



## Banker Questionnaire-Disciplinary (Conduct & capability representation)

### Introduction

If you work in the City and are involved in a disciplinary (or similar) procedure or are being investigated by the Financial Conduct Authority, you will need urgent, expert advice.

To represent you effectively your lawyers will need as much relevant information as possible from the start so that we can create a clear strategy.

### Related issues

Other rights and entitlements which could be affected by these procedures, particularly if you are dismissed 'for cause' or if you resign; we need to take other interests (home insurance, FCA regulated status etc.) into account so please give this some thought.

### Before instructing me

I am a specialist employment law solicitor with over 21 years' experience. You can read about me at: <http://www.gtelaw.co.uk>

This questionnaire has been prepared in conjunction with Jason Galbraith-Marten QC- "employment lawyer of the year-2014" of Cloisters Chambers:

<http://www.cloisters.com/barristers/jason-galbraith-marten-qc>

In high value or high risk situations, it is always important to have the best possible advice but you do have a choice of barrister. For more details about barristers:

<http://www.barcouncil.org.uk>

### Regulation

I am authorised and regulated by the Solicitors Regulation Authority.

<http://www.sra.org.uk/home/home.page>

### Prevention of money laundering

Please provide a copy of your **passport/driving licence** and a recent personal utility bill/bank statement.



**Personal Details**

Title: Choose an item. Click here to enter text.

First name: Click here to enter text.

Last name: Click here to enter text.

Date of birth: Click here to enter a date.

National Insurance No: Click here to enter text.

How did you hear about me? Click here to enter text.

Have you ever engaged in legal proceedings before? Yes  No

**Contact details**

Address Click here to enter text.

Postcode Click here to enter text.

**Phone:**

Home Click here to enter text.

Personal mobile Click here to enter text.

Other (please state) Click here to enter text.

Click here to enter text.

Private e-mail Click here to enter text.

(NB: do not send me information from your work email).

**Legal Insurance**

Have you checked your home insurance policies for legal cover? Yes  No



**Your case**

**a) General**

Name of employer:

[Click here to enter text.](#)

Address:

(Give registered address if limited company)

[Click here to enter text.](#)

Address where you worked:

[Click here to enter text.](#)

Job title

[Click here to enter text.](#)

Description of your role

[Click here to enter text.](#)

**Date started:**

[Click here to enter a date.](#)

**Date finished:**

[Click here to enter a date.](#)

Hours per week:

[Click here to enter text.](#)

**Earnings:**

Gross pay per annum                      £[Click here to enter text.](#)

Take home per month                      £[Click here to enter text.](#)

Other Benefits (please list)                      [Click here to enter text.](#)

Share entitlements?                      Choose an item.

If your employment has ended, did you work (or were you paid for) a period of notice?  
[Click here to enter text.](#)

Are you in your employer's pension scheme?                      [Click here to enter text.](#)



**b) Your status**

Have there been any breaks in the continuity of your employment?

[Click here to enter text.](#)

Have you ever worked for your employer on a “self-employed” basis? Yes  No

What is your immigration status? [Click here to enter text.](#)

How many people did you work with? [Click here to enter text.](#)

Your line manager’s name: [Click here to enter text.](#)

HR manager’s name: [Click here to enter text.](#)

Have you been subject to any form of discipline at work (e.g.: written or verbal warnings/suspension)? Yes  No

If yes, please provide details below:

[Click here to enter text.](#)

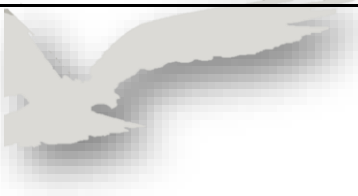
Have you lodged any grievances at work? Yes  No

Have you been involved in any previous court or tribunal cases? Yes  No

**c) Damaging evidence**

I need to anticipate your employer’s case so please provide details of any issue or evidence which your employer might have (or might request details of) such as:

1. Compromising emails, which you may have sent to or from work (whether or not they have been deleted) or computer evidence Yes  No
2. Criminal records Yes  No
3. Previous problems at work (including other places of employment) Yes  No
4. Documents or witness evidence which might damage your case Yes  No



5. Is there any financial claim which your employer might have against you? e.g.: negligence or breach of contract? Yes  No
6. IT evidence such as browser histories Yes  No
7. Phone monitoring records Yes  No

Provide a description of the evidence and how your employer might use it: [Click here to enter text.](#)

#### Looking for work & records of 'mitigation'

To be entitled to compensation, you must prove that you have been actively looking for work. It would be helpful to know how long you think it may take to find another similar job and any issues which would prevent you from doing so:

[Click here to enter text.](#)

(e.g.: medical, immigration status, reputational, FCA related)

[Click here to enter text.](#)

Please keep records and data of your attempts to find work including Internet searches.

[Click here to enter text.](#)

#### Advice

***It is important to state your case fully as you may be prevented from doing so later.***

Please indicate which of these legal issues you wish to discuss. If in doubt tick the box and we can check:

- |  |                          |
|--|--------------------------|
| Suspension                               | <input type="checkbox"/> |
| Internal disciplinary hearings           | <input type="checkbox"/> |
| Dismissal                                | <input type="checkbox"/> |
| Stress related injury at work            | <input type="checkbox"/> |
| Constructive dismissal/resignation       | <input type="checkbox"/> |
| Payment of notice entitlement            | <input type="checkbox"/> |
| Deductions from you pay/commission/bonus | <input type="checkbox"/> |
| Discrimination                           | <input type="checkbox"/> |
| References & reputation                  | <input type="checkbox"/> |
| Terms in your contract of employment     | <input type="checkbox"/> |



Stocks & Options

Financial Conduct Authority

If you are still in employment, and facing disciplinary (or similar) charges:

Is there a date for a disciplinary meeting? Yes  No

[Click here to enter text.](#)

Are you a member of a trade union and if so, have you consulted the union? Yes  No

[Click here to enter text.](#)

Do you know what the disciplinary charges are? Yes  No

[Click here to enter text.](#)

Do you have a colleague or workplace representative who will accompany you? Yes  No

Have you been given all the evidence which your employer intends to rely upon? Yes  No

Do you need to request any evidence? Yes  No

Do you think your employer should be carrying out any further investigations or making any further enquiries before reaching a decision? Please provide details:

[Click here to enter text.](#)

**In terms of general unfairness:**

Do you feel that you are being treated unfairly? (for example, lack of clear instructions, an 'agenda' against you/discrimination/inconsistency/politics) Yes  No

Have you been placed on garden leave? Yes  No

What are the post termination restrictions in your contract? [Click here to enter text.](#)

If you have been dismissed:

What is the reason for the dismissal? [Click here to enter text.](#)

Do you accept this reason? If not, what is the reason for the dismissal? [Click here to enter text.](#)



Is it in writing? [Click here to enter text.](#)

Is there a date by which you must appeal? [Click here to enter text.](#)

If you have resigned because of a breach of contract or other serious reason, what happened?

[Click here to enter text.](#)

### **Financial Consequences**

If you are dismissed for misconduct or similar reasons, list the effect on you, including:

- Current bonus entitlements
- Deferred stocks or bonuses

[Click here to enter text.](#)

### **Financial Conduct Authority (“FCA”)**

In your role did you perform functions regulated by the FCA?

[Click here to enter text.](#)

Has the FCA been notified of your dismissal?

[Click here to enter text.](#)

Are you aware whether the FCA is intending to take action: (a)  against you and/or (b)  your employer?

[Click here to enter text.](#)

Anything else (please state)

[Click here to enter text.](#)

<b>Evidence</b>
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Please think of how we might prove the key elements of your case. In particular, note the following:

**Documents**

**I need to see all the relevant documents, especially the following:**

*Please tick "x" if you have the document, if your employer (or someone else) has it, indicate in the column under "E" and I will request it on your behalf:*

	<b>X</b>	<b>E</b>
Your contract of employment	<input type="checkbox"/>	<input type="checkbox"/>
Relevant extracts from company handbook	<input type="checkbox"/>	<input type="checkbox"/>
Job description	<input type="checkbox"/>	<input type="checkbox"/>
Disciplinary notes and procedures	<input type="checkbox"/>	<input type="checkbox"/>
Warnings	<input type="checkbox"/>	<input type="checkbox"/>
Relevant memos, emails or letters	<input type="checkbox"/>	<input type="checkbox"/>
Letters of dismissal	<input type="checkbox"/>	<input type="checkbox"/>
Minutes of relevant meetings	<input type="checkbox"/>	<input type="checkbox"/>
Evidence relied on at relevant meetings	<input type="checkbox"/>	<input type="checkbox"/>
Settlement Agreement & related letters	<input type="checkbox"/>	<input type="checkbox"/>
Tribunal or Court Documents	<input type="checkbox"/>	<input type="checkbox"/>
Medical reports	<input type="checkbox"/>	<input type="checkbox"/>
Wage slips	<input type="checkbox"/>	<input type="checkbox"/>
Diaries	<input type="checkbox"/>	<input type="checkbox"/>
Evidence	<input type="checkbox"/>	<input type="checkbox"/>
Appraisals	<input type="checkbox"/>	<input type="checkbox"/>

**Stocks and Option**

Scheme rules	<input type="checkbox"/>	<input type="checkbox"/>
Certificates of Entitlement	<input type="checkbox"/>	<input type="checkbox"/>
Recent Valuation	<input type="checkbox"/>	<input type="checkbox"/>

Or any other document which might prove a point in your case either for or against.

Documents should be in date order and there should be no extra copies or back copies of emails.





### **Witnesses**

If there are any witnesses who could give a statement provide their details:

Name	Click here to enter text.
Date of Birth	Click here to enter text.
Occupation	Click here to enter text.
Address	Click here to enter text.
What are they likely to say?	Click here to enter text.
Comments	Click here to enter text.

### **Chronology**

Please prepare a list of all relevant dates stating what happened in chronological order.

Click here to enter text.



**Statement**

Legal advice and representation will be largely based around the main facts. Please set out below, in number paragraphs, in chronological order, what has happened. If you refer to any documents in support of what you are saying, please cross-reference them clearly.

[Click here to enter text.](#)



**Your goal**

You hope to achieve:

- A reference .....
- Financial compensation .....
- Your job back .....
- Relocation .....
- Other .....
- Financial Conduct Authority Status [Click here to enter text.](#)

Your goal may change during the conduct of your case. Please notify me in writing if this happens.

**Doctor**

If there are any medical issues, please state your GPs full name and address.

Name of GP: [Click here to enter text.](#)

Address [Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#)

Postcode [Click here to enter text.](#)

Phone [Click here to enter text.](#)

Email: [Click here to enter text.](#)



**Form of Consent**

Name:           Click here to enter text.

Date of Birth:   Click here to enter text.

Address:        Click here to enter text.

                    Click here to enter text.

                    Click here to enter text.

                    Click here to enter text.

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I consent to the transfer of information to Gordon Turner Employment Lawyers:

   Medical records/reports

   Confidential documents (including documents relating to the Data Protection Act) to

Signed \_\_\_\_\_

Dated this                      day of                      2015

*Please return this form and your signed consent to: [gordon@gtelaw.co.uk](mailto:gordon@gtelaw.co.uk)*