EMPLOYMENT TRIBUNALS

Claimant: A

Respondent: The Secretary of State for Justice

HEARD AT: **HUNTINGDON ET** **ON**: 13th – 16th February 2017
10th – 11th May 2017
2nd & 5th June 2017

BEFORE: **Employment Judge D Moore**

REPRESENTATION

For the Claimant: Not represented

For the Respondent: Ms E Hodgetts, Counsel.

JUDGMENT

1. The Claimant was not unfairly dismissed.

REASONS

1. This case arises from the Claimant's employment as a Probation Officer. She commenced that employment on the 2nd October 2010 and it ended with her dismissal on the 26th February 2016. The Claim was submitted on the 23rd June 2016 and it contains a single complaint of unfair dismissal. Dismissal is admitted and the Respondent avers that the reason for dismissal was a reason related to conduct.

The Background

2. Expressed briefly the background to the case is as follows; the Claimant commenced her employment with the Cambridgeshire and Peterborough

Probation Trust which became part of the National Probation Service in September 2005. She worked as a Supervising Officer in Approved Premises (formerly known as Probation and Bail Hostels). The Claimant formed a relationship with a young man (J) who was resident at her place of work between July 2005 and November 2005 following his release from prison. The Claimant had a child (B) by J in December 2006. The relationship had ended by this time and J was unaware that he had a child by the Claimant until she contacted him in 2013. He complained that she had used her position to access personal data and this led to two disciplinary processes against her one in 2013 and the other in 2016.

Preliminary point

3. On the 1st February 2017 EJ Ord made an anonymisation order pursuant to Rules 50(1) and (3)b of the Employment Tribunals Rules of Procedure 2013. That order precludes identifying matters being entered onto any document that forms part of the public record. This order was made in response to the Claimant's application of the 13th January 2017 which was entitled *'a request for a closed hearing'.* Whilst she states that she and her child were assessed by multiple agencies as being at risk from the Child's father. The effect she wished to achieve by her application is specified in these terms:-

> *'Because of the nature of this case I am aware that it is highly likely that it will attract the interest of the media and is likely to be published in the local news.'*
>
> She continues;
>
> *'Because my ex partner will be discussed so heavily in the case I am very concerned that my (child) (Who was said to be autistic and suffer from anxiety) will not cope with reading in the press details that have not been disclosed to her.'* (She specifies that this means the father's full name and the fact that he had a conviction.)

The Tribunals file discloses that the order was made ex parte. Upon a complaint by the Respondent, EJ Ord gave a direction that it could be challenged at the outset of the hearing before me. Reasons were not given but on the he gave the following explanation to the parties in correspondence:-

> *'The Tribunal made its order on the basis of information from the Claimant and concerns expressed by the Claimant. If the Respondent wishes to challenge the order they may do so at a closed hearing before the hearing commences on the 13th February 2017.'*

4. It is argued by the Respondent that the decision is wrong in law since he evidently neglected to identify the relevant factors (X v Z (1998) CA) or balance the public interest in open justice. I have concluded that a challenge on this ground is not properly before me. A remedy on that ground that the order was defective lies by way of appeal or perhaps reconsideration. However it is open to me under Rule 50(4) to consider an application to revoke that order since the Respondent is an interested party who did not have notice of the order being made. That application rests on the merit of the point as opposed to any defect in the original order. Ms Hodgetts for the Respondent indicates that she is content to proceed with the application on this basis.

5. The question however turns on what it is that the Claimant was or / is applying for since that is the starting point against which to consider whether any grounds for an order exist. The heading of the letter indicates an application for a closed hearing Under Rule 50(3)a, that was not achieved by the existing order which relates to the identity of certain individuals to the public. The order was not made under Rule 50(3)c, and thus did not prevent the identity of witnesses being disclosed by members and since it was not a restricted reporting order it did not address her expressed concern of newspaper reporting.

6. The Claimant has produced no evidence to support her contention that she or her child had been assessed by multiple agencies as being at risk from the child's father. When asked to explain the basis of her application she initially said that she did not want the child's father to know she had brought this claim against her former employers. This was markedly different from the ground advanced to EJ Ord. Ms Hodgetts makes the valid point that it was the Claimant who traced the child's father, that she initiated contact with him, that he initiated complaints against her to her employer and that access arrangements have been the subject of proceedings in the Family Court. The Claimant has not expanded upon her comment, and has not explained why this preference should override the principal of open justice. She has not pressed that point and has reverted to her initial point that what she seeks is to prevent publication in the press. She does not oppose the revocation of EJ Ord's order but seeks a restricted reporting order in its place. Given that the Claimant is unrepresented I have explained the terms and effect of such an order. The Respondents do not oppose a restricted reporting order.

7. Orders under Rule 50 require me to give full weight to the principal of open justice and to the convention right of freedom of expression (Rule 50(2). And I am not entitled to make the order automatically but must consider whether it is in the public interest that the press should be deprived of the right to communicate information to the public. (X v Z (ante). Those who seek to have their disputes resolved in Civil Courts and Tribunals do so in the general knowledge that the case will be heard openly and in public. The first question that I must consider is whether

the grounds relied upon by the Claimant are sufficient to found any of the orders under Rule 50. Rule 50(1) provides that I may make an order if:-

1) The interests of justice require it or

2) To protect the convention rights of any person.

The third circumstance arises under S:10A of the Employment Tribunals Act 1996, relates to confidential information and is not applicable to this case, Rule 50(2) provides that before making any such order I shall give full weight to the principal of open justice and to the Convention right of freedom of expression. The use of the word 'shall' makes it mandatory that 'I do so', and I am not persuaded that the Claimant's expressed aim of wanting to prevent her child from reading about her father is sufficient. The Claimant's assertion that this case will involve heavy discussion of the child's father appears to be mistaken. This is a straightforward claim of unfair dismissal; he is not called as a witness and has not made a statement in these proceedings. He made a complaint to the Respondent about the Claimant and was interviewed as part of the investigations in 2013 and 2016. He has had access to the Child who has spent time with him and his family.

8. The particular order now sought is a restricted reporting order by virtue of Rule 50(3)d. Restricted Reporting Orders can only be made in two types of cases. Cases involving Sexual Misconduct (S:11 of the Employment Tribunals Act 1996) and Disability cases (S:12). This claim does not contain a complaint of disability discrimination. Given the nature of the charge faced by the Claimant at both the 2013 and 2016 disciplinary hearings it invites consideration of S:11(b) which is in these terms:-

> *'For cases involving allegations of sexual misconduct enabling an employment tribunal on the application of a party on the application of a party before it or of its own motion to make a restricted reporting order having effect (if not revoked earlier) until the promulgation of the decision of the Tribunal.'*

By virtue of S:11(6) of the 1996 Act sexual misconduct is not confined to sexual offences and the definition includes 'other adverse conduct related to sex'. The nature of the Claimant's relationship with the child's father and when it started was a matter considered by the Respondent at the disciplinary hearings. Ms Hodgetts indicates (unsurprisingly) that there will be some reference to the matter in cross examination and thus I cannot determine at this stage of the case the detail which will arise from the evidence. The point does have the potential to impact upon the right to privacy and family life. Whilst far from certain at this juncture that damaging detail will emerge I draw support from the fact that the order is unopposed to make the order on a precautionary basis at this juncture. The power I exercise does not wholly preclude communication to the public since the order (by virtue of S:11(b) only runs until promulgation of

Judgment (unless revoked earlier). It does however offer protection until the rights and wrongs of the matter have been judicially determined and set out in the judgment. The Claimant has made the application, the Respondent does not oppose it and I am satisfied that the power to make the order exists. I revoked the earlier order and granted the unopposed application for a restricted reporting order. With regard to the child and her father, neither is a party to this case and their identity is unimportant. The parties have redacted the documents in the bundle to identify these persons by initial and have referred to them by initial throughout the hearing. With their agreement I have not gone behind those redactions and I have continued that practice in this Judgment.

9. Although it is conventional to set out the facts of a Judgment prior to setting out the relevant law I have taken a different course in this instance. The focus of my attention is guided by the statutory definitions that relate to this case and the relevant authorities as I have earlier stated there is some indication that the Claimant has some expectation that the issues are wider than they are. In the hope that it will aid assimilation of this Judgment I make mention of them at the outset.

10. Section 98 of the Employment Rights Act 1996 provides that it is for the employer to establish the reason for the dismissal. If he does so, and if that reason is one of the potentially fair reasons set out in the section it is then for us to establish on a neutral burden of proof whether in all the circumstances of the case (including the Respondent's size and access to administrative resources) they acted reasonably in treating that reason as a sufficient reason for dismissal. The reason relied upon by the Respondent is a reason related to conduct and this is one of the potentially fair reasons for dismissal identified in the Section. In such cases it is not for me to determine whether the Claimant was guilty of misconduct, indeed we I am not entitled to substitute out view for that of the employer. My task is quite different; I have to determine the quite different question of whether the employer had a genuine belief in the employee's guilt, held on reasonable grounds following such investigation as was reasonable in the circumstances (British Home Stores v Burchell (1978) ICR 303).

The Facts

11. The Claimant commenced her employment with the Cambridgeshire and Peterborough Probation Trust which became part of the National Probation Service in September 2005. She worked as a Supervising Officer in Approved Premises (formerly known as Probation and Bail Hostels). The Claimant formed a relationship with a young man (J) who was resident at her place of work between July 2005 and November 2005 following his release from prison. The Claimant had a child (B) by J in December 2006. The relationship had ended by this time and J was unaware that he had a child by the Claimant until she contacted him in 2013.

12. On the 12th March 2013 J made a complaint to the Respondent about the Claimant's behaviour. It is at pages 317(2)–317(7) of the bundle. He claimed that he and she had had a sexual relationship whilst he was resident in the approved premises. He stated that the Claimant had contacted him through a fake Facebook account and had informed him that her child was his. He complains that she used the Respondent's/Social services database to find him and had disclosed confidential information to others. She had threatened him that she would use her position as Head Probation Officer to destroy his and his wife's lives. He noted that the Claimant was denying him access to the child unless he paid £100 per month. It is not disputed that sexual relationships between Probation Officers and residents are proscribed or that there is a duty to report any relationship.

13. The Claimant was suspended and investigated. In due course she was required to attend a disciplinary hearing to face charges of alleged misconduct. Those allegations were as follows:-

> *'Allegation 1:* *Gross misconduct or serious misconduct in that you embarked on a relationship with an offender whilst he was resident in Approved Premises and that in the course of this relationship, you behaved in a manner which was not consistent with your position in the approved premises.*
>
> *Allegation 2:* *(i) That you disclosed confidential information to an individual who is not entitled* to receive that information.
>
> *(ii) That information obtained in the course of your employment may have been used for personal gain.*
>
> *Allegation 3:* *That you have not conducted yourself with integrity and honesty.*

The findings of the disciplinary panel are set out in their document entitled 'Adjudication' which is at pages 318–320 of the bundle and is dated the 3rd July 2013. The first allegation and 2(i) were found not to have been proved but she was found guilty on her own admission that she accessed the database to obtain J's address (and used it for her own purposes). She was also found guilty of the third charge in that she had not been honest during the course of the investigation. She was given a written warning to remain on her file for twelve months and was required undertake specific coaching.

14. J was informed of the outcome and he 'appealed'. There was however no alteration to the outcome. He was dissatisfied with that and raised the matter with the Probation and Prisons Ombudsman in June 2014. The Ombudsman did not conclude his report until November 2015. He

found the investigation to have been thorough but found the disciplinary hearing to have been poorly conducted. He considered that a review of the disciplinary panel's findings should be carried out by the Respondent and (since it appeared that J had provided the Ombudsman with fresh evidence) that a fresh review of the evidence should be carried out.

15. The Respondent gave effect to the Ombudsman's wishes and on the 26th June 2015 Ms Harvey (Acting Head Hertfordshire LDU) was instructed to carry out an investigation into two matters concerning the Claimant;

    (i) That the Claimant had an inappropriate relationship with a prisoner/ex prisoner.

    (ii) That she had made/promoted false statements.

    Her terms of reference are at pages 114 to 116.

16. She commenced by trying to arrange a meeting with the Claimant. Initially the Claimant had agreed to meet her on the 2nd July 2015. The Claimant's Trade Union representative (Ms Smith) asked for an alteration to both the date and the location. Ms Harvey offered a choice of dates and a venue close to where the Claimant lived. She did not receive a reply. On the 7th July she telephoned the Claimant and informed her that she would alter the venue again to Huntingdon but that the only available dates in July were the 27th and 28th. (It appears that the Claimant had said that she would be away on holiday during August, and we can see from Ms Harvey's terms of reference that she was expected to have completed her investigation by the 5th August 2015 (Page 115). The Claimant agreed to the 27th July 2015 and a 7 day extension to the deadline was granted.

17. That meeting did not go ahead; on the 13th July the Claimant's Trade Union representative informed the Respondent that the Claimant had made a complaint to the Police about J and asked that the matter be adjourned until the conclusion of the police investigation. That application was, in due course, refused. Ms Harvey sought to meet with the Claimant on the 4th September but the Claimant declined saying that she was on leave. Ultimately the meeting occurred on the 21st September 2015. The Claimant was accompanied by a different Trade Union representative, Mr Cameron. The notes of the interview are at pages 345–347. There was a second interview on the 7th October and the notes are at pages 348–349. In the light of the Ombudsman's findings she also carried out a review of the documentation pertaining to the 2013 disciplinary investigation and hearing.

18. The fresh evidence referred to by the Ombudsman were a series of e-mails allegedly sent by the Claimant to J on the 29th and 30th May wherein she admitted that she did have a relationship with J in 2005. If that were true it would show that she had given an untruthful account to

the 2013 disciplinary panel as she had stated at that time that the relationship did not commence until 2006 after J had left the approved premises. The complaint made by the Claimant to the Police was that these had been forged. On the advice of Detective Chief Inspector Murphy of the NOMS Anti Corruption Unit Ms Harvey deferred interviewing J until the police had concluded their investigation. In due course they informed that the outcome was inconclusive and that she was free to interview J. She interviewed J and his wife on the 9th December 2015 and the notes of interview are at pages 370–374. Ms Harvey's conclusion was that there were grounds capable of casting doubt on the Claimant's assertion that she was not the author of the e-mails and she recommended a disciplinary hearing.

19. On the 25th January 2016 Ms Harding (Head of Local Delivery Unit) wrote to the Claimant informing her that the deputy Director of the South East and Eastern Division of the national Probation service had asked her to conduct a disciplinary hearing. The charges were clearly framed in the following form:-

> *'Having an inappropriate relationship with a prisoner/ex prisoner (J) whilst he was an occupant of Wesleyan Approved Premises in or about 2005/6.*
>
> *Making or prompting false statements to the disciplinary investigation and hearing conducted by Cambridgeshire and Peterborough Probation Trust in 2013.'*

A copy of the investigation report, a copy of the Conduct and Discipline Policy and a copy of the NPS Conduct and Discipline Policy Guidance was enclosed with the letter. She extended to the Claimant an opportunity to submit documents and she enquired whether the Claimant wanted her to arrange for witnesses of the Claimant's choosing to attend. She offered the Claimant a choice of provisional dates. The letter informed the Claimant of her right to be accompanied and put her on notice that dismissal was amongst a number of potential outcomes.

20. The Claimant requested certain documents and these were provided to her. On the 12th February 2016 the Claimant submitted a statement she had prepared and indicated that she wanted to call Mr Swain (her Line Manager) and a Ms Francis from Woman's Aid. That same day Mr Cameron (the Claimant's Union Representative) wrote raising a number of procedural points. His letter is at page 228. His first point was that there was a policy which stated that previous warnings should be destroyed once they had expired and that this meant that all of the 2013 case papers should have been destroyed. Mr Cameron has given evidence before me and he has not been able to produce or refer in detail to any policy requiring the destruction of these documents. Furthermore, I note that at the time the Claimant's written warning expired the Ombudsman was seized of J's complaint and I conclude that in these circumstances it is entirely consistent with the actions of a

reasonable employer to not destroy relevant documents. The Respondent was not persuaded by Mr Cameron's point to abandon the disciplinary process and I do not find them to have acted unreasonably in this regard.

21. He asked for the Ombudsman's report to be excluded from the hearing. On grounds that it was not relevant. The point has not been explored in cross examination by the Claimant but for the sake of completeness I note that it could not be considered wholly irrelevant since it called for a re-examination of the 2013 investigation. Mr Cameron's corresponding assertion that all mention of the 2013 hearing should be excised and the charge of giving false evidence should be dropped. The Respondents attention had been drawn by the Ombudsman's report to the matter of the Claimants dishonesty in the 2013 disciplinary proceedings and referred to fresh evidence. It indicated that the matter had not been properly resolved. Given that the Claimant's position was one of public trust I find the Respondent's decision to explore this matter through their disciplinary procedure to fall within the band of responses open to a reasonable employer. The remainder of the letter has not been referred to in evidence before me but does not appear to refer to the conduct of the disciplinary hearing. It was of course open to him to argue any matters pertaining to the investigation at that hearing.

22. The Disciplinary Hearing took place on the 26th February 2016 and there is a transcript of the proceedings at pages 415–511 of the bundle. It can be seen that Ms Harding commenced by outlining the charges and obtaining confirmation that the Claimant understood them (pages 217–218). She had invited Ms Harvey to attend and Mr Cameron was given the opportunity to question her about any matters pertinent to her investigation. She heard evidence from Mr Swain and Ms Francis on behalf of the Claimant. J did not attend to give evidence. The Claimant had not requested his presence when afforded the opportunity to do. The Claimant and her representative were given a full opportunity to participate in the Hearing.

23. On the 1st March 2016 Ms Harding wrote to the Claimant giving her decision. It is at pages 234–236 of the bundle. She found the two charges proved. In respect of the second charge of making or prompting false statements to the 2013 disciplinary panel she found the charge proved on the Claimants own admission. The records showed that the Claimant denied setting up a Facebook account in a false name (Sarah Smith) during the 2013 disciplinary process and in the statement she chose to submit to Ms Harding she admitted that she had set up this fake account in order to contact J. The transcript of the hearing confirms Ms Hardings evidence that she repeated this admission at the hearing. The fact of the initial denial in 2013 and the subsequent admission in 2016 has not been challenged by the Claimant before me.

24. Turning to the question of whether the Claimant was the author of e-mails that were probative of her relationship with J beginning prior to the date in 2006 when she claimed that it had commenced. She found similarities in the language used in those e-mails and those used by the Claimant in undisputed e-mails with J's family. She was not persuaded by the Claimant that differences in the times recorded on the e-mails were material and on a balance of probabilities she concluded that this was attributable to computers being set at different times. The Claimant did not produce any evidence of how this went to the identity of author. She took account of the fact that the Claimant had falsely claimed that J had faked the 'Sarah Smith' e-mails and was now making a markedly similar allegation in respect of later e-mails. She did not accept the Claimant's assertion that the use of bad language in the e-mails proved that she could not have been the author having seen e-mails from the Claimant where attribution was not in dispute which also contained similar bad language. The content of the e-mails (in particular those at pages 334–336) which referred to a relationship between the Claimant and J 'at the hostel' persuaded her that on a balance of probabilities there had been an inappropriate relationship whilst he had been resident in the approved premises. I am satisfied that there was evidence before her upon which a reasonable employer could have reached these conclusions.

25. The Claimant was afforded the opportunity to advance mitigation however Ms Harding concluded that the Claimant had fallen short of the standards of honesty, trust and integrity required of Probation Officers and could no longer be trusted to work in the Probation Service. She dismissed the Claimant for gross misconduct and notified her of her right to appeal.

26. The appeal was heard by Ms Crozier (Director of Probation) on the 15th August 2016. The Clamant was again accompanied by Mr Cameron. The transcript of the hearing is at Pages 513 -541 of the bundle. Mr Cameron repeated his assertion that all of the documents should have been destroyed at the point was spent she noted that the Ombudsman had indicated in his report that all relevant documents should be retained for six years irrespective of the outcome. As I have noted before Mr Cameron did not produce any policy to support his contention. Like Ms Harding she was not persuaded that the dates and times of the e-mails proved the Claimant not to have been the author of them. Again the point was developed (In cross examination before me the Claimant has accepted that she was unable to do so as she 'was not an expert with computers'. Ms Crozier found there to be similarities in style and language between the disputed e-mails and others and took account of the Claimant's admission of dishonesty in the face of disciplinary proceedings on an earlier occasion. She found the disciplinary hearing to have been conducted in a fair and reasonable manner and that the conclusions were supported by the weight of evidence. She upheld the dismissal.

Conclusions

27. The Claimant has, despite being reminded on a number of occasions throughout the hearing, not been able to rid herself of the desire to prove her innocence to me. That for the reasons set out in paragraph 9 above is not a decision I am entitled to make. I am precluded as a matter of law from substituting my view for that of the employer. My task is to approach the questions I identified in sequence. The first is whether the Respondents had a genuine belief that the Claimant was guilty of the alleged misconduct. This has not been challenged and there is no evidence before me upon which I could conclude that that Mr Harding's (or Ms Crozier's belief) belief was not genuine. The next question I must address is whether that belief was reasonable and that point turns on the question of whether it was held on reasonable grounds following such investigation as was reasonable in the circumstances. In respect of the second of the charges the Claimant was found to have made false statements to the investigator and to the disciplinary panel in 2013 on the basis of her own clear admission. In those circumstances very little investigation is necessary when an employee admits the act in question there is ordinarily no need for a full investigation (Boys and Girls Welfare Society v MacDonald (1997) ICR 693 EAT). I am satisfied that the Respondents belief that the Claimant was guilty of this charge was reasonable.

28. The second charge rested on a dispute. The e-mails containing the admission that the relationship between the Claimant and J had begun earlier than she had stated at the time of the 2013 disciplinary matter were said by the Claimant to be faked by J whereas J's account was that he had been the recipient of them. In considering this matter the Respondent took account of the fact that the Claimant by her own admission had lied to the 2013 panel. Their conclusion that she was capable of dishonesty was a conclusion that a reasonable employer could have reached in those circumstances. And their decision to weigh that in the balance when considering the conflicting accounts was also within the band of responses open to a reasonable employer. Their decision that a comparison between the style and language of the disputed e-mails and the style of others clearly sent by the Claimant did not disprove her authorship and in fact tended to prove it was again a decision that a reasonable employer could make on the evidence. The Claimant has produced a written submission and has been given the opportunity to address me orally. She states that there was insufficient investigation into the e-mails but has not explained why she considers there to be shortcomings. There is evidence before me that the documents (or copies of them were obtained and considered and that statements were taken from the relevant parties. The Claimant was given the opportunity to give her account at an early stage in the investigation, was given the opportunity to have any witnesses that she desired to question present at the hearing and she was afforded the opportunity to set out her case. The duty upon an employer is to carry out such investigation as is reasonable in the circumstances; they are

not required to carry out a forensic investigation of the type carried out by the Police in a criminal case. I am satisfied that the Respondents investigation was carried out with care, was unbiased and was sufficient to satisfy the requirement of reasonableness. It is not incumbent upon me to decide that the decision made by the employer was the only possible decision; the test is different. I have to be satisfied that the decision is a reasonable decision and I am satisfied in respect of the first charge that it was.

29. I have not found there to be any procedural defect. The procedure adopted was consistent with the tenets of the ACAS Code. There has not been argument to the contrary save for the matter I have addressed in the previous paragraph.

30. The next question I am required to address is whether in all the circumstances of the case the Respondent acted reasonably in treating the reason in question as a sufficient reason to dismiss. The Claimant maintains Mr Cameron's point that the 2013 disciplinary matters should have been destroyed and not re-opened despite accepting during cross examination that they were entitled to do so. Ms Hodgetts rightly submits that there is no rule of law which precludes an employer re-opening an issue in the light of fresh evidence and cites Christou v London borough of Haringey (2013) IRLR 39 and Chawla v Northamptonshire Healthcare NHS Foundation Trust UKEAT. 0075/15.

31. The Claimant was in a position of trust. I have been given a copy of the current NOMS professional standards statement and it is not disputed that its principles echo those in place throughout the Claimant's service.

> *'Staff are expected to reach high standards of professional and personal conduct. All staff are personally responsible for their conduct. Misconduct will not be tolerated and failure to comply with these standards can lead to action which may result in dismissal.*
>
> There is a list of values which requires employees to be *'open honest and transparent'.*

32. When it comes to the question of sanction it is not for me to substitute my view for that of the employer the question I have to address the question by deciding whether dismissal fell within a band or range of responses open to a reasonable employer. Given the nature of the Claimants work and the requirements of honesty and integrity that both her employer and the public are entitled to expect the finding of dishonesty was itself enough for me to conclude that dismissal fell within the band of reasonable responses. The other charge which related to a specific rule pertaining to relationships between Probation Officers and offenders or ex offenders in approved premises cannot be regarded as a trivial matter. I accept the submission that rules of this kind are quintessential to the effective running of this type of establishment and operate to protect both staff and residents. It is disciplinary offence that

was aggravated by concealment and dishonesty and I am satisfied that dismissal in respect of this charge fell within the band of reasonable responses. Given that honesty and integrity go to the heart of this particular employment I find the Respondents decision that the Claimant's service did not mitigate the matter to be reasonable.

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Employment Judge D Moore, Huntingdon.
Date 17 August 2017

JUDGMENT SENT TO THE PARTIES ON

.....17/08/2017.....

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FOR THE SECRETARY TO THE TRIBUNALS