



Immigration  
Enforcement

# Minutes

<b>Title of meeting</b>	Formal Disciplinary Hearing
<b>Date</b>	Tuesday 24 <sup>th</sup> April 2018
<b>Time</b>	10:53
<b>Venue</b>	Ashdown House
<b>Chair</b>	Simon Levett ( <b>SL</b> ) - Decision Manager
<b>Attendees</b>	Vanessa Smith ( <b>VS</b> ) Haroop Padam ( <b>HP</b> ) – Union Representative
<b>Note Taker</b>	Sacha Godfrey

**SL** confirmed that all attendees had been introduced and explained that the purpose of the meeting was to conduct a formal disciplinary hearing in relation to events that took place during PST training on the 22<sup>nd</sup> February 2018, where members of Hibiscus staff had then sent emails raising their concerns, which included making allegations against **VS**.

**SL** advised that the investigation had been completed by Gary Norton and that he now wanted to clarify the facts. **SL** advised 4 witnesses had been interviewed 2 healthcare staff and 2 Hibiscus staff.

**SL** confirmed that there were two allegations against **VS**. The first allegation was that **VS** used the term "he deserved it" in response to an incident involving force being used against a detainee that had been described. The second allegation related to **VS** having a general negative attitude towards detainees.

**SL** advised that the investigation had found that there was a case to answer in relation to the first allegation, as **VS** had admitted to saying these words. **SL** summarised the evidence and that 2 witnesses had not heard or reported hearing any misuse of language. Hibiscus staff had reported the language had been used.

**SL** asked **VS** if she had been asked a direct question which led to her response.

**VS** explained that the instructors were providing scenarios and asked what she thought. **VS** said that she was considering the dangers within that scenario and how the officers would have felt.

**VS** advised the words that she should have used were that it was justified bearing in mind the situation and that the detainee had weapons.

**SL** asked if **VS** could explain why Healthcare did not hear her make those comments.

**VS** said that everyone was just shouting out responses as to how they felt when they were asked the question by the instructors.

**SL** asked **VS** what tone she used when she said "He had it coming."

**VS** replied that she didn't mean it forcefully and that there was no malicious intent.

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**SL** asked **VS** if she would now have chosen her words differently.

**VS** replied yes and that her response to that question would now be that it was proportionate for the situation at the time.

**SL** then raised the matter of the second allegation which suggested that **VS** had a negative attitude towards detainees and was laughing inappropriately during discussions about detainees. **SL** summarised the evidence and that 2 witnesses had not heard or reported any inappropriate behaviour. 2 Hibiscus staff had reported inappropriate behaviour.

**VS** responded by saying that at times Hibiscus staff were also laughing and she didn't think they were uncomfortable.

**SL** asked **VS** if she was aware of who was in the group.

**VS** replied that they were all introduced at the start of the training but she didn't know them or know that they were attending beforehand.

**SL** highlighted some of the comments used by Hibiscus staff in their allegation to describe **VS**, which included that she was "violent centred" and more willing to engage in violent conduct. **SL** acknowledged that a lot of the comments appeared to be generalisations and confirmed that the Investigation Manager had concluded that there was no case to answer in relation to the second allegation.

**VS** stated that she hadn't made any comments but she had nodded her head in acknowledgement when the instructors were talking, as she was remembering actions from her previous training.

**SL** asked **VS** why she thought Hibiscus staff would describe her as violent centred.

**VS** responded that she had no idea.

**SL** asked if **VS** remembered any comments being made.

**VS** said that she didn't.

**HP** raised concerns over the standard of the training and that it was conducted in an informal manner where the trainers set a tone and then invited comments from the participants. **HP** suggested that **VS** was in fact a victim of poor course management.

**SL** asked if there were any other points that **VS** wanted to raise.

**VS** advised that there weren't.

At 11:07 hours **VS** and **HP** left the room for **SL** to deliberate his decision and returned at 11:11 hours.

**SL** advised that he had taken into consideration **VS**'s previous unblemished record but by her own admission she had made the alleged comments and **SL** perceived them to be unprofessional and that they could reflect the Home Office badly and damage the relationship with Hibiscus.

**SL** advised that his decision was to issue **VS** with a twelve month verbal warning and informed **VS** that if there was any repeat of something like this it could lead to more serious action.

**VS** confirmed that she understood.

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**SL** advised that he would send a letter to confirm the action being taken, which would also explain the appeal process if **VS** wanted to appeal the decision. **SL** advised that the appeal period was 10 working days from receipt of outcome letter and that **Name Irrelevant** (Gatwick PDT SEO) was the appeal Manager.

**HP** queried if the appeal timeframe would be effective from today and **SL** agreed it would be as he would complete the letter this afternoon and email **VS**. **SL** asked if **VS** required a hardcopy posted or happy with an electronic copy. **VS** confirmed she was happy with an electronic copy only.

**SL** and **VS** then discussed when **VS** would return to work and it was agreed that **SL** would telephone **VS** later to confirm dates.

The hearing was concluded at 11:16 hours.

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