



Minutes

Title of meeting: Discipline Hearing of Yan Paschali

Date: 21 September 2017

Time: 13:25

Venue: 1st Floor Lunar House, Croydon

Attendees: Yan Paschali (YP - employee), Claire Mangan (CM - TU Rep), Jill Smith (JS - Decision Manager), Carol Hedger (CH - HR Advisor), Simone Parish (note taker)

JS introduced those present.

JS: You have seen Julie's report, do you have any comments to make about it?

YP: The interview was recorded and not everything I said was in the report but I don't think it would make much difference.

JS: Did you go back to Julie about it?

YP: No

JS: Do you have any other comments about the report?

YP: No.

JS: I have a few questions regarding your employment history. On your application form dated 23 August 2016 you gave some dates and I would just like to confirm them.

YP: Okay

JS: When did you start at the Prison Service? Just tell me the month if you don't know the exact date. **Jill – was this the question? The answer doesn't seem to correspond!**

YP: I received a final written warning for leaving a class three suite door open.

JS: What is a class three suite door?

YP: A toilet door. The investigation went on for two and a bit years.

JS: When did it start?

YP: Around Christmas time.

JS: So December 2015?

YP: Yes. They hadn't contacted me in over a year so I resigned. I resigned a couple of times actually. Four times I think.

JS: How do you resign four times?

YP: They asked me to come back. I had no contact from them for a year so I wrote a letter, which was not very nice basically saying "you haven't contacted me and you would not know if I was dead or alive" They convinced me to come back and made promises saying I could work wherever I wanted but I said no and resigned again in February or March 2017.

JS: Were you suspended at that time?

YP: Yes

JS: What was your employment position?

YP: Same as here. I was told I'm not allowed on the premises etc.

JS: From when?

YP: Must have been 2015.

JS: Were they paying you?

YP: They were in 2015 but in 2016 I assumed because I had resigned they weren't paying me. I told them I was done.

JS: When did they stop paying you?

YP: In March I had some TOIL and annual leave to be paid to me.

JS: When was your last normal pay?

YP: I've had nothing from them since March this year.

JS: I have an excel extract of your application form. It states you stopped working for them on 1 April 2016. But they were still paying you in 2017?

YP: I don't know, I don't get bank statements. I would have to check.

JS: This is more about what you have written on your application form.

YP: I had left. If they wanted to carry on paying me, what could I do? That was not the first letter I sent them. I have not been on the premises for two and a bit years. I had to beg them to resign. I told them I don't want to work in the Prison Service anymore because I had had enough but they promised me all this stuff. I told them I can't do it and I left. I didn't put it on the application form because I was told it would not reflect negatively. I expressed verbally in a meeting I was concerned about how I would get a job with a final written warning but I was told not to worry because my reference would be spot on.

JS: The warning was issued after you wrote your application form.

YP: Okay.

JS: Do you recall our conversation on 25 August 2017 when I suspended you? You said you were shocked about the allegations and I asked you if there had been any previous investigations into you and you said "no".

YP: You asked me if there had been investigations for violence.

JS: I asked you generally if you had had been under investigation and you said "no".

YP: I told you there was nothing on my file for violence in line with what was on the Panorama programme.

JS: I asked you about investigations generally and you didn't disclose the investigation at the prison service.

YP: It was difficult for me. I know you won't believe me but someone very high up in the prison service told me it wouldn't affect me.

JS: You were not honest with me.

YP: I know but I was told not to worry and they said not to speak about it.

JS: I need to ask you these questions because it's about values.

YP: I understand.

JS: Do you have any further comments to make?

YP: No

CM: What about mitigating circumstances?

YP: I don't see the point.

JS: It's part of the process and I will consider it. It's what the process is for so it would be a good time to say anything you want me to consider.

YP: If the Panorama programme had never happened I would not be here now. In the short time I have worked here I hope you thought I was okay. What the programme showed made me out to be a villain in circumstances where in order to do the job things have to be done. The guy had no injuries and did not make a complaint. I had a conversation with the guy afterwards. Julie said I can't work with vulnerable people but I have worked with vulnerable people for years and the guy apologised to *me* for *his* behaviour. The derogatory comments were not made by me. They guy was moved off constant observation after that.

JS: Is there anything else you would like me to consider.

YP: No.

JS: Is there anything going on in your personal life you want me to consider?

YP: No

The meeting was adjourned at 13:39 and recommenced at 13:59

JS: I have looked at all the evidence, watched the programme, read the report and considered your mitigating circumstances. I am not satisfied that you can continue your employment due the reputational risk for the business and because my trust and confidence in you is lost. As such I am dismissing you.

YP: Okay

JS: You will receive five week's pay and I will write to you setting out the terms and your appeal rights. I understand you have outstanding expenses

YP: I've given Dan the forms

JS: We will get them processed and we will need to get your uniform back.

YP: I'll give it to Chris Sharp.

CM: He had no epaulettes