

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

Meeting Start 1.50pm

SN: Thank you for coming. We are here for a disciplinary hearing relating to the Panorama footage. Do you understand why you are here?

DS: Yes, I have not had much time to go through it

SN: Are you fit and well?

DS: Yes

SN: JM are you here as representative?

JM: Yes workplace

SN: If we look at the investigation report to be clear there are a number of allegations from the report but specifically today we are looking at the incident in the stairwell. The UOF incident on E wing, you were not there but you were on B wing?

DS: Yes

DS: I am not happy about how Pete Small went about this. It felt like an interrogation. I perceived one of the comments as an indirect threat about my employment at G4S.

MF: What was it?

DS: 'I am going to make a judgement call as this is not making sense.'

I couldn't remember as I wasn't there, I had to do the investigation on my own which should have been done prior to my meeting.

SN: I understand there was third officer present and they thought it was you but it wasn't. You were seen on CCTV on B wing.

DS: Only from what I told him to look at

SN: The incident on the netting was a lengthy period till the Nationals arrived. Can you talk me through it?

DS: I must have had a call from Control.

SN: You are detailed in Activities?

DS: Yes, I was taken to the stairwell and we were to wait until the Nationals arrived

SN: Who else? John Connolly?

Disciplinary Hearing Minutes  
SN Sarah Newland Chair  
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DS: Callum Tulley and Patrick Minter

SN: Approximately what time did it start?

DS: Mid-morning

SN: Yes I recall it was an early flight

DS: Where it says I was pointing at the camera in the letter I wasn't discussing assaulting a detainee. That was me challenging. I can't have a row with teammates.

SN: We will get into that. There were 4 of you; did anyone do a welfare check?

DS: Yes with refreshments

SN: Did you understand why you were there?

DS: Yes, Dave Aldis popped into let us know what was occurring once

SN: So you understood that the Nationals were on route and that you would be deployed if you surrendered.

SN: The four of you were generally chatting?

DS: Yes

DS: I was munching on crisps

SN: How about toilet breaks?

DS: I didn't have keys

SN: At what point did JC start making comments about how D275 might be treated?

DS: Closer to the end

SN: How did it come about? Was JC the lead?

DS: Yes in charge

SN: It was almost a briefing? Is that how it came about?

DS: It just came about

SN: At what point did you become aware JC was saying inappropriate things?

Disciplinary Hearing Minutes  
SN Sarah Newland Chair  
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DS: When he said start bringing him round the corner. I wasn't happy and I politely challenged him

SN: By referring to a fixed camera in the stairwell?

SN: Was anyone wearing a body worn camera?

DS: I can't remember

SN: Your comment to JC about the camera- was the purpose to prompt John into stopping what he was saying

DS: Yes

SN: JC refers to [D275] as a nigger?

DS: I couldn't believe he said it when I was watching the TV

SN: So you don't recall him using this term when he was in the stairwell?

DS: I don't remember no

SN: If you look at page 5 'pipe down'. You state you said the camera was there to get JC to pipe down

DS: Yes

SN: You have said you were sorry but just now you said you were not aware of it until you saw it on TV

DS: I apologise for not reporting it

SN: To be clear you were unaware at the time in the stairwell so what was the purpose of the apology

DS: For not reporting it, I didn't report it and apologised as I didn't remember. There's a lot of operational stress the adrenaline is going.

SN: So you were not aware of what's going on?

DS: I forgot that's what I apologised for

SN: Did you hear JC say it and not report it at the time of the incident? Or did you not hear it?

DS: I must have heard it as I saw it on TV and it shows me standing next to him. I was shocked.



Disciplinary Hearing Minutes  
SN Sarah Newland Chair  
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SN: The lack of action is not good at all. Just to be clear you are not condoning the behaviour

DS: Absolutely not.

**Sensitive/Irrelevant**

Sensitive/Irrelevant

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 [D3707] 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

Disciplinary Hearing Minutes  
SN Sarah Newland Chair  
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All parties decline

Meeting Adjourned 1.15pm

Meeting Reconvened 2.32pm

SN: I appreciate your recognition of not reporting the incident. If it had ended up happening it may be different. We do work as a team and you knew it was wrong, racially abusive language and assaulting a detainee. There was clearly a need to report it and we wouldn't have seen it if it hadn't been reported. I have taken into account your length of service and mitigating circumstances. I am therefore issuing a written warning for 12 months. You have been honest and said you should have reported it. If there are any further incidents this may be taken into account

You will have the right of appeal and the details of how to do this will be outlined in the letter, ok?

DS: Yes it won't happen again

SN: Thank you for coming.

JM: Can I add how DS was treated, it proved to be false and he was not actually at this incident like the BBC made out. On the 7, 8 and 9 staff was phoned on duty and it was unknown what situation they were entering into

Meeting Close 2.35pm

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

Employee Name

Signed: **Signature** \_\_\_\_\_ Date: 06.10.2017 \_\_\_\_\_

Chair of Meeting Name

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

HR Rep Name





Date: 7<sup>th</sup> September 2017  
Meeting Commenced: 14:50  
Meeting Concluded: 16:20  
Location: Broom House  
Employee: DANIEL SMALL  
Representative: JENISHA CHAPIN. (JOHN INTERVIEWED @ 15:20/15)  
Interviewers: PETER SMALL Dan TOMMINS  
HR Representative:

*Terms of Reference shown and acknowledged*

- PS: Can you tell me about yesterday interview
- DS: Apparently there is a statement room the B2 where I witnessed a DCS. ~~Serge~~ Serge bring him a detainee. I didn't remember the incident. I went back through files and recall I remember two detainees being in a room and taking one back to E wing I remember taking him to room one. Or I remember right there was one in room one and another one was "ready to fight" the other was on the bed.
- PS: The detainee was brought down to E wing what happened
- DS: They took some body to E wing room one. I can barely remember the thing I did last week let alone 15<sup>th</sup> June.

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Signed:

**Signature**

Date:

08-09-17

DS I am nervous about this process and don't want to lose my job. I don't know how the BBC can put me as a witness

PS Do you remember anything else about the seeing

DS I don't. I didn't do any paper work or nothing  
I was not a responding officer and didn't do any paper work

PS Is that what first response do?

DS Yes depending on the incident.

PS Is that what they do.

DS Well yes to cover yourself

PS Do the BBC know you.

DS No. I knew a uncle who is at the Daily Mail.

PS The problem is the BBC don't know you, you have never had contact

DS No they have no idea.

PS They don't know your name but place you

DS I see Callum is. He was my close friend here. I worked as long as him because we did 13 hour shifts together we were close. I was going to America with him. I have had to change all my plans and now go to Cyprus what Callum has done is for his five minutes of fame to make money.

PS How would they have known?

DS I said Callum was in? I worked the same roster line as him. He must of told the BBC.

PS. Seen Sergeant pick up a Detainee picking him up putting him in a room.  
Can you tell me anything about it

DS No I don't remember anything like that all.

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Date: 08-09-17

Page 2



PS The BBC knew on 15/6 Sean Sayes picked up and moved a detainee to his room, which is correct. How do the BBC know about that

DS Do I need a trade union rep.

PS - we still adjourn for you to seek a rep.

Interview adjourned at 15:05 HRS.

TERISHA CLEVERLY - CALL OFFICER. WORK PLACE CALL-CENTRE HAS DROPPED THE MATTER

Recommenced at 15:24 HRS

PS You were asked about an incident to check you were moving and could remember.

DS Yes

PS The thing that jogged your memory was looking at a system.

DS I remember the detainee ~~was~~ <sup>was</sup> Dor and Lorraine told me of the incident on that day.

PS You describe taking him off a cotyled and into a room.

DS Yes into room one and another into room 2. I don't say the BBC would put me as a witness

PS You can't explain why the BBC knew about a date and specific incident

DS Oh then the agent Callum worked with the BBC. Whether he wrote anything down or what

PS Is it strange that the BBC have knowledge of an incident with **D313** on Sean Sayes

DS Absolutely strange

PS You mentioned Callum Tully and that you were close. May Callum have asked you about this and you may have told him

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Date: 08-09-17

Page 3



DS I didn't speak to Callum about it and I was  
~~at that incident~~

PS Did you speak to Callum about any incidents

DS I may have spoke about things but not that  
incident because I didn't witness the incident  
with Sean.

PS The incident took place and the BBC stated that  
was witnessed by DCO Daniel Small.

DS But surely there would be a witness statement

PS If you witness an incident it is correct  
to report. If you didn't report it then its  
not recorded.

DS But I didn't speak to the BBC about it.

PS. Can you recall anything with Sean Sayes  
picking up a detainee.  
Are you a 100% you weren't there.

DS I can't remember that.

PS This is not when he has come off a  
court yard. This is at ten time when they  
come out of their room and Sean Sayes  
picks up a detainee and places him in his  
room.

DS So its not the same incident.

PS no its the same detainee

DS I don't know

PS If you were there and saw it tell me

DS I don't know if I was there so can't answer  
it.

PS Is it routine to be hanging a detainee. If not will  
it stick in your mind  
Did you see it. If so tell me

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**Signature**

Date: 08-09-17

Page

4



DS I want to answer it but I don't remember

PS we will take a adjournment for 5 minutes  
to give you thought

Interview adjourned at 15:35.

Interview Resumed at 15:51.

DS I am going to annoy but I generally can't remember.  
Even if I am there.

PS Let you tell you what I think. End the end of this  
I mean to make recommendations and whether  
it is likely you can recall an incident.  
You are adamant you can't remember that on the  
drop of the balance of probability if you recall and  
tell the truth.  
I can recall things from months and years  
ago.  
If you see there you will recall it

DS ~~PS~~ I'm being as honest as I can, I honestly  
don't know and don't remember  
I remember the incident with spice but really  
don't know.

PS. maybe the most serious is to withhold something  
you know.  
Don't know if there anything I should know

DS. Yes the Jan Connolly incident in the car stairwell  
I was in the team.

PS. Why did you not report that

DS It was me who said there is camera there  
boss.  
Cyl is scary thing for me, to suggest I won't  
be doing what you wanted me to do.

PS why did you not report it.

DS We were in the corridor for 3/4 hours.  
The nationals sprayed him. We took him  
outside.  
By the time it all finished 5 hours later, I  
forgot to report what you said

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Signature

Page

5. V

Date: 08-09-17



PS. Somebody who led the incident and now telling you what was going to happen and what he was planning in very serious and you forgot to tell anybody. How does that sound?

DS. Not necessarily not good at all.

PS. The incident took place on the 17<sup>th</sup> May  
BBC Area A read relating to DCS John Connolly  
Did anything else happen on 17<sup>th</sup> May.

DS. Not what I am aware of.  
When I saw the TV I don't remember him saying the 'N' word.  
I'm sorry but I forgot to report it. It looks bad and I should of reported it and I am sorry.

PS. Second statement from Area A read relating to John Connolly.  
Were you there.

DS. Is it was in the staircase then yes I was there. I don't remember it.

PS. Is there anything else from Programme that you need to tell me about. If so tell me now?

DS. I don't think so. Can I get back to you and re-watch the footage tonight.

PS. You inform Connolly that was in camera?

DS. No I told him

PS. How else can that be read?

DS. Is now it's going to happen.

PS. Why did you allow it to bring you without challenge

DS. I wouldn't get in an argument with John Connolly  
I mention the camera to basically say  
pipe down.

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Date: 08.09.17

Page

6



PS Are there any other incidents I need to know about your involvement?

DS I don't think so. I didn't watch it again tonight

PS Calling Tulley deliberately hard on conversations and giving information  
Do you think you spoke to Callum about Sean.

DS No, I don't know.

PS Did Callum ask you to assist him?

DS No he hasn't.

PS You were friends with Callum and were going to go on holiday with him

DS Yes I was going to meet him in America until this all went on with Callum.

PS The BBC says you witness Sean Sarge slap a detainee.

DS That is 100% false. I have never witnessed Sean slap any body

PS Did Callum ever talk about frustrations?

DS Yes - with detainees

PS Did Callum ever talk about exposing issues?

DS ~~No~~ No never.

PS Last time you spoke to him

DS The last thing he did, it was strange how he was. I messaged him and he replied, I have had enough. Then he deleted us all of facebook.

PS Did you have any idea Callum was filming

DS I thought it was strange he went to catch more. He was known for making a day from it. I thought he was getting involved more, but it was all for the wrong reasons

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Page 7