

STATEMENT

EMPLOYMENT DISPUTE

A case was brought against Poulshot Parish Council in the Employment Tribunal for unfair dismissal and discrimination. This has been settled by payment of £9,000. The Council also agreed to wording requested by the claimant which included an apology.

This figure was reached by compromise from both parties during unofficial judicial mediation by an employment judge. This was a settlement, not a judgement.

The Council's insurer did help but only to a limited extent, by offering to defend the Council in those aspects of the claim that they deemed to have a better than 51% chance of success. This offer was withdrawn by the insurer when they realised that a grievance had been raised almost one year earlier and they had not been informed at the time. This is a lesson that the Council has learned and any critical correspondence is now forwarded to our legal insurer.

Estimates for legal fees to defend the case were all in excess of £20,000

None of the councillors involved in complaints by the claimant to Wiltshire Council were found to have broken the Code of Conduct. The result in each case was "No Further Action". There was no "Out of Time" ruling. These reports may be examined upon request. (Suitably redacted)

The relationship between the claimant and a majority of councillors, had become difficult. The claimant declined a request to resign. Mediation was rejected by the Council due to cost and the probability that it would not succeed.

A claim was made to the Employment Tribunal on four grounds; unfair dismissal, victimisation, sex discrimination and race discrimination. Because this dispute was never heard by the tribunal, none of the evidence from either side was tested.

Unfair dismissal – The Council accepted that the process that was used to dismiss the claimant was flawed and therefore unfair. We are sorry that the right process was not used.

Victimisation – The legal view was that the weakness in our defence was a request that the claimant resign and that the dismissal coincided with a grievance by the claimant.

Sex and race discrimination – The Council did assert that these were out of time. The final allegations were from May 2019 and June 2019 respectively. The dispute was lodged in March 2020. There is a three-month time limit after which complaints of this nature are considered to be out of time; except in exceptional circumstances.

The most efficient way of dealing with the sex and race discrimination claims was to ask the Tribunal to rule them out of time, this would only have been decided if we had gone to a full Tribunal. The Council's Grounds of Resistance and responses to the claimant's individual claims argued that there was never any sex or race discrimination.

A second Preliminary Hearing was held on 18 February 2021 at which the judge suggested he mediate. This led to the settlement.

This employment dispute has cost the village £9,000, which is hugely unfortunate and not the position anyone on the Parish Council wanted to end up in. However, significant savings have been made in employment related costs which have, in part, offset this figure.

POULSHOT PARISH COUNCIL
23rd March 2021