EMPLOYMENT TRIBUNALS

Claimant: Mr Oliver Despard

Respondent: Royal Mail Group Limited

Heard at: Nottingham
On: 14 October 2026
Before: Employment Judge Holbrook (sitting alone)

Representation
Claimant: In person
Respondent: Ms A. McGovern of Weightmans Solicitors

RESERVED JUDGMENT

The judgment of the Tribunal is as follows:

1. The claim of unfair dismissal is not well-founded and is dismissed.

REASONS

Introduction

1. By a claim form presented to the Employment Tribunal on 8 April 2026, the claimant Mr Despard brought a complaint under section 111 of the Employment Rights Act (ERA) 1996 of unfair dismissal by the respondent Royal Mail Group Limited contrary to section 94 of the ERA 1996. The claimant was dismissed by the respondent on 6 February 2026 for gross misconduct.

The hearing

1. I heard the claim on 14 October 2026. The claimant represented himself and gave sworn evidence. The respondent was represented by Ms McGovern who called sworn evidence from Ms Kristine Ziedina and Mr Marco Trebbi. I was referred to documents in a hearing bundle of 404 pages.

2. I heard submissions from both parties and also referred to the legal points made in Mr Despard's witness statement.

3. Due to lack of time I reserved judgment and now provide full written reasons.

Relevant law

2. The question for the Tribunal when determining under section 98 of the Employment Rights Act whether the claimant's dismissal was fair or unfair is: did the respondent act reasonably or unreasonably in all the circumstances, including the respondent's size and administrative resources, in treating the conduct as a sufficient reason to dismiss the claimant. The Tribunal's determination of whether the dismissal was fair or unfair must be in accordance with equity and the substantial merits of the case.

3. In many cases there is a band of reasonable responses to the employee's conduct within which one employer might reasonably take one view, another quite reasonably take another (*Iceland Frozen Foods v Jones* [1982] IRLR 439).

4. In conduct cases the Tribunal will usually decide, in particular, whether:
    a. there were reasonable grounds for that belief.
    b. at the time the belief was formed the respondent had carried out a reasonable investigation;
    c. the respondent otherwise acted in a procedurally fair manner (including whether the ACAS Code of Practice on disciplinary and grievance procedures was followed);
    d. dismissal was within the range of reasonable responses.

5. These matters reflect the guidance in *British Home Stores v Burchell* [1980] ICR 303 and *Sainsbury's Supermarkets Ltd v Hitt* [2003] IRLR 23.

Issues

6. The respondent relied on conduct by the claimant in putting 'door to door' (D2D) mail in a public bin on the street. It was not disputed this occurred (although the number of D2Ds disposed of on that day was disputed) or this conduct was a potentially fair reason for dismissal under section 98 ERA 1996. Nor was it disputed that the respondent genuinely believed the claimant to be guilty of misconduct.

7. The issues in dispute were those at paragraph 4 above.

Factual background

8. At the time of dismissal Mr Despard had been employed by Royal Mail for 6 years. He joined as a Satellite Postal Delivery Officer in October 2019 and worked across multiple offices in Nottinghamshire until moving to the Glaisdale Delivery office where he remained until the time he was dismissed.

9. On 28 October 2025, Mr Despard attended work at the Glaisdale Office for his usual duty which he completed on foot with a High-Capacity Trolley. He signed out at 2pm.

10. On 29 October 2025, he arrived at the Glaisdale Office for his shift at 9am. Shortly after arrival, Mr Despard's line manager, trainee manager Sesha Hawkins informed

him that there had been a complaint from a member of the public who had reported seeing him put mail into a public bin close to the Post Office.

11. Mr Despard told Ms Hawkins that he had put a small number of what are termed D2Ds, door to door mail, in the bin because they were surplus or damaged and that he had not put any addressed mail in the bin. Mr Despard was suspended from delivery duties and placed on in-house duties from 31 October 2025.

12. On 5 November 2025, Mr Despard attended a fact-finding meeting held by Ms Hawkins. He was accompanied by his TU representative Mr Ian Pointer. At the meeting Mr Despard said he believed it was acceptable to put D2Ds in an external bin based on what he had observed in the course of his time working for Royal Mail. Mr Despard said he was not aware of any process for the return of excess D2D items.

13. At the meeting, Ms Hawkins produced a photo showing the contents of a bin containing D2D items which she said had been taken on 28 October 2025. The photo appears to show more than half a dozen D2D items which are not obviously in poor condition. Mr Despard reiterated he believed it had been 5 or 6 items and apologised if the number was higher. He also acknowledged that on reflection it would potentially not look good to a member of the public if a postman was seen putting mail in a public bin.

14. Following the fact-finding, Ms Hawkins decided to refer the matter to a higher authority manager on the basis there was a possible breach of mail integrity and security. On 12 December 2025 Mr Despard was asked to attend a formal conduct meeting with lead Customer Relations manager Kristine Ziedina. Enclosed with her invitation letter was a witness statement from another trainee manager called Shane, dated 29 October 2025, saying that '[o]n 28/10/2025 I received a photo showing an OPG (Olly Despard) putting D2Ds in a bin outside Wollaton Post Office on Trowell Road. I immediately recognised the individual in the photos as OPG Olly Despard. Following this, I went to the bin and recovered over 50 D2Ds. These included pizza leaflets, Sky leaflets, Crisis D2Ds, The Bulls Head D2Ds.' This was signed and dated 29 October 2025. Also included were training records, photos of D2Ds and the photograph showing Mr Despard putting items into the bin. Mr Despard attended this meeting again with Mr Pointer from CWU.

15. Following the formal conduct meeting, Mr Despard was provided with the meeting notes and he replied on 5 January 2026 with substantial notes from himself and Mr Pointer. Ms Ziedina responded by letter on 13 January 2026 saying she was unable to accept some of the changes to the notes as they did not reflect what was said in the meeting however she read the comments and would consider them when making her decision and retain them within the case file.

16. Mr Despard was then invited to a decision meeting on 6 February 2026 at which he was provided with the decision to dismiss in writing.

17. Mr Despard exercised his right of appeal and his appeal was heard by Mr Trebbi on 12 March 2026. Mr Despard attended with CWU representative Mr Stuart

McLean. On 27 March 2026 he decided to uphold the original decision of summary dismissal.

18. Mr Despard has always maintained his admission first made on the morning of 29 October 2025 that he had thrown D2Ds into a public bin but he has also maintained he believed this was 5 – 6 rather than the 50 that Mr Denton said he retrieved. The main areas of his complaint against Royal Mail are:
    a. Inadequate investigation and procedures including:
        i. A lack of evidence the photo was really taken by a member of the public on 28 October 2025
        ii. A lack of evidence the photos of the bin were taken on 28 October 2025. Moreover, this photo was produced midway through the fact-finding meeting instead of at the start as per the new Royal Mail Conduct Agreement with Unite and CWU. He also highlights that some of those photos from different angles (which shows the bin was less full that than previously disclosed 'top down' photo indicated) were only provided to him at appeal stage.
        iii. A failure to provide the statement of Mr Denton at any time before the conduct meeting letter on 12 December 2025, despite the fact it was signed and dated 29 October 2025 and there had been a fact-finding meeting on 5 November 2025. This statement was also omitted from the appeal bundle (although it was in fact considered by Mr Trebbi).
        iv. A lack of evidence the leaflets produced at the conduct meeting were the ones retrieved by Mr Denton. He also highlights that it is a breach of the Conduct Agreement not to have provided these leaflets in advance of the conduct meeting.
        v. The decision meeting did not include any review of evidence or opportunity for him to respond.
        vi. There was a lack of investigation into his training history
    b. When deciding to treat is as gross misconduct and to dismiss, failing to accept or take into account that
        i. His history as a SPDO meant he had not had the training and experience to be aware that it was a breach of business standards to put D2Ds in a bin, because he had not been made aware D2Ds fell under the definition of mail. To the contrary, Mr Despard says that he had over many years observed other Royal Mail staff disposing of D2Ds in bins.
        ii. He had a clean conduct history over his six years of service

Findings

Procedural issues

19. Royal Mail does not deny that producing evidence halfway through meetings is not in accordance with its Conduct Agreement. However, it says that given Mr Despard's immediate admission the late production of this evidence did not render the disciplinary process unfair and in any case by the time of the appeal hearing all evidence relied upon had been seen by Mr Despard and was considered by Mr Trebbi. I find that that Ms Ziedina to some extent corrected her procedural error by

considering the claimant's post-conduct meeting representations before making her decision, which she made on evidence that had by that time all been shown to the claimant, albeit belatedly, with a chance to comment. I also agree that the opportunity to appeal to Mr Trebbi provided a fair final step in the procedure and am satisfied that the these earlier procedural defects and breaches of the ACAS code were cured by the appeal process.

20. I do not find any unfairness in the decision meeting not involving a chance for Mr Despard to make further representations. He may have been misled by the invitation letter from Ms Ziedina saying the meeting was 'to discuss my decision' but even that indicates a decision would already have been made. The conduct policy also makes clear the next stage from a formal conduct meeting is letting an employee know the decision, preferably face-to-face. The function of the meeting is therefore clearly to convey a serious decision in person rather than to reopen it.

21. In respect of the photo taken by a member of the public, it was not clearly explained to Mr Despard before dismissal or even in the witness statements how this came to be provided to Royal Mail. This led Mr Despard to suspect it had in fact been taken by a manager. Mr Trebbi found ultimately this had no bearing because the source of the photograph was not important, rather what the photograph showed. In any case, Mr Despard had immediately admitted putting D2Ds in the bin. It is therefore very difficult to say this issue is relevant to the fairness of the decision to dismiss because verification would not add anything material when the conduct was already admitted. In oral evidence, Mr Despard asked Ms Ziedina about why there was no record of the customer complaint and she explained that what record might be available depends on how the complaint was made – if it was through some of the formal channels there would be a reference number but other times complaints can be made in ways that would not generate a reference number, for example by customers walking into a Post Office to make a complaint in person. Furthermore, some customers may not wish to be on record if they were complaining about their local postman or woman who might continue to deliver their mail daily. She said her recollection was that Mr Denton was local to the area and that the complaint had come directly to him because it was from someone who knew him personally. In my view, this finally made sense of why the complaint had gone directly to Mr Denton, which Mr Despard had long queried but had not, for unclear reasons, had explained to him. Ms Ziedina's evidence was supported by Mr Trebbi's evidence that he had actively asked all the office managers in the office if they had taken the photo and they said no. I accept the evidence that, even though what the photograph only served to confirm what was accepted in any case, both Ms Ziedina and Mr Trebbi made reasonable enquiries to satisfy themselves it was most likely taken by a member of the public and that conclusion was reasonably open to them. I do not find the metadata of this photograph could serve any purpose given the time and date of the incident were accepted and Royal Mail would not be able to compel a member of the public to provide further information linking the photo to their phone. I find this issue has not given rise to procedural unfairness nor was the extent of the investigation unreasonable in the circumstances.

22. Mr Despard had again long queried how it was possible for photos to be taken of the inside of the public bin which he presumed was locked. Again, it was not until

the hearing that it was confirmed by Ms Ziedina that she had been told when Mr Denton went to check the bin after being contacted by the member of the public, he found it unlocked. Mr Denton does not mention that in his statement nor does he mention taking photos of the bin, although he does say he retrieved leaflets from it. There is also no photo of the leaflets retrieved once out of the bin. Mr Despard says this is relevant even though he admitted putting D2Ds in the public bin because he only put in 5-6 which were (mostly) damaged, which supports his mitigation that he was only disposing of excess D2Ds not D2Ds that should have been delivered. Mr Trebbi took this point seriously on appeal when Mr Despard also highlighted some of the photographs of the bin had only been provided for the first time in the appeal bundle. His appeal decision says these concerns are acknowledged and he therefore proceeds to reconsider the dismissal on the factual basis agreed by Mr Despard that only 5 – 6 D2Ds had been thrown away on 28 October 2025. This to me indicates that Mr Trebbi was independent, open-minded and fair-minded in his approach to Mr Despard's appeal. That is consistent with his 23 years of experience for Royal Mail, including the most recent 4 years as an Employee Relations Case Manager during which time he has heard 25 appeals. I do not find any procedural unfairness here. I find a full impartial appeal rehearing was carried out in compliance with the ACAS Code. I find that any failures in investigation have been corrected on appeal by Mr Trebbi who narrowed the scope of the misconduct being alleged to ensure fairness to Mr Despard. This means the photographic evidence Mr Despard was concerned about played no part in the appeal decision and has not caused any unfairness.

Gross misconduct

23. What Mr Trebbi decides is that regardless of the amount, D2Ds are mail and should be handed back to their manager at the end of their shift. He says in his witness statement that 'if an OPG admitted to putting 1 item of live mail in the bin, this could amount to gross misconduct.' While this is not given as a specific example of gross misconduct in Royal Mail's conduct policy, the seriousness with which this was taken is strongly supported by all of the Royal Mail guides I was shown in the bundle, including 'Our business standards: an employee's guide' and I find this context shows it is analogous to the examples of 'intentional delay of mail' and 'deliberate disregard of health, safety and security procedures or instructions' given the core function of Royal Mail is to deliver mail. Also, it has been stressed throughout that this incident led to significant reputational concerns given it happened on a residential street, risking photographs being taken and posted on social media at a time when Royal Mail is under increasing scrutiny including heavy fines for not meeting delivery targets. It is also not disputed that D2Ds are a vital source of income for Royal Mail. I find Mr Trebbi genuinely believed the claimant was guilty of gross misconduct and this belief was based on reasonable grounds.

Sanction

24. Mr Despard says that dismissal was not within the range of reasonable responses because of his clear conduct history and his lack of knowledge of the correct processes which was due to a lack of training and exposure to incorrect practices when an SPDO. Royal Mail accepts that most of Mr Despard's employment was

spent as a SPDO and his training and management while he was an SPDO may have been lacking. However it points to:

a. the training records evidence (relied upon in decision-making but belatedly produced to Mr Despard) that he had undertaken a 'welcome to Royal Mail' training in 2019. I accept the evidence that training includes mail integrity.
b. the fact Mr Despard undertook refresher mail integrity training in July 2025 – this is agreed although not the fact it covered D2Ds specifically.
c. the fact that by the time of the incident he had been working for 5 months in Glaisdale Delivery Office where (again it is agreed) he had the opportunity to do a lot more training and where the staff included experienced OPGs and managers.
d. Royal Mail guides available to employees which state the definition of mail.
e. The fact there had been a major staff audit of the Glaisdale Delivery Office about a month before the incident, so Ms Ziedina expected that mail standards there would have been particularly high

25. Ultimately, both Ms Ziedina and Mr Trebbi do not accept Mr Despard's assertion that by 28 October 2025 he was unaware that excess D2Ds were considered mail and should be returned to the delivery office and not put in a public bin, even though they take into account his history of being an SPDO and the lack of training and oversight that entailed. I find this conclusion is reasonably open to them on the evidence, following a reasonable investigation, of what was made available to Mr Despard in terms of training, written guides, and the opportunity, at Glaisdale Delivery Office, to observe the practices of experienced staff and ask them questions where necessary, even in the relatively short time available in Mr Despard's working day. They did not need to investigate the training of SPDOs further given they accepted the limitations in management of SPDOs and instead focused on the part of Mr Despard's employment that followed that. I do not find that the investigation or conclusion reached here is unreasonable.

26. Mr Despard relies on survey response from six Royal Mail Staff with the help of his union representatives as showing that training on D2Ds is inadequate. Two of the six respondents say they had not had mail integrity training. Four say that had been trained on mail integrity and one said that D2Ds had been mentioned in mail integrity training to be treated as live mail. All respondents said (or implied) they knew what to do with excess D2Ds, one saying 'hand them into the line manager' and another (who had said they had not been trained on what to do with excess D2Ds and more training is needed for new starters) said 'always give excess to manager.' When asked if this evidence had been taken into account, Ms Ziedina and Mr Trebbi both pointed out it did not seem very supportive of Mr Despard's claim overall that many staff would not know how to deal with D2Ds, instead rather supporting Royal Mail's case these procedures are generally known by employees, even without specific training. Mr Despard also relies on a Royal Mail door to door policy saying 'occasional surplus items may be disposed of locally' but this is guidelines for unit managers not OPGs and does not indicate local disposal can be decided by an individual OPG.

27. Mr Despard also relies on photographs taken by his union representatives of bins inside post offices containing D2Ds. Ms Ziedina pointed out these are not dated and the locations are not verified (there is no formal witness statement explaining

when and where each photograph was taken) and that these are internal not public bins and no individual has been identified who is responsible for the disposal of the D2Ds in any of those bins. It could not therefore be said that these photographs are evidence of other individuals being treated differently by Royal Mail management for throwing out D2Ds in public bins. It could be said it indicates some Royal Mail staff are disposing of D2Ds within offices, but in my judgment it is reasonably open for Royal Mail to distinguish that from mail being disposed of in public for both mail security and reputational reasons. I find there is no evidence of Mr Despard being treated inconsistently to another Royal Mail employee who has been identified as throwing away D2Ds.

28. Mr Despard argues that it was unreasonable for Royal Mail to treat his case as one warranting summary dismissal given he had no previous adverse conduct findings and this was a genuine misunderstanding. As stated above, Royal Mail proceeded on the conclusion, reached after a reasonable investigation, that he did know the processes. I find that Mr Trebbi clearly does take these matters and all Mr Despard's explanations and mitigation into account in his appeal decision report but finds they are outweighed by the seriousness of the conduct. In addition, Mr Trebbi finds that Mr Despard lacked insight into his conduct noting his focus on trying to undermine the evidence and his comment that customers generally are not concerned about whether he disposes of a few door-to-doors in a bin. Mr Trebbi said he was left with genuine concerns that Mr Despard would not learn from his experience. I find it was reasonably open to Mr Trebbi to take such factors into account when deciding whether dismissal was an appropriate sanction, which he did, concluding that he had no trust and confidence in Mr Despard's ability to carry out his role with Royal Mail in adherence to its policies and procedures. In that analysis he also reasonably took into account Royal Mail policies and actual/potential impact of Mr Despard's conduct on Royal Mail. I find this is within the band of reasonable responses which a reasonable employer might have adopted.

29. I conclude that the dismissal was fair because Royal Mail acted reasonably in, on the accepted fact that Mr Despard had put 5 – 6 D2Ds in a public bin on 28 October 2025, to consider this gross misconduct in light of its policies and the potential for serious reputational and commercial damage and to treat this as a sufficient reason for dismissing Mr Despard, having conducted an ultimately fair investigation and procedure.

Approved by:
Employment Judge Holbrook
22 October 2026

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