in a cupboard containing some £804 in Christmas stamps which had yet to be remitted out, but which he feels the auditors would have missed as it had taken him ten days in the office before he had come across them.

**Q. Along what lines would you attempt to steer the hearing?**

Although no subpostmaster can claim “that ignorance is bliss”, it is abundantly clear here that the training received by subpostmaster E was not adequate for him to successfully manage his office. Further training is definitely required, especially over balancing the office.

On the score sheet of losses and gains in his central account, the Contracts Manager confirms that the net amount owing is some £200, but that subsequent to the audit a further transaction correction was due to be issued whereby a giro withdrawal for £240 had been processed as a deposit, which would produce a gain of £480 to the subpostmaster. It was further confirmed that the Christmas stamps discovered by the temporary subpostmaster had not been counted in the audit, which cleared the shortage in the stock.

All of this certainly helps your argument that the subpostmaster did not really understand the implications of the way he had been doing things. Net, the subpostmaster was actually only £120 short.

You implore the Contracts Manager to reinstate the subpostmaster, with the requirement for further training. You also suggest that it can be arranged for the temporary subpostmaster to stay on for a few weeks to ensure that all the correct procedures are in place for the office to be managed in the proper manner.

## **Conclusion to Case E**

Subpostmaster E is reinstated two weeks later, albeit that he receives a final written warning as to his future conduct and management of the office. A POL trainer is with him for his first week back in the office and returns the following Wednesday to oversee the balancing procedure. The office balances £2,40p up. The temporary subpostmaster follows this up with regular visits over the next three weeks until he is confident that subpostmaster E is totally at ease with the balance for the office.

The subpostmaster also receives a refund from POL for £1,080 – the difference between the shortage he made good at the time of the audit and the actual loss which had accrued.

## **Case F: A POID Interview (1)**

The audit team has arrived at the office of subpostmaster F and after four hours arrive at the conclusion that some £32,000 is missing from the office; £5,000 from the main safe and £27,000 from the external ATM. The subpostmaster has appeared much agitated during the morning, denying any knowledge of where the money has gone. After further questioning the subpostmaster finally admits that he has taken the money and has been falsifying the accounts of the office for the previous six months.

It is at this point that you are contacted by the member who is very distressed.

More often than not, human tragedy lies here. The subpostmaster tells you that business in his office has been steadily declining over the past two years; his pay has been going down while his costs have risen by about 25%. He has got into serious financial difficulties and his lines of credit have dried up. Not wanting to let “his” community down by closing the office he decided to start “borrowing” money from the POL safe in order to keep his business running. He had every intention of paying the money back when his pension plan matured in three months time but the auditors had caught up with him first.



**Q. What advice would you give him before the interview?**

First of all, as much as it may distress him, your best advice would have to be to submit a resignation letter to the relevant Contracts Manager. He has admitted that he has taken the money and falsified the accounts so he has absolutely no case for being reinstated. A letter of resignation may just avoid the possibility of criminal proceedings being pursued. You cannot guarantee that this will be the case but from past experience we know that generally it is so.

You should also advise your “client” that the POID interview will be held under caution (PACE), will be taped and anything that is said may be used in future evidence, possibly to his detriment. Although you would advise your “client” to be as honest as possible in this case, unlike Case D, where that proved to be the downfall of the subpostmaster, you should advise him to keep his answers short and to the point.

**Q. What would you do at the interview?**

At any POID interview, you are there as a “friend” of the member merely to ensure that he receives a fair hearing. You are not his lawyer, nor the judge, nor the jury. You are there to make sure that he is not overly pressed on any particular point and to call a break in proceedings should you feel that he is being dealt with in an unfair manner. Should the subpostmaster feel that he requires more than this at the interview, your best advice to him should be that he engages a solicitor to represent him.

**Conclusion to Case F**

The admission of guilt at the POID interview and his resignation letter to the Contracts Manager spared the subpostmaster of the necessity of going through everything again at an RTU interview. After three months, he was able to repay the amount owing to POL when his pension policy matured. Six months later, his office was sold and he recouped the best part of his original investment. No criminal proceedings followed.

**Case G: A POID Interview (2)**

The office of subpostmaster G, salary £65,000, is run by a full time manager and five part-time staff. The subpostmaster has other business interests and is rarely at the office, usually only appearing late on a Wednesday afternoon to oversee the balance. He is also the subpostmaster at two other offices in the surrounding area.

An audit team arrives on a Thursday morning and uncovers a loss in the office cash amounting to £46,000. They are accompanied by a POID representative. The part-time staff are sent home and the POID representative then duly cautions the office manager that this is one part of a larger criminal investigation and that anything he has to say may be used in further proceedings.

The office manager is quick to tell the investigator that he has been under extreme pressure from the subpostmaster to falsify the weekly balance figure for the last five months, being threatened with the loss of his job and worse.

It later transpires that similar visits have been made to the other two offices owned by the subpostmaster and that similar losses have been uncovered in both.

At this point you are contacted by first the office manager and secondly by the subpostmaster himself, both seeking your advice.

**Q. What advice would you give to them?**

The office manager is clearly shaken by the caution he has received from the POID representative. You must make it very clear to him that you are not able to offer him any advice whatsoever, your “duty of care” lies with your member no matter what conclusions you may be drawing from what you have learnt. A polite steer to him engaging his own legal counsel is probably the most you can do for him.

Next comes the subpostmaster, who is absolutely “outraged” that POL have suspended him from all three of his offices when it is “his thieving staff” who have created the situation, potentially facing him with financial ruin and a term in jail.

You must point out to him, that under the terms of his contracts with POL he bears the ultimate responsibility for the stewardship of his offices.

The subpostmaster requests that you accompany him to the POID interview.

**Q. What would you do?**

There comes a point where we have to recognise our limitations. We are, after all, untrained, unpaid, volunteer subpostmasters who do our best to help out our colleagues who have got themselves into difficulties. This is way beyond our league.

Best advice would be to suggest to the subpostmaster that his interests would be best served if he was accompanied by his solicitor at the interview.

Should the subpostmaster insist that he still wants you there, we refer you back to the advice given in Case F, you are only there to ensure that he gets a fair hearing and that no undue pressure is brought to bear.

Be mindful that this could be a difficult situation for you. You may well have little faith that you are being told the real story and, for your own future credibility in such hearings, you do not want to appear to be attempting to defend the indefensible.

A minimal contribution to the proceedings is advised in this case.

## Conclusion to Case G

Who knows? The subpostmaster has disappeared and POL is therefore unable to bring him to court. Maybe that confirms our suspicions.

## Appeals

According to POL, there are only three grounds for an appeal hearing. These are:

1. That the first hearing was unfair.
2. That new evidence has come to light.
3. That the original decision was too harsh.

It might sound limiting, but almost any decision can be fitted into one of these categories.

In almost all cases you can be certain that the subpostmaster involved will not be happy if the original decision has gone against them and will most likely express the wish to appeal the decision. At this point, we are in a situation of “managing expectations”. As we stated in the foreword, our success rate at the appeal stage is not good, indeed of 50 appeals heard around the country in 2009 only two were successful. This is why we stress to you that your major effort must be put into the original RTU.

The member involved, however, does have the right to see the process through if that is his wish and would undoubtedly expect representation at the appeal. You must make it very clear to him that the chances of success are poor and that it will take a very compelling case to get the original decision overturned.

### **Q. If we look back through the cases in this guide, where do you see mileage for an appeal and on what grounds?**

We have already told you that both Case A and Case B went to appeal. One was successful, the other was not. Both were appealed on the grounds of the severity of the original punishment. Had either scenario under Case C led to a suspension that too would have undoubtedly gone to an appeal hearing, in the first instance on the grounds that the hearing was unfair, in the second instance that the punishment was too harsh. To our knowledge no one has had their contract terminated for such a misdemeanour – yet!

Case D gives us very little chance. Although the subpostmaster may feel that the punishment is severe, he has admitted that the accounts were “falsified” and that will ensure that the decision is not overturned.

Had Case E led to a suspension, grounds for the appeal could be found. It might well be that the missing stamps were not discovered until after the first hearing, thus giving us new evidence to present.

## **Conclusion**

We hope that this “Rough Guide” has given you some food for thought.

Remember that every case that you are asked to deal with will be in some way different. We stress to you that in most cases your preparation will be the key to any success you might achieve. The more you know of what may be thrown at you in a hearing can only go towards increasing your chances of a positive result.

We also acknowledge that conducting an RTU or an Appeal can be a very onerous task. You are being asked to help to protect the livelihood of a fellow subpostmaster and it is quite likely that, in many instances, you will know them personally. There but for the grace of god go we.

We wish you the best of good fortune in your endeavours.



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