

Dave Earnshaw Suspension from Duty 29th July 2009

On the morning of Wednesday 29th July 2009 David Earnshaw was suspended from his employment duties with Bradford Council. The reason given was to facilitate an investigation into his conduct regarding an accusation of assault.

David Earnshaw refutes these allegations entirely, and in so doing has produce the following as written record of his own recollections of issues surrounding Tuesday 28th July 2009

Although the allegation of assault against Mr Hooper may come as revelation to some it come as no great surprise for my part. The reason for my scepticism regarding this alleged assault is simply that Mr Hooper has on previous occasions threatened to report me for allegedly assaulting him. I'm also mindful that it was only a matter of time before he utilised these threats against me. It should also be noted here that on these previous occasions there were no confrontation or conflict, but merely a warning from Mr Hooper that he would report the fact I had touched his leg when on one occasion I politely asked him to remove his feet from the vehicle dashboard and control panel. To which he became extremely agitated and rude. There were other occasions in the recent past an indication I believe that Mr Hooper uses the threat of assault upon the person as a means of manipulation and control over a given situation rather than for any genuine concern about his own or others conduct.

On Tuesday 28th July 2009 at 5:45 hrs I reported back to work following annual leave. I proceeded to check my emails and messages. Due to meeting Mr Hooper on site I rang his mobile phone at approximately 6:05 hrs to inform him the vehicle would be leaving the depot shortly and therefore would be on site in Bingley at approximately 6:15 Hrs.

The vehicle arrived in Bingley around 6:10 Hrs with the following personnel Mr M Rushton (Dvr - Binner) Mr S Lee (Driving examiner) and myself, we commenced our contracted duties at this time with Mr Hooper joining the crew on completion of South Hill Drive Bingley at around 7:10 hrs

The morning passed by somewhat uneventful, however due to my receiving an email and telephone message earlier from Mr Richard Longcake I returned his call and discussed the possibility of my attending a pre arranged staff meeting regarding T.U.P.E being held with the staff at the TLS in Keighley that day. However due to the reluctance of management to release me for union duties I'd also spoken my line manager Mr Kazimer Iskauskas, and Mr Arthur Naylor my union branch secretary as well as Mr Longcake regarding this problem.

An agreement was finally reached on this matter, but reluctantly, and only after discussion.

At approximately 10:30 hrs I contacted management to informed them that I was about to tip my first load, I also asked if there was a crew member available they could join the crew, and I'd be happy to use my own transport to return to and from Bingley. I was instructed however to continue with my duties as normal being assured that Mr M Manly would be available to cover my duties in Bingley before 12 noon. I therefore continued to the Keighley TLS with Mr Lee were I discharged my load while briefly discussing my duties as a driver with him.

After completing my task at the TLS I delivered Mr Lee back to the Stockbridge Depot were at 11:01am I received a telephone call from Mr Hooper insisting to know what the F---ing hold up

was whereby I replied I was outside the gate waiting for both Mr Hooper and Mr Rushton for the return trip to Bingley.

Nevertheless while at Stockbridge Depot it was also noted that Mr Manly was in attendance with an empty vehicle, a point which I raised with the crew on our return to Bingley adding that if he was going to join us with an empty vehicle, and given the time of day it would be easier for them to simply transfer to his vehicle. I was told in no uncertain terms by both crew members that this was never going to happen as they intended keeping the vehicle I was currently responsible for. I didn't reply and left the subject drop.

We continued working and upon entering Herbert Street at 12:15 Hrs I informed the crew that I intended contacting management with a view that due to the time of day I was more than content to finish my days' work with the crew thereby I wouldn't now be requiring the spare vehicle and requesting they contact the spare driver to explain the situation to him.

I duly contacted managements with my request to cancel my cover. However during our conversation Mr Kazimer Iskauskas replied that it was OK I was going to attend the meeting as agreed, and everyone was aware that I was going to be slightly late. He continued by stating that the spare wagon was on route and should only be a few more minutes. Again I was asked for direction as to our exact location which was relayed by phone to M Manly who was driving the spare vehicle. Again due to the time of day I questioned the logic of sending a spare vehicle to cover if I was going to be late attending the pre arranged meeting. There was no reply to my question, but as an alternative I was given a direct management instruction to inform the Bingley crew to collect their belonging from the vehicle, and wait for the spare vehicle which was only a few moments away, and thereby allowing me to depart from this location at the earliest.

However I was more than mindful that following these instructions would only serve to aggravate both Mr Hooper and Mr Rushton as they had previously indicated their established way of thinking on this issue. Obviously I communicate my belief to management that the crew would not take too kindly to such an instruction. Nevertheless Mr Kazimer Iskauskas repeated his instruction adding the crew would need to comply, and tough the crew would just have to do as they were told!

I accordingly got out of the vehicle and walked to the rear of the vehicle were I delivered the managements instruction, as expected the direction wasn't received too warmly by the crew especially by Mr Hooper who was now becoming very agitated, abusive and threatening in his attitude. However Mr Hooper now left in the direction of the vehicles cab, and I was of a mind that he was simply complying with the instruction given, and had departed the area simply to collect his belongings to wait for the spare vehicle. I remained at the rear of the vehicle to complete the last few bins while making sure the location was left in a safe and tidy manner.

However when returning back to my driving position Mr Hooper was still sitting in the centre of the cab seating (next to the driver) and had made no attempt to collect his belongings or vacate the vehicle as instructed. Mr Rushton was standing in the passenger door well.

When asked what was the problem was Mr Hooper went on to demand to know Why! Why! Why! - Why what I asked, why was it that they had to change vehicles as he was the round charge hand and therefore it was his decision as to what vehicle they used?

Incredibly Mr Rushton agreed with Mr Hooper commenting that the vehicle was in fact the Bingley vehicle, and as such he had overall control of the vehicle, and I had no right to question him.

Unbelievably I had to point out to both Mr Hooper and Mr Rushton that in fact it was actually a Bradford Council vehicle, and as such I was the one, and the only person accountable and responsible for the said vehicle. As for their opposition to the management instruction given I explained I was unable to assist them as it wasn't my decision, but one for management to address. They both became confrontational at this juncture putting forward the case that I had no right to give them any kind of orders, implying that it was entirely all my fault, adding that I should submit to their course of action, and not expect them to comply with mine. I pointed out I'd not made any demands of them.

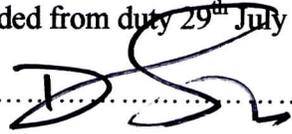
By this time Mr Manly had now arrived at our location he'd alighted from his vehicle, and seemed to be putting bins on the spare vehicle, it should be noted however that at no time did he approach my vehicle or crew member indicating I believe that he expected the crew to join him however neither Mr Hooper nor Mr Rushton went to join him. I pointed out that the spare vehicle was now on site and that they really needed to allow me to leave the area. Mr Hooper continued to squabble about how it should I that changed vehicles and not he. In reply I told him to just do as he was told, and get out of the vehicle and go to the spare vehicle. As it finally dawned on Mr Hooper that he now needed to comply with the earlier management instruction his attitude became even more condescending and abusive. As he began to leave the cab he said "Fuck it lets go, and leave this f**king numpty thick c**t to get on with it" on hearing Mr Hooper's abusive comment I took great offence, and followed him from the cab to remonstrate with him.

As I approached Mr Hooper he raised his hand, and intentionally pushed me in the chest. My initial reaction was instant, and one whereby I took hold of his wrist and removed his hand from my person placing it back on his own chest. As I held Mr Hooper at arms length I told him in no uncertain terms that I didn't appreciate his attitude, nor did I appreciate his unseemly behaviour, and I took great offence at how he had just spoken to me. Mr Hooper in turn had now pulled his hand free from my grasp throwing them in the air shouting "you're assaulting me"" you're assaulting me"

I continued to remonstrate with Mr Hooper as he walked backwards by explaining that I wasn't the person he should be insulting, and if he had a problem with any management instructions then he needed to take them up with management not me. At this point he stopped walking, and fronted up to me, again pushing me in the chest. I continued by telling Mr Hooper to stop being so puerile, to grow up, and stop acting like a spoilt girl. Mr Rushton for his part in my opinion continued to be ignorant regarding Mr Hooper's abusive behaviour. Continuing I believe to hold a vicarious view of the situation rather than one of realism. I would estimate this confrontations taking approximately 20 to 30 seconds.

Within several minutes of leaving the area at approximately 12:30 pm I received a phone call from Mr Kazimer Iskauskas instructing me to report to his office before attending the arranged meeting.

I was suspended from duty 29th July 2009

Signed  Dated..... 5/8/2009