

Newby and Scalby Town Council and the “sham redundancy.”

5 pages

What went wrong and who is responsible? Episode 4.

At the end of Episode 3 we reminded ourselves of the serious accusations that had been made against the Clerk, Mrs Marley, and the substantiated findings of the independent investigator, Nicky Shelton. In this episode, we will examine in some detail the “new evidence and Information” that was used to justify the reinstatement of Mrs Marley with the inevitable consequence that Helen King would be made the victim of a “sham redundancy.”

27. In evidence before the Tribunal, Ms Smith – who was a member of the council who made the decision to stop the proceedings – stated that the Council was unimpressed with the ‘structure’ of the independent report. In answering questions to the Tribunal, she also stated that the conclusions were reached on the balance of probabilities, not so that the investigator was ‘sure’.

30. Ms Smith gave evidence to the Council would be ‘left in lurch’ without Ms Marley and ‘in disarray’.

It’s time to unpick these two findings of Judge Flanagan - beginning with the claim (27) that “Council were unimpressed with the structure of the report.” Did they ask any questions of Nicky Shelton or ask for further investigations to be carried out? Evidently not because, as Judge Flanagan finds (23) this crucial decision was taken “without any hearing taking place or any further enquiry.” Why did **Cllrs Bastiman, Holliday, Smith and Thompson** fail to undertake the due diligence that was required and expected of their roles as Councillors? **Cllr Smith** gives us some further insight when she answered the Tribunal that Nicky Shelton “reached the conclusions on the balance of probabilities and not so that the investigator was sure.” Reading through this testimony, even over eighteen months after the events, one is left with the feeling of dismal incompetence at the heart of the Council. Is Cllr Smith, who is now the Chairman of the Council, really saying that they abandoned the Disciplinary Procedure because the investigator “wasn’t sure” when, in fact, it was the Council’s responsibility to determine where fault lay “on the balance of probabilities.”

Cllr Smith reveals more than she intended in paragraph 30. when she confessed to the Tribunal that the Council “would be left in (the) lurch and in disarray without Mrs Marley.” We’ll leave to one side, for now, the fact that Newby and Scalby is in complete disarray with Mrs Marley and focus on what Cllr Smith revealed in this statement and why the Council’s case at the Tribunal failed so spectacularly. Cllr Smith admitted that the reason for the Review and Staffing Committee deciding to end the Disciplinary Procedure against a member of staff who had been accused of bullying another member staff was that she was too valuable to lose. It didn’t matter that Helen King had made a Grievance Procedure complaint against the Clerk. Newby and Scalby Town Council’s adopted policies (Dignity at Work, Civility and Respect, Disciplinary Procedure, Grievance Procedure or its Mission Statement and Corporate Objectives) mattered not a jot compared with the overarching imperative (as Cllr Smith saw it) of bringing back Mrs Marley (on the 8th December 2023) and getting rid of Helen King at all costs. Never mind Helen King and her employment rights. That is why the Council lost and Helen won but there are also other factors.

For now, let us look at paragraph 31 in which we learn that Helen King and Reg Towse met the Woodsmith Foundation “without authorisation.” In Episode 5, we shall explore the murky business of the Maoni Report:

31. In a further Council meeting on the 20th December 2023, Cllr Thompson was elected Chair. The confidential notes also state that meetings had taken place ‘which were unauthorised with the Claimant and Cllr Towse’, as well as a discussion about how the Claimant would be managed now that Cllr Towse had left his role.