

Private & Confidential

S5091

DPA

4th April 2018

Disciplinary Hearing Outcome

Dear **S5091**

I'm writing to you to confirm the decision I have taken after the disciplinary hearing which took place on Monday 26th March 2018. This hearing was conducted by myself; also in attendance was Michelle Fernandes, HR Adviser as HR Representative and note taker.

You were accompanied by Andy Darkin as your staff association representative at the disciplinary hearing.

You were invited to attend a reconvened disciplinary hearing meeting on the 4th April 2018 with myself with HR in attendance but you declined to attend meeting. Your message was passed on to me by Andy Darkin staff association representative. I discussed with Andy Darkin the decision of your disciplinary hearing outcome would be sent in writing.

The reason for this disciplinary hearing was to consider the question of disciplinary action against you following an investigation into an allegation of gross misconduct, in accordance with the Company's disciplinary policy with regard to:

The allegations of inappropriate conduct towards G4S colleagues.

I adjourned our meeting last week for me to review and consider the allegations against you and a number of points were raised by yourself which I have looked further into:

- The letter from Sara Edwards, I agree this could have been worded better. Sara clearly did not know the full facts and had based this letter on a template sent to her there was no malice in this action but her understanding was that the investigation was still ongoing.
- You have raised concerns around Paul Langton-Smith and **S5097** not being interviewed. As part of my review of this I have spoken with both members of staff.
- There were two other concerns raised regarding the Head of Security, Michelle Brown and the case of **S5098** being allegedly groped by a female member of staff. I will deal with these matters separately and outside of this hearing.

Upon the adjournment, I have taken the time to review the investigation report and the staff statements and your mitigation and I concluded the following in relation to the allegation (s) detailed above:-

The investigation report and staff statements have highlighted a number of serious allegations against you:

There were a number of messages and comments that had been sent to [S5092] [S5092] by you. These appeared to be of a suggestive nature although I do not dispute they were sent I am of the opinion that these would have been perhaps part of a conversation. Although initially they indicate also a friends request would have had to be sent and accepted.

It was reported in [S5092]'s statement, that on the 16th March 2017 in the detainee reception area as she was sat on the sofa that you slid off the arm of the chair and ended up sitting on the her lap making her feel uncomfortable and making her move away from you whilst showing her your Tinder app on your phone. You then moved onto another chair and alleged to have sent a number of Facebook messages which were contained emoji's and also contained the words naughty & hot tub that evening. These messages sent on Facebook form part of the investigation pack. You stated at the disciplinary hearing that you did not do this. As the building was not operational there was no CCTV available of this alleged incident. Michelle Fernandes and I have interviewed Paul Langton-Smith as he had not been interviewed previously as you have raised this in the hearing meeting. He stated he was in the reception area waiting room and in his words "you were out of order". [S5092] was on the chair and you were on the arm of the chair showing her your mobile phone and you appeared to be not taking no as an answer. Paul stated that he believes from what [S5092] said it was a Tinder app you were showing her.

On the 12th November it was alleged from a statement from DCO Ian Middleditch that you entered the reception area and started to play with the shirt collar of [S5092] [S5092] and commented on her tattoo. [S5092] disapproved of you doing this. Also according to staff statements you made a comment about the size of [S5093] a senior manager's breast. You stated at the disciplinary hearing that this did not happen and you said you did not do these things. I have two staff statements that say you did and I can see no reason why these staff witnesses would want to conspire such a serious allegation against you.

On the evening of the 16th December a night out that was attended by staff from Gatwick IRCs as a get together for a Christmas. It is alleged you touched three members of staff breasts. You stated at the hearing that you only touched [S5092] [S5092] and that it was consensual and you did not touch anyone else and you were clear on that. This differs from the statement you gave during the investigation statement on the 6th February as you stated that you could not remember who consented.

You are a manager regardless if this action was consensual or not, this action would not be inappropriate. [S5095] stated you touched [S5092] and [S5094] breasts. She also stated you attempted to touch hers and she told you to get away or in similar words. On Pumtanton has stated within her investigation meeting she saw you touch the breast of two people. She also stated that you attempted to touch hers. Three staff statements state that you touched the breasts of two people and attempted to touch the breast of two other members of staff whom I can find no reason why they would conspire to invent such statements against you.

It is also alleged that you lifted the skirt of [S5096] and said to [S5097] "[S5097] here is a bit of fanny for you". You denied this allegation. [S5096] in her statement said that this happened and you made some comments about her breasts. [S5097] in her statement could not recall the comment about lifting up [S5096]'s skirt but recalls some comments about the size of her breasts.

Taking into consideration the contents of the investigation report including witness statements and the additional evidence supplied by yourself at the disciplinary hearing, I have also looked into personally the concerns you have raised this included interviewing two members of staff and the concerns raised by your staff association representative. In making my decision, I conclude the allegation against you is proven.

I can find no reason why the witnesses who have given statements would conspire to invent this, in response to such a serious allegation of gross misconduct against you and on the basis of the information above and based on the balance of probability I believe the account of the witnesses who have provided statements.

G4S have clear values. Your actions are entirely at odds with those values and are incompatible with your employment. The definition of gross misconduct is one that is so serious or too fundamentally damaging to the relationship between the employer and employee and makes any future relationship impossible.

Therefore I consider that there is no alternative but to summarily dismiss employment with immediate effect as of the 4th April 2018. You have the right to appeal my decision by writing to the Lee Hanford, Director within 7 working days of receiving this letter outlining the grounds of appeal which are set out in our disciplinary policy enclosed.

Please note that your final salary will comprise of basic pay due for the 1st April 2018 to 4th April 2018. Please note that your final salary will be paid to you by bank transfer on or around 28th April 2018. Our records show that you have accrued 69.25 annual leave hours to the 4th April and you have taken 12.5 hours. Therefore 56.75 hours of annual leave will be paid to you in your final pay. In addition you currently have -6 hours of toil; this will be deducted from your final pay.

Your P45 will be also be forwarded to you by post.

Could you please make arrangements to return of all items of uniform and Company property that you have been issued with to your point of contact, Mark Demian.

On a supplementary note you claimed on the evening of the 16th December that other staff that attended that night acted inappropriately I invited you at your hearing to provide any details to me and urge you to. You informed me that you had raised this with Mark Demian your contact point whilst on suspension, I have discussed this with him and he informs me you have not reported anything to him and has kept concise notes of all your contacts that have taken place.

Yours Sincerely,

Steve Skitt
Deputy Director
Gatwick IRCs