

Private and Confidential
Daniel Small

DPA

03 October 2017

Dear Daniel

Disciplinary Hearing Outcome

I write to confirm the decision taken at the disciplinary hearing, which took place on 27 September 2017. The hearing was conducted by me and also in attendance was Michelle Fernandes, as Company Representative.

You chose to attend this meeting with Joe Marshall as your workplace colleague.

At this disciplinary hearing, the question of disciplinary action against you, in accordance with the Company's disciplinary policy will be considered with regards to your conduct (including words, actions and omissions) in particular (but not limited to):

- Your actions during an incident on 17th May 2017, including pointing out a camera to DCO Connolly when discussing assaulting a detainee if he was brought into the stairwell
- Not reporting the wrong doing of DCO Connolly discussing assaulting a detainee if he was brought into the stairwell

At the hearing I concluded the following in relation to the allegation (s) detailed above:-

- The CCTV shows you were part of the incident in the stairwell and pointed to a camera
- You confirmed you were aware it was inappropriate for your colleague to talk of assaulting the detainee
- You were not active in discussing assaulting a detainee
- You were aware of the camera and challenged your colleague by pointing this out
- You genuinely forgot to report the incident
- You have acknowledged that you should have reported this incident
- It was a lengthy process from start to finish with the detainee
- You knew the expectations of your role and the requirements of being a fit and proper person
- You showed openness and honesty to this Disciplinary Hearing
- You have 2 years service as a DCO with no previous record

In making my decision today, I took into account the information contained within the investigation report and the information you provided at the Disciplinary Hearing.

Based on the above, I took the decision to issue you with a written warning which will stay on your file for 12 months. You are advised that in the event of any repetition of this misconduct further disciplinary action may be taken against you up to and including dismissal. For the period that the warning is current, this warning will be taken into account at any disciplinary hearing arising from such circumstances.

Disciplinary Hearing Minutes
SN Sarah Newland Chair
DS Daniel Small
JM Joe Marshall Workplace colleague
MF Michelle Fernandes HR Rep

SN: The lack of action is not good at all. Just to be clear you are not condoning the behaviour

DS: Absolutely not. I have lived in a [REDACTED] country for [REDACTED] years and I have a lot of [REDACTED] friends

SN: Would you have felt comfortable challenging JC?

DS: Yes, C&R is part of a team and he's more senior in charge. I should have said it a bit harder.

SN: I empathise but it should have been reported after, especially if you knew the comments were not right

DS: That's why I said sorry as I genuinely did forget

SN: If JC is genuine in giving someone a dig, it should be reported as he may do this another time

DS: This is the second job in my life. I made a mistake. It was the first time the nationals were in, they have to give 30 minutes of fresh air to the eyes and escort [REDACTED] to E wing, give him some fresh clothes, after all that length of time, I went off and had a smoke.

SN: Your DCO accreditation relates to being a fit and proper person and reporting the misconduct of colleagues. There is a confidential whistle blowing or within the Centre. The danger with this is someone ends up getting hurt and had that gone ahead it would have been an assault on a detainee. Can you see this?

DS: I wouldn't do that to anyone

SN: If JC assaults him, it's too late, your part of it. This is why reporting may sound like grassing or snitching however the incident could have been different. You are fortunate it is not one where C&R was used; I am trying to keep this in balance with the stress you are under.

DS: They were more worried about me working for the BBC. The BBC put me as a witness. Everything G4S has asked I have done it. 91 hours I worked in that week. It put me under stress. I am sorry for not reporting it.

JM: He is a good officer and he made a mistake

SN: How long have you worked here?

DS: 2 years

SN asked anyone else if they have a question/comment