

VIDEO A TRANSCRIPT

In this interview, the client Joe Winterton is the slightly abrasive boss of an engineering company seeking advice on an employment law matter from mild-mannered lawyer Lucy Frost. Mr Winterton and Ms Frost clearly do not know each other.

LUCY FROST: Hello, Mr Winterton?

JOE WINTERTON: That's right.

LUCY FROST: I'm Lucy Frost.

JOE WINTERTON: Right, right, good. Pleased to meet you.

(They shake hands)

LUCY FROST: I hope you managed to find us alright?

JOE WINTERTON: Yeah, no problem. Sorry I 'm late, by the way. Got caught up in a bit of traffic by the railway station.

LUCY FROST: Yes, it's terrible round there isn't it? A complete dog's breakfast. They've been digging up the road for I don't know how long – at least a year I suppose. Putting in new gas pipes apparently. But traffic's a nightmare there at the best of times.

JOE WINTERTON: Well, I'll know for next time anyway.

LUCY FROST: Anyway, please take a seat. How can I help you?

They sit

JOE WINTERTON *(looking at watch)*: I'm a bit pushed, so I'll cut to the chase.

LUCY FROST: Go ahead.

JOE WINTERTON: Right. I'm the MD of a local construction firm, Maynards, as you probably know, and I'm after some advice on employment issues, particularly on unfair dismissal.

LUCY FROST: OK, yes. We can help you with that. What's the problem?

JOE WINTERTON: Basically, the problem is that I've recently discovered one of my managers, Brian McFarlane – a fairly senior guy, who came to us a year ago from a rival firm – had previously done time.

LUCY FROST: Been in prison, you mean?

JOE WINTERTON: Yeah. What bothered me about it was that he hadn't up to then disclosed this to us. Now I'll tell you straight up, I'm strict on that sort of thing – I expect complete frankness from my people, and they know they'll get the same from me in return. So I took the view this was a serious matter and decided he had to be let go.

LUCY FROST: I'm sorry to interrupt, but on what date did this happen?

JOE WINTERTON *(takes out diary)*: Just bear with me a moment... Right, here it is – exactly four weeks ago.

LUCY FROST *(makes note)*: Thank you. Please carry on.

JOE WINTERTON: Right. So the problem we've got now is that he's threatening to take us to the employment tribunal for unfair dismissal.

LUCY FROST: OK. Do you happen to know what Mr McFarlane was sent to prison for – what offence – and how long ago was this?

JOE WINTERTON: No, I don't. Are those relevant issues?

LUCY FROST: They are, yes. I'll explain why.

JOE WINTERTON: Go on then.

LUCY FROST: Well, in a nutshell the whole issue hinges on whether the conviction which led to Mr McFarlane being sent to prison could be classified as a 'spent conviction' at the time he was dismissed. If it was a spent conviction then the law says that dismissal is automatically unfair. If not, the question of whether it was unfair or not depends on a number of criteria that are really to do with Mr McFarlane's general conduct and capacity to do the work...

JOE WINTERTON: (*interrupting*) Wait a minute, wait a minute. Just hold your horses a minute there. What does this 'spent conviction' thing actually mean?

LUCY FROST: Right, sorry. It comes from the Rehabilitation of Offenders Act. The general idea is that if you're convicted of an offence – unless it's extremely serious – and you're sent down for less than two and a half years, then your conviction will eventually be 'spent' if you're not convicted again of another offence during a specified period. This is called the rehabilitation period. Generally speaking, the more severe a penalty is, the longer the rehabilitation period.

JOE WINTERTON: OK, I get the drift. So where do we go from here?

LUCY FROST: Well, I'd need to know (1) what offence Mr McFarlane was convicted of, (2) how long ago this was, and (3) whether he was convicted of any other offences in the rehabilitation period. Once I've got that I'll be able to tell you whether the conviction was spent at the time he was dismissed.

JOE WINTERTON: Right, OK. I'll get onto it. Bye!

(*Joe Winterton tears out of the office dramatically*)

LUCY FROST: Bye then.