

Deep Dive – Appendix 2

Allegation – Accessing confidential information.
Breach of Kent Code and breach of confidentiality

Stage	
Stage 1	Manager became aware of potential breaches. Risk assessment undertaken prior to suspension. IT account suspended. Independent investigator appointed and investigation commenced under the Investigation Guidance and relevant Procedure.
Stage 2	Fit note provided by employee stating not fit for work. Occupational Health (OH) referral made and OH report received which stated employee is not fit to participate in a process.
Stage 3	Further advice sought from OH from manager re capability for employee to participate in a formal process and Ill Health Retirement (IHR). OH advised fit to participate in process and IHR not an option if surgery imminent but would be considered if surgery in 2 years time.
Stage 4	Independent investigation carried out, employee provided with written investigation questions in advance as a reasonable adjustment.
Stage 5	Employee invited to disciplinary hearing and provided with hearing guidance documents. Hearing undertaken following policy and procedure and hearing paused to allow employee to have breaks as an adjustment. Employee supported by TU rep. HR Adviser was present to advise Chair of hearing. Employee summarily dismissed for gross misconduct.
Stage 6	Appeal received from employee. Two Senior Officers appointed to the appeal panel from the Senior Manager group following Guidance, with advice from a legal representative from Invicta Law and a Senior HR Adviser. Employee supported by TU rep and employee spouse also present for support. Hearing adjourned to a later date to allow time to review evidence. Appeal hearing reconvened. Decision to dismiss upheld.