



Mr Ian Bairstow
Strategic Director
Department of Environment and Neighbourhood
6th Floor Jacob's Well
Bradford
West Yorkshire
BD1 5RW

Date 17th October 2010

Dear Mr Bairstow

Notification of appeal against Dismissal

I am writing to advise you that I would like to raise an appeal in relation to my dismissal from the City of Bradford Metropolitan Council employ. I do not believe I should have been dismissed for the following reasons:-

- 1) Procedural irregularities regarding the handling, and conclusion of submitted employee grievance dated 30th November 2009 and 26th April 2010 insofar no consideration was given at my disciplinary hearing as to issues addressing fairness or impartiality of management during their fact finding investigations or the standard of the reasonableness test implemented. I would also note that I had an implied contractual right to have my grievance dealt with promptly citing the ACAS code of practise which also states employers should deal with grievances, Fairly, Consistently and Speedily.
- 2) No consideration given as to why management singled me out as an individual, and therefore treating me differently to that of other Bradford Council employees.
- 3) No rational for implementing a protracted unilateral suspension given management have responded more leniently to other employees in similar circumstances previously.
- 4) No sufficient investigation was carried out in pursuance of establishing the evidence against this allegation therefore indicating management accepted the result a foregone conclusion.
- 5) No consideration was given to the relationship between management and witnesses including the possibility of collusion between those parties.
- 6) Failure to consider the benefits witnesses received after making their statements.

7) A failure to question the credibility of witnesses.

In retort to Mr Longcake written reason for dismissal I put forward the following observations I wish to address at the appropriate appeal hearing.

Although Mr Longcake acknowledged my submitted grievance in his formal letter dated 4th October 2010 he nevertheless took the decision to continue with the said disciplinary hearing held 29th September 2010. He also acknowledged my intension to appeal the outcome of said grievance, and while we're on the subject Mr Whyte at said hearing insisted no reference was to be made regarding my grievance reasoning that the issues had already been dealt with, and not upheld. I make a note Mr Longcake was in agreement. Nevertheless in the interest of natural justice I had the right to appeal that outcome before 11th October 2010 so the process was still ongoing, and therefore had not come to a satisfactory conclusion.

I would also draw your attention to paragraph 44 of the ACAS code of practise dealing with Disciplinary and Grievance Procedures which explains 'Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporally suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.' I am therefore of the opinion that not only was management reluctant to adjourn the hearing until the grievance had been concluded, but was also unwilling to address my concerns during the disciplinary hearing especially with regards to the suitability of the investigating officer or the credibility of witnesses on who's evidence a decision was formally taken to take this disciplinary action, and by this means to affect a dismissal.

I would also challenge Mr Longcakes inference as to the circumstances surrounding 28th July 2009 believing his reasoning to be erroneous, and offer the following in response.

It was noticeable that no tangible evidence was put forward by management to support the claim that arrangements made on the 28th July 2009 were widespread or normal practise. Indeed it has never been established as to why a spare vehicle was needed on the day in question as Mr Ingham verbal evidence confirmed that this practise was far from being the established workplace procedure Mr Longcake professed. In fact Mr Ingham went on to explain as to why, and how a variety of options were often utilised when exchanging personnel or vehicles during the working day depending on the circumstances at any particular time. I would also point out that during more than a decade of uncontested experience in these transactions I'm now being accused of deceitfulness.

Equally I take exception to Mr Longcake reasoning as to Messrs Hooper and Rushton unwarranted questioning of me prior to the spare wagon arriving on site. I draw your attention to Mr Hooper's Police statement in which the evidence suggests he was outside the vehicle when first being told to collect his belongings, the statement also confirming he was aware another vehicle was on route to his location. Mr Hooper then goes on to claim in his statement that after returning to the cab to collect his possessions, and before the arrival of the spare wagon an argument ensued. However I believe it's been established both in evidence from Mr Rushton, and noted by Mr Longcake that I chose not to engage with Mr Hooper in said argument. I therefore would suggest it was Mr Hooper who was having a one-sided squabble because of a management instruction he didn't want to comply with. I also maintain my position that before the spare wagon arrival on site Mr Hooper was abusive and aggressive

towards me, and given the available evidence I am at a loss as to understand how Mr Longcake reached the conclusion that Mr Hooper behaviour was acceptable or how Mr Hooper was indeed without blame.

I also take issue with Mr Longcake's assumption that prior to any workplace incident on the 28th July 2009 he took for granted that I was to some extent agitated. There is no evidence to suggest I was anything but normal given the circumstances, and I would point towards Mr Iskauskas written evidence dated 21st August 2009 were in reply to question 9 he incorrectly recalls that after Mr Hooper complaint (Q7) I had made contact with him by phone informing him I was on my way to the arranged meeting. However even though this statement is untrue I would draw your attention to the fact that there is no suggestion in his evidence to indicate he believed I was agitated or unfit during our discussion. Indeed so unconcerned was Mr Iskauskas to my mental fitness at that time he continues to inaccurately explain how he then gave instructions to continue to the TLS, park the vehicle, attend the meeting, tip the vehicle, and then report back to him after said meeting. Again no evidence to support these assertions, but I make note Mr Iskauskas had moments earlier received an employee complaint of a workplace ruckus including an unambiguous allegation of assault, but claims he never reacted to the situation by making contact with me? Is this really the behaviour of a credible or competent manager!

I would also draw your attention to Mr Iskauskas verbal evidence insofar he denied ever issuing management instructions via a third party all the same it should be formally documented here how this contradiction made by Mr Iskauskas conveniently benefits Messrs Hooper and Rushton regarding further disciplinary action being taken against them while again questioning Mr Iskauskas own credibility. With that said evidence would indicate no workplace investigation had been carried out to establish these facts prior to Mr Iskauskas convenient denial during 29th September 2010 hearing even though the issue of management instructions was central to my own defence being raised in my statement dated 5th & 25th August 2009 - questioning whether there had been sufficient investigation prior to the decision to instigate these disciplinary proceedings.

I also note Mr Iskauskas in reply to question 10 of said document states "he wasn't late at all" a fact established now beyond doubt as being somewhat fictitious.

Given the above I'd have to strongly question the rational shown by Mr Iskauskas, and the apparent willingness of my ex-employer to accept Mr Iskauskas as being beyond reproach.

Another indication of Mr Iskauskas concealed involvement comes via Mr Hooper verbal statement in which he identified Mr Isauskas as the reason he gave for instigating police involvement as identified in the West Yorkshire Police log. It should also be noted that this new piece of information has been vigorously denied previously by Mr Hooper to such an extent that he inferred the police log to be inaccurate. However I believe his stance was taken to protect management against the charge of collusion, and also points to the credibility of Mr Hooper.

However due to my ongoing concern regarding the integrity of Mr Hooper I'm currently seeking legal advice as to how best I can remedy these obvious wrongdoings which as you might expect may involve my ex-employer participation.

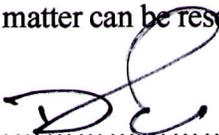
With regards to written witness statements it is beyond doubt there are some glaring inconsistency in their individual police statements so much so that during Mr Rushton verbal evidence he admitted, after some initial confusion that he'd been mistaken as to the evidence stated, and accepted he was also wrong in those parts highlighted.

Given there is no physical evidence to substantiate Mr Hooper claims I believe the basis for dismissal was based solely on questionable witness statements on which I wish to challenge.

Since I have yet to receive a reply or acknowledgement from you regarding my Grievance Appeal letter (and email) dated 1st October 2010 - I hereby make you aware that because of the unsatisfactory outcome of my employee grievance dated 30th November 2009 and 26th April 2010 I now intend to exercise my right to raise all issues contained in said grievance to be considered during my Dismissal Appeal.

I wish to be represented by my Trade Union Fulltime Regional office Mr Ray Jones. Please ensure that the meeting is set for a time at which both my representative and I are available to attend.

I hope this matter can be resolved promptly.

Signed.....

Dated...17 Oct 2010.....