

What went wrong and who is responsible? Episode 2.

In the first episode of this series we looked at what happened on 29th November 2023 when the Review and Staffing Committee voted by four votes to one to, in Judge Flanagan’s words “*bring the disciplinary meeting to an immediate conclusion.*” Judge Flanagan goes on to say “*It is notable that this occurred without any hearing taking place or any further enquiry.*” The subtext here is that the Judge believes this was a serious mistake that influenced his final judgment.

Councillors Bastiman, Holliday, Smith and Thompson voted for this “*notable decision*” with Reg Towse voting against. Many people ask the reasonable questions: “Why did the four councillors vote to retain the Town Clerk even though they knew that she had been accused of being a bully and harassing a member of staff?” “Wasn’t it their job to find out the facts and make a decision?” “Where would this leave Helen King and her Grievance Procedure complaint?”

These are questions that should be answered by **Councillors Bastiman, Holliday, Smith and Thompson** but neither has responded when asked. A witness reports that at the 29 November meeting and after some discussion, **Councillor Bastiman** “nodded his head” and, according to Cllr Smith’s Draft Minutes “**Cllr R Thompson** proposed this be brought to a conclusion and it was **Agreed** by **Cllr Halliday, Cllr Bastiman and Cllr Smith** that a Settlement Agreement be drafted for consideration.” Some might argue that the “nodding” is evidence of a prior agreement amongst the Gang of Four being reached but we couldn’t possibly comment on that.

What happened on 4th December 2023?

We know that a meeting of a Sub Committee of the Review and Staffing Committee consisting of **Cllrs Halliday, Smith and Thompson** met on 4th December to consider a “Settlement Agreement” but the minutes of this meeting have yet to surface. As Judge Flanagan observed: **70.** “*The Tribunal noted the absence of various significant documents, in particular Council Meeting Minutes, but no specific factual findings or adverse inferences were made regarding the impact of their absence.*” Employment Tribunal Judges are notable for their discretion and their ability to avoid giving the opportunity for their decisions being challenged in law so it is reasonable to assume that there is some significance in this statement. We can return to the Settlement Agreement at another time after we look at what happened on 7th December 2023.

What happened on 7th December 2023?

Reg Towse resigned “on principle” because of the “foolish” Review and Staffing Committee decision to reinstate Mrs Marley without, in Judge Flanagan’s words “*any hearing taking place or any further enquiry.*” Like many others, the minutes of the meeting were signed by Chairman Thompson over four months later but include:

RS29/23.1 That previous resolutions regarding the disciplinary of a member of staff be disregarded **due to new evidence and information being received to justify that action.**

RS29/23.2 [Minute RS20/23.6 refers] That the locum engaged by ex-Cllr. Towse be paid for the hours worked to date but her services were no longer required.

RS29/23.3 [Minute RS9/23.1 refers] That a member of staff who raised a grievance be informed of the outcome and notified of the Council’s appeals procedure.

So, in quick succession, **Cllrs Bastiman, Holliday, Smith and Thompson** decided to reinstate a Clerk who had been accused of being a bully without undertaking any further enquiries and also abandoned Helen King. They also, very rudely, dispensed with the services of a locum Town Clerk who had been brought in to help. For what happened next - see Episode 3 of this series that examines the inner workings of our local council together with the “new evidence received.”