

Private and Confidential

Babatunde Fagbo

DPA

25 August 2017

Dear Babatunde

Disciplinary Hearing Outcome

I write to confirm the decision taken at our meeting, which took place on the 8th August which I adjourned to clarify a number of points within the investigation report and we reconvened it on 16th August 2017. The hearing was conducted by me and also in attendance was Michelle Fernandes as our Company Representative. You were offered the right to be accompanied and Gary Siggins attended as your workplace colleague.

The reason for this disciplinary hearing was to consider the question of disciplinary action against you, in accordance with the Company's disciplinary policy with regard to:

An allegation of an inappropriate conduct and language relating to actions at or outside of work which could bring the company into disrepute or affect your integrity with the Company. I will also give consideration to whether there has been an irretrievable breakdown of trust and confidence between the company and yourself.

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

The investigation report indicates that you attended a first response call for staff on Dove wing on the evening of 21 April 2017 where a number of detainees were delaying the evening lock-up of the wing and during this you engaged with [D119] a detainee who you informed me that you had some previous dealings with and that he had been verbally challenging to you within the centre.

I do accept that [D119] is a challenging individual and has been involved in a number of concerns within the centre over the time he has been at this centre and he had been moved here as part of a Home Office disruptive movement policy. Statements from staff support that a verbal exchange took place between [D119] and yourself, these reports indicated that it was aggressive and loud and could be heard by staff on other landings on the wing. Statements support that inappropriate and offensive language was used by [D119] and yourself and you were both shouting at each other.

It is also apparent in the statements from staff and the report that there were opportunities where you could have stepped back from this incident and other staff indicating on the wing could deal with [D119] [D119] and the issues he was presenting at the time and this had the potential to deescalate the situation.

Statements from an officer in the investigation report, CCTV evidence and detainee statements support you were patronising both verbally and physically towards [D119] by waving to him and stating words to the effect of 'going home to see your kids' and saying 'bye bye'. At this point you had stepped back from the incident and five other staff were moving [D119] to his room and this hand waving action was in my opinion inappropriate and there was no need for given the fact you had moved yourself eventually away from this incident. This had the potential to inflame the situation and also put your colleagues at risk of harm.

I have considered all the evidence in this investigation and giving you the opportunity to elaborate any further on this investigation and I now have all the facts and no further investigation is required in considering the outcome of this disciplinary action. The threshold for me is the balance of probabilities as the minimum standard and having considered all these facts and listened to what you have had to say in response to these allegations I have reasonable belief that the allegation of inappropriate conduct towards a detainee is founded in line with our disciplinary rules and that there is a breakdown in trust between an employer and employee in the behaviour you displayed you displayed towards [D119]

I also have reasonable belief that you have breached three Detention Centre Rules:

Detention Centre Rule 41 Section 2: No officer shall act deliberately in a manner calculated to provoke a detained person

Detention Centre Rule 45 Section 6: In managing detained persons all officers shall seek by their own example and leadership to enlist their willing cooperation

Detention Centre Rule 45 Section 6: At all times treatment of detained persons shall be such as to encourage respect a sense of personal response of ability and tolerance towards others

I find the behaviour that you displayed on that evening goes against our conduct procedures and our values as an organisation in acting with integrity and care. I would expect all staff that work within our centres to act professionally with integrity and our interactions with detainees with decency and care even when we are provoked with poor behaviour that can be displayed from certain disruptive individuals in our care. We have procedures and protocols that are available to assist in dealing with poor behaviour that is displayed by them on occasions.

Given the fact as you highlighted there is previous history between you and [D119] should have given you more reason to step back from this incident and allow your colleagues to deal with this.

Under the disciplinary policy your actions resulted in you being negligent in your actions towards a detained person and I have taken into account the numerous statements from staff who have reported inappropriate and offensive language you displayed towards a detained person. It is not the expected behaviour of a professional officer. It is my reasonable belief that these did occur and inappropriate threatening language and patronising behaviour was used. These actions have taken place and are in conflict with the code and conduct and company values and they are behaviours that are not accepted or tolerated within our organisation.

In finding this proved this constitutes gross misconduct under the G4S disciplinary policy and you are dismissed from employment with G4S with effect from the date of the meeting 16 August 2017. It is at my discretion and we will pay you 7 weeks' notice in lieu.

In making my decision today I have taken into account the information contained within the investigation report and the information you provided at the disciplinary hearing including your mitigating circumstances and taking into account your previous disciplinary record and service with us.

You will receive payment for your basic salary from 1st August to 16th August along with a payment for 7 weeks' notice in lieu and any outstanding leave which will be paid to you.

You have the right to appeal this decision within 7 days of receiving the letter outlining your grounds of appeal to Ben Saunders Centre Director.

I have enclosed a copy of the notes taken at the hearing for your records.

Yours sincerely

Steve Skitt
Deputy Director
G4S Care & Justice Services (UK) Ltd