

BF Babatunde Fagbo

GS Gary Siggins Workplace Representative

SS Stephen Skitt Chair

MF Michelle Fernandes HR Rep

Meeting Start 10.35am

Meeting End 11.50am

Introductions of staff present by Stephen Skitt

SS: Thank you for coming. This is a formal disciplinary hearing following a recent investigation by Michelle Brown. Ben Saunders issued Terms of Reference. IS there anything I need to take into account before we continue? Are you fit and well?

BF: Yes

SS: I understand the hearing has been arrange a couple of times, MF has explained and in line with GS availability. I will read the letter of invite so we are all clear why here.

SS: Gary are you here as a union or workplace representative?

GS: Work place colleague

SS: I understand GS provided his mobile number direct for you to contact him

SS proceeds to read the letter of invite and allegation

SS: So GS is attending with you. It is your opportunity to answer openly and honestly. I am not here to reinvestigate. Have you had a full copy of the report?

BF: Yes

SS: I have the same but the original copy.

SS: This is your opportunity to raise anything new, talk through the incident and offer any mitigation

SS: GS do you understand your role?

GS: Yes

SS: I am not sure what will come out or how long it will take to look into the details. You can adjourn as necessary. Is there anything you want to ask before we start?

BF: In 2016 an incident is mentioned

SS: The crucial bit is to go through the incident that occurred. We can go off on tangents. I can consider mitigation. I have read your letter and I will be looking at the incident itself. There may be other things that you wish to say. The incident itself occurred on 21 April evening. I am happy to hear what you have to say at the end which may be considered in mitigation.

BF: Yes

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SS: You were on D Wing?

BF: That's correct

SS: It was based on an altercation between you and the detainee. There were complaints received from him, witness statements and you own. I have read the paperwork and the statements.

BF: I can't recollect the events of that day. There was a radio call for all available officers to attend D wing to help with lock up. I left visits with a couple of others and went. On D Wing there were lots of detainees running about and officers standing watching. I said gentleman 'time to bang up'. As soon as I said that he came for me. Prior to this 2-3 days he verbally abused me and dragged other detainees into it. It is both racial and personal. I was not going to rise to it. He said an officer came to him and said I'm the reason why he's on closed visits. I said I haven't got the power to do this. I'm here to look after your wellbeing. I was able to control myself and be assertive. My voice could have gone higher. Sometimes when you talk to them it doesn't register until you raise your voice. I can justify what I have done.

SS: I agree we see difficult people, challenging individuals that can be a problem.

BF: Without belittling them

SS: The investigation has highlighted some of the derogatory confrontation between you and [D119]. A witness statement says you were aggressive with [D119].

BF: I got my own wellbeing/family to look after. It's an awkward situation to be in. Since this incident happened from 3am today I have not been sleeping

SS: You were interviewed by MB and a no of other staff were.

SS: The first statement is from HHM.

SS reads this statement.

'There were a no of officers around the pool table and BF was going off at FS. He was shouting back. They were screaming at each other and he called him a fucking dickhead.'

SS: HHM confirmed this and goes on to state DCO Fagbo could have dealt with this differently and that it's aggressive behaviour.

BF: First of all I have not had the opportunity to work with HHM, how can he assess how aggressive I am? Yes my voice was higher however I did not have a clenched fist, no saliva flying. I was confident in expressing my ground.

SS: This was HHM view at that time.

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SS reads DCO Moore statement.

'DCO Moore was on D wing locking up the ground floor and heard shouting on the first floor. She confirms it was BF and [D119] She says they were shouting at each other, [D119] called BF a dickhead and BF called [D119] a fucking dickhead. She goes on to say BF threatened to take him to the block and told him to go to his fucking room'

SS: She also said a number of officers said to walk away and that the detainee [D720] was banging on his door stating he was going to submit a complaint. She said BF was aggressive, shouting and swearing. She goes on to say BF was patronising saying get in your room so I can go home and see my kids.

BF: I can't remember saying that or go to your fucking room. It's not language I would use. I have been here for 6-7 years and not getting the backing made me leave the wings.

SS: Why did you say that?

BF: I can't tell you this. Looking at the footage I didn't see DCO Moore around the area

SS: That's what she heard

BF: I can't remember saying this

SS: It is your opportunity to be open and honest and truthful. I have to come to a conclusion, an outcome. What did you say to [D119]

BF: You need to go to your room. He wasn't having it. He was being racially abusive. I am surprised VM heard my side and not [D119]. I don't understand it looks one sided.

SS: I do understand people are challenging and you rise above it. You deal with people in an appropriate and decent manner. People will swear at us and try and attack us.

SS: Going on what people have said, witnesses are specific in what they say – did you say those words?

BF: No

SS: The CCTV shows you waving at the detainee

BF: If someone is angry why would I be waving at him. I'm 50 and not a child. That boy is the same age as my son. I don't understand it.

SS: You are having the interaction?

BF: I took a back seat and put my hand up to say enough is enough. My hand is up, it is not waving.

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SS: What are you saying?

BF: Stop, I have had enough, I have been here for 13 hours. People are twisting things.

SS: People say what they heard.

SS: Why not walk away? You stood back

BF: I didn't

SS: Why are you dealing with it? What's to be gained? There are 4-5 staff there, from the photos. You have no reason to get involved. You've seen the CCTV, here it is frame by frame. Staff say you were patronising and I am trying to understand. You said they were after a promotion but they haven't applied.

Mr Rowley was interviewed and D119

I am not here to disagree. I am not here to say he wasn't problematic to you. You responded by saying get in your fucking room. You were full on and they thought you were having none of it. They tried to advise you to step back and leave it.

BF: Mr Rowley was behind the door

GS: He is an officer Jordan Rowley.

BF: I know some of the new officers by their first name

SS: So why are we sat here? You got involved and there are statements. I accept all are not the same or word for word but the sentiment is the same.

BF: I can't say who's wrong. I had to deal with the situation at hand.

SS: You say you had to deal with it but there were a number of staff there

BF: If they were capable of dealing with it, we had the radio call for D wing

SS: If there is a problem on D wing, there are a few staff to deal with it, doesn't mean you have to go in and deal with it. If detainees see extra staff they tend to go away. D119 and D119 are one of them.

SS: You attended the wing, you have both had issues before you two got together and it became argumentative. This was the staff interpretation.

BF: Mr Skitt to be honest our voices were loud, it wasn't the way it exploded. I don't know how to defend myself. You are throwing something else at me.

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SS: I am not throwing anything at you. I have read the report and I am giving you the opportunity. I am an independent person to look at this. I am not trying to catch anyone out. You are telling me a picture that is the same. I am here to establish what did and didn't happen. It's your opportunity to give me those answers. I have to make a decision. It is your livelihood at stake and I personally take no joy in this. I fully appreciate the seriousness of it. I take the role very seriously. There is nothing worse than looking at someone's livelihood. I may seem inquisitive but I need to make a decision.

BF: Ok

Meeting Adjourned: 11.10am

Meeting Reconvened: 11.20am

SS: Are you happy to carry on

BF: Yes

SS: I have gone through the staff statements and there are stills here if you wish to view them. I am aware these were not offered in the mitigation. Talk me through you and Mr **D119** You submitted an SIR on closed visits. You are right you wouldn't have the authority it would be the Head of Security or myself. Were you arguing?

BF: About 3-4 days prior he said you're a snake. I said I didn't know what he was on about. He said a member of your G4S staff said you are the reason I'm on closed visits. I said I have to get permission. He was calling me names and got other detainees involved. He would be there verbally abusing me.

I went on D Wing to help. He just fixed himself on me. I am very concerned about the call I received. I had my own personal issues on the day.

SS: With hindsight there were things you wouldn't have done. Would that have clouded your judgement?

Is it because you don't get on?

I wouldn't say I don't get on, I get on with everyone. I never have problems with people from another race; it is always the same race. People pick on vulnerable spots. I don't understand where the swearing came in. I am a 50 year old man and I have a lot to lose.

SS: Statements tell me one thing. What happened after the incident?

BF: We went home

SS: Any reports submitted?

BF: The following day, I needed to make a phone call the same day

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SS: What report did you put in?

BF: 791 related to closed visits

SS: What about the incident on the night where the allegations stem from? What did you do?

SS: In letters you state management don't support you, so what did you do personally?

BF: I put this in the report

SS: It doesn't mention anything on the night of the incident night of the 21st?

SS: Did you speak to managers?

Bf: No one was around

GS: Did you put something about D Wing?

SS: I understand the staff views on the warnings; I sit in the morning meeting. I talk about my views. [D119] is discussed every week at the DOI. He is also discussed at the excessive behaviour protocol with either me or MB. He has always been on it. We are aware of his brother before.

Everyone has a duty to report it.

If we don't deal with things a colleague has to open the door in the morning.

He would be more wound up.

[D119] is a problematic detainee, not in the physical sense of not having to restrain in comparison to others. You have to take caution around.

BF: There was a note on DAT on 21st.

SS: Does everyone come in and look at DAT?

SS: Is there anything in relation to the actual incident itself?

BF: On the 21st on my dinner break, I took a phone call from Nigeria and my mum had been taken into hospital. I wasn't myself. In visits colleagues asked what the situation is. I wanted to get out of a 13 hour shift to find out what the situation was. I didn't mention this in the investigation.

Mr Skitt you know my personal situation, my sons mum had cancer, I told you, there is a lot I am dealing with, and everyone has personal issues.

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SS: Tell me about the mitigation. This may not come out in the investigation as it can appear clinical based on the facts. MB may not ask that question as she has to look at it factually. I am not here to reinvestigate but to talk through, ask questions and for you to raise mitigation to help me come to a decision.

BF: It was late in the evening; the network is Nigeria, wasn't going to use the company phone and wanted to speak in private.

SS: How is your mum?

BF: Recovering

SS: Anything else in relation to the incident on the evening?

BF: Management support, a lot goes on you give warnings and nothing comes out of it. Joseph called me all the names under the sun, he did this to SMT and he was shipped out the following day.

SS: With Mr Joseph I was quite instrumental in pushing his removal. It is perception not time reflection. We went through a long battle, trail of emails, removal set ups at least 2 times every week and the escorts would come in. Every time we told them the day before Belmarsh wouldn't take them. We worked through a number of scenarios and spoke with the Head of Detention Services who had conversations higher up and that day he did go. It was pure coincidence.

BF: He was vicious

SS: We are dealing with similar people

SS: Anything else?

BF: **D4215**

SS: On 11 May you submitted a complaint, JB conducted the investigation. There was a problem on the wing with locking up. The outcome was that he was locked in last. There is a statement – timeline of conversation and **D4215** was continually refusing to lock up.

BF: It's always people from my neck of the woods. It's because I am a black officer people think I'm better than them. I have spent 5 years at Harmondsworth and this is my 9/10th year at BH. They are looking through you to find a weak spot. You treat them as fairly as possible. They go out of their way to be disrespectful.

SS: We wouldn't be sitting here

BF: Not if everyone gives their account

SS: Anything to say MF?

Disciplinary Hearing Minutes – Tuesday 1st August 2017

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MF: No

GS: He had a personal issue and agree he should have taken himself out, there were new staff there and he felt he needed to be there. I know BF since I started and he helped me when I started; he is a valuable member with a lot more to offer.

SS: I will take the time to go through everything; Closed visits the SIR statement, DAT. WE will arrange to reconvene another date and call you

Meeting Adjourned 11:50am

Signed:_____ Date:_____

Employee Name

Signed:_____ Date:_____

Chair of Meeting Name

Signed:_____ Date:_____

HR Rep Name