

EMPLOYMENT LAW ROUND-UP FROM HR NOW

Justine Wilkinson v Fairway Trust Limited

Claim:

- Unfair Dismissal
- Wrongful Dismissal

Mrs Wilkinson was dismissed for gross misconduct after failing to follow a proper disclosure process after she embarked on a personal relationship with a client.

Summary:

Mrs Wilkinson was a Director at the company, with responsibility for compliance matters. She embarked on a personal relationship with a client, accompanying him on weekend trips away and receiving a gift of a bicycle worth £1,200 for her birthday. Mrs Wilkinson did not correctly disclose her relationship with the client, which was contrary to the clear policies and procedures outlined by the company. Furthermore, despite a number of colleagues urging her to do so, Mrs Wilkinson failed to declare the gift she received from the client.

After a thorough investigation and proper disciplinary process, the company found Mrs Wilkinson guilty of gross misconduct and she was summarily dismissed.

Mrs Wilkinson admitted the misconduct, but put in a claim of unfair dismissal as she felt the dismissal was a disproportionate sanction.

Tribunal Judgment:

Tribunal found that given the clear policies and procedures and Mrs Wilkinson own expertise in this area, her actions were designed to deliberately circumvent the disclosure process. They further found that her misconduct was of a serious nature, with huge potential risk to the employer and therefore the finding of gross misconduct (and therefore summary dismissal) was justified and appropriate.

Lessons to be learnt:

The company had clear policies and procedures in place, and it was therefore clearly demonstrated that Mrs Wilkinson had acted contrary to these. The investigation and disciplinary process were carried out thoroughly, which further supported the decisions made.

Make sure that all employees, including Directors are held accountable for their actions – this is especially important in a regulated environment where there are potentially huge implications if it goes wrong!