

Meopham Parish Council

St Johns Centre, Wrotham Road, Meopham, Kent, DA13 0AA - Tel: 01474 813779

Email: enquiries@meopham-pc.gov.uk

Website: www.meopham-pc.gov.uk



A Civility & Respect
Pledge Council

5 November 2025

[REDACTED]
By email

Dear [REDACTED]

Formal Apology Regarding Grievance and Tribunal Proceedings

I am writing on behalf of Meopham Parish Council to offer our sincere and unreserved apology for the distress and inconvenience caused to you as a result of the events that led to your grievance and subsequent employment tribunal proceedings.

We acknowledge that the behaviour and actions of Meopham Parish Council fell short of the standards expected in a professional and respectful working environment. We acknowledge the independent report as a true reflection of events and uphold its findings.

We recognise the impact this has had on your wellbeing and professional life, and we are committed to learning from this experience. As a result of your case, we have undertaken a thorough review of our internal policies, management practices, and grievance procedures to ensure that all employees are treated fairly, respectfully, and in accordance with employment law and best practice.

Please accept this letter as a formal apology and assurance that steps are being taken to prevent similar issues from arising in the future. We value the contributions you have made to Meopham Parish Council and regret that your experience did not reflect the standards we strive to uphold.

Should you wish to discuss this matter further or require any additional support, please do not hesitate to contact me directly.

Yours sincerely

Chairman of the Council
Meopham Parish Council



INDEPENDENT INVESTIGATION REPORT FOR MEOPHAM PARISH COUNCIL

Peter Finnis

29th November 2024



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1.0 Introduction

- 1.1 The objective of this report is to set out the considered findings of an investigation into the contents of a grievance and subsequent employment tribunal claim against Meopham Parish Council and four individually named councillors by the former Parish Clerk.
- 1.2 In assessing the merits of the allegations and claims made, my purpose will be to advise on the risks that the Council may face and the most appropriate actions to take as a result. Whilst the primary focus of this report will be to advise the Council as a corporate entity, this is intrinsically linked to specific allegations made against individual councillors so that will be a key factor in the findings and recommendations.
- 1.3 In order to be properly briefed on this case, the author has received and assessed a wide range of documentary evidence including reports, minutes, emails, statements and WhatsApp messages and held telephone conversations and/or virtual Zoom meetings with 12 individuals (councillors and officers) including all those directly involved in the case as claimants and respondents.
- 1.4 Grateful thanks are expressed to everybody who has assisted with, and fully co-operated in this investigation. I am fully aware how stressful some of these interviews will have been given the nature and gravity of the matter. It is emphasised that the author takes full responsibility for the content of this report and should there be any errors or misunderstandings contained herein, these are his and his alone.

2.0 Background

- 2.1 The former Parish Clerk, [REDACTED] joined the Council in 2021. In June 2024 [REDACTED] tendered his resignation a few days after the Assistant Clerk, [REDACTED] also resigned. Previously, the Council had also received the resignation of the former Deputy Clerk, [REDACTED]. [REDACTED] formally left the Council on 5th September 2024 (the end of his notice period).
- 2.2 Shortly before tendering his resignation, on 10th June 2024, [REDACTED] submitted a formal grievance against four named councillors, namely [REDACTED], [REDACTED], [REDACTED] and [REDACTED] ([REDACTED], [REDACTED], [REDACTED] and [REDACTED]). The grievance was initially co-signed by two other members of staff, [REDACTED] and [REDACTED] ([REDACTED] and [REDACTED]). Subsequently, following a mediation meeting with the Council Chair, both [REDACTED] and [REDACTED] withdrew their signatures from the grievance but have both indicated that they still fully support the allegations made by [REDACTED]. Both [REDACTED] and [REDACTED] are still in post and [REDACTED] has since been formally appointed by the Council as the current Parish Clerk and Proper Officer.
- 2.3 On 4th September 2024, [REDACTED] lodged a formal employment tribunal claim against both the Council and, separately, the same four individual councillors previously named in the grievance. In response, all have submitted notices of intent to defend against the claims.
- 2.4 At the outset, my first thought is how sad it is to see a situation such as this. This degree of obvious conflict places huge strains on relationships and the working environment, for both members and officers alike. It also indicates a Council that has become consumed by internal strife, which is ultimately to the detriment of the community of Meopham.

3.0 Grievance Submission

- 3.1 The full text of the grievance submission dated 10th June 2024, is set out in **appendix A** to this report.
- 3.2 The claims in the grievance submission are directed solely at four individual councillors (■■■, ■■■, ■■■ and ■■■). There is no claim against the Council as a whole. The nature of the claims include age discrimination, homophobia and, generic issues of undermining, interference and bullying leading to an untenable situation for staff as a whole. A number of indicative examples of alleged unacceptable behaviour are set out in the grievance document.
- 3.3 An internal process, in accordance with the Council's policies, was initially set up to consider the grievance. There were significant delays in pulling together information and setting up an initial meeting with ■■■, but these appear to have been health related and were unavoidable. Eventually, a meeting was convened for 15th August 2024 where ■■■ registered his concerns at continued breaches of confidentiality resulting in his loss of confidence in the integrity of the internal process. He requested an external independent investigation of his grievance. During this timeline, there was dialogue between the Chair and the District Monitoring Officer but it would appear that advice from the latter on the best way forward was somewhat unclear. In the event, matters were then overtaken by the subsequent submission of the Employment Tribunal Claim.
- 3.4 Whilst ■■■ chose to resign and leave the Council prior to any conclusion being reached on the grievance, it is still important to come to a view on it and, as a result, determine whether any appropriate actions should be put in place. I will do this based on the content of the original grievance, subsequent evidence provided, and interviews with the relevant individuals.

4.0 Employment Tribunal Claim

- 4.1 The full text of the Employment Tribunal Claim, issued by [REDACTED] on 4th September 2024, is set out in **appendix B** to this report. The issues are broadly similar to the previously submitted grievance document. However, there are two important differences. Firstly, there is no reference in the tribunal claim to allegations of homophobia. Secondly, whilst the tribunal claim cites the same 4 individual councillors as respondents, it also includes the Council as a corporate body as an added respondent.
- 4.2 The Employment Tribunal Claim is focused on two specific areas of allegation, namely age discrimination and constructive dismissal. Should the matter proceed to a full tribunal hearing, the case will be determined by any relevant evidence and counter evidence brought by the claimant and the respondents respectively. In the event that the claim is wholly, or partly upheld, financial compensation can be awarded to the claimant from any or all of the respondents.
- 4.3 Whilst the primary focus is now on responding to the Employment Tribunal Claim, it is important to agree a finding on the grievance as they are intrinsically linked. To that end, my investigation and interviews have not sought to draw a distinction between the two but has been undertaken on the basis of assessing the evidence and merits of both and, as a result, assessing the relative risks to the respondents going forward.
- 4.4 It is important here to clarify the position with regard to the respective risks of the respondents. The Council, as a corporate body, is entitled to respond to allegations against it in the most appropriate way. Normally, a council would obtain legal advice and, based on that, determine whether to defend its position at tribunal or accept some culpability and seek a negotiated settlement. Depending on the severity of the case and the reasonableness of the action taken by the council, insurance cover may be in place to cover all or some of any costs of awards or settlement. Where individual councillors are cited, they would not normally be covered by the corporate insurance. Thus, if the Council were to agree to defend those individuals as part of an overall corporate case, any financial penalty arising from a negative outcome from the Council's perspective, would probably have to be met directly from Council finances. This could therefore have a significant impact on Council's budget and, thus, on the taxpayer precept.
- 4.5 I fully accept that the way this matter has escalated is extremely stressful for all concerned. However, due to the potentially damaging implications of any outcome, it is important that my findings reflect an honest assessment of the

case so that all can reflect and determine the best way forward, both from a point of pragmatism and from a point of personal wellbeing.

- 4.6 Finally, it is important to note that, in submitting the employment tribunal claim, ■ initially stated that if any of the individual cited councillors choose to resign their positions on the Council, he will remove their names from the claim, and if all four were to resign, he would withdraw the whole case against both the council and all four individuals.
- 4.7 Regrettably, during the course of undertaking this investigation, ■ advised me that he had decided to withdraw the above offer on the grounds that there has recently been further continued inappropriate behaviour, specifically cyber-stalking, refusal to fully comply with his SAR, and alleged libellous remarks made via all councillor emails and to external parties about him. As such at this point in the process, the only course remaining was to proceed the case against all respondents to tribunal.
- 4.8 However, in the wake of the above, I had the opportunity to discuss this latest development with ■ and, as a result, he agreed to make a revised final offer as follows:
1. All 4 individuals to confirm their agreement to resign their positions on the council by a prescribed deadline of one week from the offer being conveyed.
 2. The Council to offer a compensation payment to ■, to be negotiated, in recognition of its duty of care culpability in this matter.
 3. The above to be subject to all parties agreeing that this is full and final settlement, that details of the case remain confidential and that there is no further action or activity taken against each other in any other realms of activity.
 4. All of the above to be incorporated into a legally binding agreement to be signed by the Council, all 4 individual councillors, and ■.
 5. If any of the 4 individuals refuse to resign their position in accordance with this offer, this whole proposed settlement is null and void and the claim against the Council and all 4 individuals will proceed to tribunal.
- 4.9 The above revised withdrawal offer was conveyed by myself to all 4 of the named councillors on 28th November with a response deadline of 6th December.

5.0 Evidence v Allegations

- 5.1 During the course of this investigation I have requested and received a huge amount of documentation and undertaken lengthy interviews and conversations. As is often the case, much of the information gleaned tends to be marginal or anecdotal and whilst often useful for the purposes of nuance, may not ultimately be of significant value either to the claimant or the respondents. Thus, I have taken the approach of identifying what I feel may be the most key elements of potential evidence within the timeline and I have summarised these along with my comments in chronological order in **appendix C**. These comments have evolved over this period of work as a result of clarifications obtained at interviews.
- 5.2 There is an important caveat for me to mention here. Whilst the claimant has voluntarily provided me with some evidence documents to use in this investigation, there is no guarantee that further evidence will not be produced at a later stage should the matter proceed to tribunal. As well as any further documentary evidence along with possible witness statements, ■■■ has stated his intent to use audio recordings of past council meetings to prove disrespectful behaviour towards the officers. Obviously, I cannot comment or advise on any potential new evidence not yet submitted.
- 5.3 In assessing the strength of evidence supporting the claim, the tribunal will look for sufficient tangible examples of alleged incidents in order to determine whether it could be reasonably construed as a pattern of behaviour. They are also likely to consider context, policy conflict and historical issues that may lend credence to current allegations. In summary, my overall assessment of the matters set out in the evidence log is that there is reason to conclude that there are incidents that can be seen to be in conflict with:
- (a) Code of Conduct – member obligations points 1 (respectful behaviour), 2 (bullying or intimidating behaviour), and 5 (disclosure of confidential information)
 - (b) Equality Policy in respect of age discrimination
 - (c) Data Protection Policy – clauses 6.1 – personal data access, and 12.4 – meetings in confidential session
 - (d) The Civility and Respect Pledge
- 5.4 The above list of policy breaches is not necessarily all encompassing, but I have experienced difficulty in accessing some of the Council's policy documents due to some pages of the website having been very recently hacked. This has occurred since I commenced my investigation and, as such, the timing is somewhat concerning and/or coincidental. Fortunately, it has not prevented me from obtaining the most important information that I required.

- 5.5 There are 4 particular incidents/issues in the appended evidence log which need addressing in more detail and these are set out in the next 4 paragraphs.
- 5.6 **09/07/23 – Email from [REDACTED] to former Chair.** This correspondence raised a concern that [REDACTED] had not declared a personal interest or employment in a company set up by [REDACTED] and had employed [REDACTED] without Council approval. The evidence I have seen is that [REDACTED] did make his association with [REDACTED] known to the then vice chair, and took advice from NALC on the matter. Further, as an unpaid non-exec director on the board of a CIC, it falls outside the definition of paid employment. Finally, at this point, [REDACTED] was brought in as a contractor rather than an employee to offset temporary capacity issues so was within the power of the Clerk. His permanent appointment was approved by Council.
- 5.7 **26/09/23 – Personnel Committee meeting.** There are a number of very serious issues arising from this meeting which will undoubtedly be a fundamental part of substantiating a constructive dismissal case. I have itemised the key issues below.
- Ahead of the meeting, members were made aware that both the chair and vice chair of the Council would not be participating in this meeting. At that point it was clear that substitutes would be needed to ensure that the meeting was quorate.
 - The quorum for the committee was 4. Only 3 members attended ([REDACTED], [REDACTED] and former Councillor [REDACTED]). Despite being inquorate, it was decided to proceed. [REDACTED] has stated that they were not aware of the quorum number required. However, [REDACTED] has stated that they decided to proceed on the basis of it being an 'unofficial' meeting. This indicates that they were aware and conscious of the inquorate nature of the meeting. Further, there is no such thing as an 'unofficial' committee meeting, especially as they proceeded to pass resolutions intended as formal recommendations to Council and issued minutes to that effect.
 - At the time of the meeting, the committee was in possession of a report compiled by former councillor [REDACTED], and 3 separate grievances, one from [REDACTED] against [REDACTED], one from [REDACTED] against former Deputy Clerk, [REDACTED] ([REDACTED]) and one from [REDACTED] against [REDACTED]. The only document considered at the meeting was the report from [REDACTED].
 - Based on one report from an individual who was the subject of a grievance, and with no counter checking of the issues, the committee passed 3 resolutions, firstly to recommend suspension of [REDACTED], secondly to terminate [REDACTED]'s contract, and thirdly to approach [REDACTED] to offer reinstatement as Acting Clerk.

- The decision to suspend ■ was based on an alleged breach of contract. This related to the matter referred to at para. 5.6 above, for which there was already evidence to the contrary. Further, suspension would only be necessary in cases of potential gross misconduct where otherwise there was a risk of evidence tampering or retribution to a member of staff still in post. Clearly neither applied in this case.
- The decision to approach ■ to reinstate her as Acting Clerk (at this point, ■ had resigned and was in her notice period) was made despite a grievance against her in respect of alleged bullying having been submitted by ■ and yet to be investigated.
- Having regard to all of the above, it appears that the committee sought to take a very different approach to the treatment of ■ and ■ versus ■ and on the basis of a potentially unsafe report and multiple, as yet, uninvestigated grievances.

5.8 12/12/23 – Supply of documentation to Worknest. Whilst there appears to be some confusion as to what occurred here, the facts that I have been able to establish are these. At the meeting on 2nd October 2023, Council approved a terms of reference for the Worknest Investigation and authorised Personnel members to convey this to Worknest. Subsequently, ■ provided Worknest with a version of the terms of reference that differed from the text approved by full Council along with 34 supporting documents from some of the individuals relevant to the case. ■ states that the intent was for Worknest to contact other individuals to seek further information. However, nobody else appears to have been contacted and no other documentation appears to have been used. This indicates that Worknest may have been led to believe that they had all the relevant evidence needed to conduct the investigation. With regard to the ToR, ■ confirms that she retyped the text and made a number of changes which she maintains were superficial. I have seen a breakdown of the changes provided by ■ and agree that they are relatively minor. However, for me, this raises two points. Firstly, if the changes were deemed superficial rather than substantial, why was it felt necessary to make them? Secondly, and more importantly, full Council is the sovereign body and, as such, particularly in HR related matters that can have serious knock-on ramifications, decisions either need to be enacted strictly as decided or, if changes are needed, referred back for ratification.

5.9 31/06/24 and 29/07/24 – Emails from and to personal addresses. These exchanges were in respect of a pending grievance. The nature of these communications (seeking an update from the Personnel Committee on the progress of a grievance) is not the key issue here. The issue is that the communication was occurring via personal email addresses. Grievances are strictly confidential matters and should only be discussed with relevant

members through internal networks. Once the conversation moves outside of the Council network, the Council has no way of controlling the potential spread of confidential, personal information should any of the participants in the conversation decide to share information with unauthorised third parties. This is the essence of GDPR contravention and data protection.

5.10 In addition to the specific cases to be brought against the four individually named councillors, the case against the Council as a corporate body is likely to focus on safeguarding and duty of care, in other words, that the council could have done more to protect the claimant from the ongoing behaviour of individuals. The evidence shows that, on a number of occasions the Chair and other members conveyed repeated messages to the whole council reminding all about conduct, behaviour, and confidentiality and suitable training was sought and delivered. A list of specific actions undertaken is set out in the Council's response to the employment tribunal claim which is attached to this report at **appendix D**. Notwithstanding this, I do believe that the Council may be vulnerable in a couple of areas as follows:

- There have been two failed attempts by the Council to agree to the introduction of an Employee Assistance Programme which, given the known tensions, would have been a positive thing to do. I am of course aware that these failures were partially due to the opposing votes of the four cited individual councillors with the support of others but it shows that at least some of the rest of the Council were unwilling to agree to this mitigating intervention.
- The integrity of due process is compromised by the fact that committee meetings debating serious HR issues have been allowed to self-administrate without the presence of an appropriate independent minute taker or the input of professional advice in the debate. Even if a matter is deemed too sensitive for one of the Council's own officers to be present, in such cases it is normal to seek alternative support, such as either a clerk from a neighbouring parish, or a suitably qualified independent person. Claims that individual councillors may already have sufficient expertise from previous professional careers are irrelevant. The councillors are in the role of decision makers and officers or consultants are in the role of professional advisors and these roles should not be blurred or confused.

5.11 In summary, the issues set out here coupled with the summary evidence log attached, represent what I see as the key elements of the evidence in respect of the allegations. The degree to which all of this, and any further evidence subsequently submitted, is sufficient to prove the claimant's case against the respondents will be a matter for an employment tribunal to judge and key to this will be the defense and mitigations provided by the respondents.

6.0 Defence and Mitigations

- 6.1 The Council's defense is currently as set out in its response to the employment tribunal claim and, subject to my comments at 5.10 above, are sound. As has been stated, there are significant legislative limitations as to what the Council can do particularly as, until this point, there has been no independent investigation of the issues brought by the officers against individual councillors. However, as a consequence of commissioning this investigation, the council could strengthen its position at this point by taking on board and adopting the recommendations arising from this investigation which are set out in section 7 below.
- 6.2 In respect of the four cited councillors (the co-respondents) it has been suggested to me that, in some cases, lack of technical knowledge and procedural awareness may have led to some misunderstandings, for instance in respect of democratic governance, information sharing etc. It has also been put to me that, in the case of 3 of the councillors, as long-standing members perhaps with contrasting views to the current regime, their presence and input was not welcomed and they were being increasingly marginalized by the clerk. Obviously, it is difficult for me to take a view based on opinion or anecdote but suffice to say the reality at this point is that ■■■ has produced a certain amount of hard evidence to back up his claim and this will need to be equally countered with hard evidence in any defense.
- 6.3 There is evidence to suggest that ■■■ was being supported via appraisals. However, I note that, in his most recent appraisal I have seen, held in March 2023 by ■■■ and former Councillor ■■■■■■■■■■, there is no indication as to whether ■■■ signed and accepted the content of this appraisal as should be the case.
- 6.4 I have noted that, in respect of the evidence log issue regarding the 2024 Annual Parish meeting, ■■■ had previously confirmed that no officer support was available for the meeting. Then, part way through the meeting, ■■■ and ■■■ arrived and remained as members of the public. Further, I understand that ■■■ has been attending Council meetings as a member of the public since his departure. Whilst ■■■ is perfectly entitled to attend meetings as a member of the public and is not obligated to support the Annual Parish meeting, this could be seen as either intimidatory or provocative by a neutral observer and lend some credibility to a claim that the Clerk's actions and choices played a part in the overall tensions within the Council.
- 6.5 As a general point, I do believe all parties do need to accept the fact that the multiple areas of apparent conflict have been as a result of a Council that has increasingly split into factions with entrenched positions in respect of each other. This is a very difficult environment in which to operate effectively, both for

councillors and officers. Unfortunately, this is a situation I commonly encounter and individuals who get caught up in sustained internal conflict can lose perspective and should be reminded that the only reason for any council to exist is to serve its community in the best ways possible. This can only be achieved by proactive and mutually supportive teamwork.

7.0 Findings and Recommendations

7.1 The Grievance Findings:

1. On the issue of homophobia, I do not uphold the allegation as there is no sufficiently substantive evidence to support this.
2. On the issue of age discrimination, I do uphold the allegation as there is substantive evidence of discriminatory comments as set out in the evidence log.
3. On the issue of undermining, harassment and interference, my view is that there are a number of evidenced examples that, collectively, could be construed as an inappropriate pattern of behaviour and, thus, I do uphold the allegation.
4. That, whilst the officer who submitted the grievance is no longer employed by the Council, statements of concern from current staff members together with evidence of issues since the Clerk's departure suggests that matters relevant to the allegations specified in 3 above have continued and, as a result, warrant consideration of potential actions going forward.

7.2 The Grievance Recommendations (NOTE: Only required if the 4 councillors do not take up the resignation offer set out in paragraph 4.8 of this report):

As a result of the above, the Council is recommended to consider the following potential courses of action in respect of the four councillors named in the grievance:

1. Removal from all committees and representative bodies other than full Council.
2. Restrictions on office visits, eg; by appointment only and with a minimum of two officers present.
3. Proper Officer in liaison with the Chair to be authorised to terminate email dialogue where it is deemed by the Proper Officer to have been sufficiently discussed and/or become vexatious.
4. That in the light of these findings and recommended actions, the named councillors be asked to confirm in writing to the Proper Officer, their acceptance of this outcome, or alternatively, to consider their positions on the Council.
5. That this report and these findings and any adopted recommended actions be conveyed for information to the District Monitoring Officer.

7.3 The Tribunal Claim Advice:

1. In respect of the Council as a corporate body, I do not believe there to be a case of age discrimination. However, in respect of constructive dismissal, there are vulnerabilities as a result of failing to adopt the Employment

Assistance Programme, and allowing committees to conduct themselves without sufficiently good democratic governance.

2. It is my view that the Council's vulnerability will be in respect of failed duty of care rather than deliberate acts that contributed to alleged constructive dismissal.
3. In respect of the four individually named councillors, there are specific references to substantiate the claim of age discrimination together with incidents of interference in operational matters, derogatory/personal remarks, and confidentiality breaches which, in my opinion, could be construed as deliberate acts that contributed to alleged constructive dismissal.
4. It is significant that, whilst named in the tribunal claim, the Council as a corporate entity was not cited in the original grievance whereas the individual councillors are named in both.
5. Having regard to 1 to 4 above, it is clear that the potential cases against the named individuals are considerably stronger than the potential case against the Council, and this needs to be seriously borne in mind having regard to the potential financial impact on the Council and its ability to fund services for the wider community should damages be awarded.

7.4 The Tribunal Claim Suggested Actions (NOTE: Only required if the 4 councillors do not take up the resignation offer set out in paragraph 4.8 of this report):

1. That the Council engages legal counsel to specifically defend its position in respect of the tribunal case, sets aside reasonable 'worst case scenario' funds in next year's budget, and communicates the likely need for an increased precept as a result of costs already incurred, and potential further costs depending on the tribunal outcome.
2. That, subject to legal counsel's advice, the content of the initial corporate response be used as the basis for the Council's defence, together with the commissioning of this investigation, and acceptance of its findings and recommendations.
3. That, in order to further strengthen its case, the Council moves to adopt an employee assistance programme and implements the grievance outcome recommendations set out above.
4. That the named individual councillors be advised of the need to pursue their own defence on the basis that the Council has repeatedly tried to address ongoing issues and stated this in the corporate response, and that the Council's first responsibility is to minimise the potential impact of this matter on the Meopham Community.

7.5 In the event that all 4 named councillors choose to resign their positions in accordance with the offer terms set out in paragraph 4.8, the Council is recommended to engage consultants to negotiate the details of a compromise agreement with ■■■, to be agreed and signed by all parties.

- 7.6 In the event that recommendation 7.5 is approved but subsequently one or more of the parties renege on their position, the Council is recommended to urgently reconvene to reconsider recommendations at 7.2 and 7.4 above and any other action depending on the nature of the problem.

Peter Finnis
Independent Investigator
29th November 2024

Meopham Parish Council

St Johns Centre, Wrotham Road, Meopham, Kent, DA13 0AA - Tel: 01474 813779
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Pledge Council

10th June 2024

To: The Chair, Personnel Committee
 Meopham Parish Council.

As a group currently working for MPC, we would like to lodge an official grievance regarding Councillors of the current council. This grievance was in the process of being compiled when events changed and the Deputy Clerk decided to hand in his resignation. We are all in agreement with its contents which is aimed at the following members in particular:

[REDACTED]

On joining the council, the Councillors all agreed to abide by the Code of Conduct, which is based on various principles such as integrity, objectivity, honesty, and accountability and other important obligations such as treating people with respect. The way that these Councillors currently conduct themselves is appalling and surmounts to bullying at the highest level. We as officers should be treated with respect and not bullied and criticised at every opportunity. Two of our team are also subject to regular ageist and homophobic behaviour which is NOT acceptable.

Over the last year in particular, it has become increasingly difficult to carry out our duties due to the constant interference in operational matters by the Councillors and the regular undermining of EVERYTHING the officers do. Our Councillors SHOULD NOT be involved in the day to day running of the office and we, as employees we should be left to carry out the duties we are paid to perform as we see fit. We have listed some examples of the issues raised below:

Interference

There are constant derogatory remarks about the way the office is run and how duties / staff should be managed in it. [REDACTED] is the Clerk and every decision about the day-to-day running of the office should be down to him. He has 9 years' experience in the job and his management of the office should be left to his discretion. The list of interference and constant checking up on what we do is endless, but we have listed some examples below:

1. The Councillors have requested information confirming when staff have booked annual leave. Why? Holiday and cover for staff absence is only

applicable to the office and should be the responsibility of the staff and Clerk to arrange between themselves.

2. Criticism regarding how /when the office is staffed- The office is manned from 9am – 2pm Mon – Thursday. A member of staff is in the office at all times and if , on a VERY rare occasion, there is an emergency that means the office is left unattended , we are contactable on the work mobiles. Again, the management of the office is down to the Clerk.
3. Councillors have asked for all our PERSONAL contact details. Why?
4. Emails are/were sent to [REDACTED] and [REDACTED] regularly by the Councillors out of their normal office hours...which is completely understandable when Councillors are volunteers and often have other daily commitments and can only deal with Council business when free . [REDACTED] and [REDACTED] will/would often respond to those emails outside their working hours if they are able, but they should NOT be EXPECTED to do so and will always contact the Councillor as soon as they are able to. Councillors appear to think that 'they and their' query is the only thing that the Officers are dealing with and need to understand that they are NOT and be patient in waiting for response. [REDACTED] and [REDACTED] in particular put in a lot of UNPAID hours, and it is unfair to say they lack 'interpersonal skills' because one Councillor response is delayed.

What frustrates me is that my e mail to [REDACTED] and [REDACTED] has been read by them but they don't seem to have the common courtesy of giving me a ring today to discuss it's content - I.e the current situation? Between you and I albeit I appreciate that they are not paid for out of hours work - I think that in view of your absence and my newness to my role - they should make contact - just out of courtesy - they are very lacking in inter-personal skills and any basic understanding of the right way to do things??

(This was sent at 10.54pm on SATURDAY 1st JUNE)

5. We decided in the office to clear out YEARS of old paperwork **that we were not legally required to keep**. It was disposed of securely in bags, which were then put out with the secure recycling rubbish for collection. A Councillor came to the office about another issue, saw the bags and took it upon herself to put it all in her car, complaining about the fact we had thrown it away in the first place , and alleging data breaches etc. All

of the bags contents were pre GDPR and already in the public domain. Again, this is part of the office management and down to the officers.

6. They want to authorise all the Social Media Posts. Why? Again, this is the duty of the Office Clerk.
7. The Councillors question decisions on issues like which of either the Deputy Clerk or Assistant Clerk [REDACTED] chooses to take to a meeting. This is [REDACTED]'s choice and again is not something the Councillors should even be commenting about.

Respect and Ageism

There is currently very little respect shown by these Councillors to [REDACTED] and [REDACTED], a main issue being with their ages. It is constantly remarked on and their experience, enthusiasm and passion for the job is completely ignored. The Councillors think that being 'older' they know better and are completely unwilling to accept or work on any new ideas or suggestions. Its 'their' way or no way. With [REDACTED]'s 9 years' experience and [REDACTED] enthusiasm for learning and amazing rapport with people, the Councillors should accept that the dedication, and passion that both [REDACTED] and [REDACTED] give to the job is a positive for the village community. Their ages should not be treated as a negative and their ideas embraced and discussed rather than the 'they are too young and don't know what they are talking about' attitude we have currently. We should be combining the older generations experience with the youngers enthusiasm and drive rather than constantly battling against each other.

Homophobia

[REDACTED] has experienced homophobic attitudes since the start of his employment. He has always been treated differently and experienced sly, inappropriate comments both directly and indirectly.

1. He is/has been a victim of implied behaviour - an example being that a suggestion was made for a Meopham Pride One Day Event, to which a Councillor replied "well that must have been [REDACTED] idea".
2. [REDACTED] currently feels that his enthusiasm and commitment has been extremely shaded and darkened within the workplace. His motivation has dropped significantly. [REDACTED] feels he has to suppress his genuine self to

conform to the feelings of the Councillors. We appreciate not every idea or proposal is approved- [REDACTED] understands that but the reason they are immediately dismissed should be for a genuine reason and not based on a staff members sexuality. He should not be experiencing nasty and implicit comments for just having 'an idea' and putting it forward.

3. The Pride flag has also since been removed from the village flag pole by a Councillor. [REDACTED] replaced it, **under his jurisdiction**, which then warranted the following comments from a Councillor...

There is now another internal round of critical comments this time about which flags should be flown in and around the Windmill site during this critical national week - including the LGBT flag - versus others. Apparently, [REDACTED] (The Windmill man?) is not happy and feels [REDACTED] has very much overstepped his boundaries of responsibility on this topic.

This is not true. [REDACTED] spoke to [REDACTED] and asked if the pride flag would be removed for the 2 days in June that the union flag should fly. [REDACTED] confirmed that it was and [REDACTED] was happy with that. It was a question, not a complaint so to say he 'wasn't happy' is a deliberate exaggeration to cause trouble. Another Councillor commented at the monthly meeting that she had had 'loads' of complaints about the 'rainbow flag' yet the office have seen NONE and there are none on the social media account.

Sexuality should not even be a discussion and this is bullying and bordering on a hate crime. Sexuality, as well as age, does not impact anyone's ability to work. Whatever the workplace setting may be, we believe that all of us maintain a professional standard when representing Meopham Parish Council.

These are just a few examples and we have plenty of other documented examples of similar behaviour. We welcome any opportunity to discuss these concerns and agree actions to change the current situation and eradicate this unacceptable behaviour.

A copy of this letter will be sent to the Monitoring Officer.

Yours sincerely

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

IN THE EMPLOYMENT TRIBUNAL

[REDACTED]

CLAIMANT

AND

Meopham Parish Council

1st RESPONDENT

Cllr [REDACTED]
Cllr [REDACTED]
Cllr [REDACTED]
Cllr [REDACTED]

CO-RESPONDENTS

PARTICULARS OF CLAIM

1. I was employed from 25 October 2021 to 5 September 2024 at Meopham parish Council, the First Respondent, in a role working 32.5 hours per week as Clerk & Responsible Financial Officer.
2. The Co-Respondents are Parish Councillors at the First Respondent.
3. During my employment I was based at the Parish Council Office, St John Centre, Meopham, DA13 0AA and was line managed by the Parish Council as a corporate body.
4. The Claimant resigned on 5th June 2024, with a notice of period of three-months, ceasing formal employment on 5th September 2024.

Summary of claims

5. I am bringing the following claims against the First and Second Respondents:
 - A. Age discrimination
 - B. Constructive unfair dismissal

Time Limits

6. The detriment suffered in the form of age discrimination and constructive unfair dismissal forms part of a series of continuing acts, the last of which was on 5 June 2024 and therefore falls within three months less one day of my notifying ACAS of my claims (see paragraph 5 above).

Background

7. My job role at the First Respondent involved providing operational management to the Parish Council, including line management of other council officers. Furthermore, to act as the Council's legal adviser and service the Council and any committee's/working groups it has.

8. The Clerk & Responsible Financial Officer role is set out in statute, under S112 of the Local Government Act 1972 (Proper Officer duties) and S151 of the Local Government Act 1972 (duty to appoint Responsible Financial Officer).
9. Throughout the Claimant's employment with the Council, I was subjected to consistent and repeated bullying from the co-respondents. This took the form of verbal remarks during council meetings open to the public, written emails and complaints that were ruled as vexatious by the Council.
10. I allege that there was a failure by the first respondent as my employer to act in its duty to provide a safe working environment for its employees. These remarks that I have been subjected to, include comments that I allege constituted age discrimination towards me.
11. I also allege that the co-respondents conducted several breaches of confidentiality of employee information including mine, which breached the mutual trust and confidence between myself and the first respondent.
12. Between commencing employment on 25 October 2021 and the final incidents on the 5 June 2024, I can provide evidence of the emails and some verbal remarks (in the form of official council recordings). I can also evidence the alleged data breaches that I feel breached the mutual trust and confidence between me and the first respondent as my employer.

Injury to feelings

13. The detrimental treatment and the constructive unfair dismissal have significantly impacted on me. As such I am claiming damages for Injury to Feelings.

Remedy

14. By way of remedy I am claiming:
 - i. Financial compensation (to be provided in a Schedule of Loss in due course);
 - ii. Injury to feelings;
 - iii. ACAS uplift of 25% due to failure to comply with the ACAS Code of Practice in administering a grievance procedure

4th September 2024

APPENDIX C

Chronological Evidence Log

Name Abbreviations:

█ – █	█ – █	█ – █
█ – █	█ – █	█ – █
█ – █	█ – █	█ – █

Evidence Item	Investigator Comment
Documentation from former Councillor █ (█) in 2022, on committee structure proposals, matters relating to recording meetings, and the Windmill Trust	Without taking a view on the respective positions taken in these matters, the tone of exchanges could be seen as indicative of historical tensions between █ and the █
09/07/23 Email from █ to former Chair raising procedural concerns about the appointment of █. Requested that these concerns be considered but kept private	Email is directly critical of █'s competence and █'s judgement and appear to be without substance. I will comment further in the report
11/07/22 Email from █ to █ calling for all council media posts to be vetted, approved and/or amended by individual councillor(s)	This is the opposite of good practice. Should be the role of the proper officer. Individual councillors have no authority to oversee official media communications
18/07/23 Email from █ to all members – claim that █ was promoting his own priorities rather than Council's, bias against older person's events, and blamed loss of committees weakening Councillor input	Clerk is expected to deliver on decisions made by Council and also propose new initiatives. Whilst individuals may disagree, important that the collective decisions of Council are respected and accepted
31/07/23 Email from █ to selected members referring to █ being in temporary charge, quote "putting the council in the hands of a schoolboy, however competent at minor admin"	This could be construed is an overt 'ageist' comment and a derogatory remark about █'s ability. Concern could have been conferred in a far more reasonable way, eg, 'lack of experience at this level'

26/09/23 Personnel Committee. Set up to discuss multiple grievances. Inquire and attempted to suspend ■■■, terminate contract of ■■■ and re-engage former Deputy Clerk ■■■	Serious multiple issues here. This is covered in a dedicated paragraph in the report
06/10/23, 28/10/23, 22/11/23 and 03/04/24 Emails from ■■■ to ■■■ personal address discussing council business and personal matters specific to ■■■ and ■■■	At this time, ■■■ was no longer an employee. ■■■ involved in Personnel decisions relating to ■■■ and aware of previous conflict between ■■■ and ■■■
09/10/23 ■■■ attempts to call an extraordinary meeting of the Personnel Committee on 16/10/23 (1 day before committee was due to be reconstituted by full Council)	■■■ was only a substitute member at this time. Could be seen as a further attempt to make decisions attempted at the void meeting on 26/09/23
30/11/23 Email from ■■■ to all councillors and staff criticising clerk of lack of action in obtaining grants	Such criticism should not be shared with other staff. Also, criticism could be seen as without basis as additional needed staffing capacity had previously been identified in an independent review but not yet implemented by council. In mitigation, I note potential shortcomings in that staffing review, eg, minimal or no engagement with members
12/12/23 Worknest Investigation only used evidence provided by ■■■ along with terms of reference which differed from that approved by Council	There is some confusion on this matter. I have dedicated a paragraph in the report setting out my thoughts and findings
12/12/23 Worknest reported concern at personal information about ■■■ sent to them by ■■■. Stated "no relevance to investigation"	The information given related to ■■■'s age, date of birth and the school he attended. Whilst not inherently confidential, another example that age discrimination may have been at the forefront here and, as stated by Worknest, completely irrelevant to the matter in hand
29/12/23 Email from ■■■ to all councillors and staff reporting that negative comments on social media aimed at the Council and officers were coming from a former Councillor under a false name	This suggests that there may be an orchestrated campaign connected to individuals in the council. However, no perpetrators have been specifically identified

16/02/24 Email from [REDACTED] to all councillors and staff reporting a leak of confidential information from within the council to a local resident targeting [REDACTED]	Any such leak would be a serious code of conduct breach and possibly GDPR breach as well. However, no individuals were identified to my knowledge
March 2024 Email sequence of [REDACTED] challenging accuracy of budget minutes from December 2023	Accuracy of minutes can be challenged when submitted for approval at the following meeting. After that, they stand unaltered as the official record
13 and 14/03/24 Emails from [REDACTED] and [REDACTED] describing invitations being sent by [REDACTED] for the Annual Parish meeting as a "serious procedural error"	The claim is both an exaggeration and inaccurate as this was demonstrated as year-on-year usual practice. A minor issue that generated unnecessary email exchanges
16/05/24 Email from [REDACTED] in response to staff being unable to attend annual parish meeting, quote "I think it is about personal standards -but maybe also an age perspective as to what is seen by the so-called 'younger' members of society as to what is important and what is not important"	I understand the problem occurred due to the meeting being called at short notice. This comment manages to be derogatory towards officers' alleged personal standards and makes a sweeping ageist statement about young people. Thus, it is both judgemental and offensive
NOTE: June 2024 [REDACTED] and [REDACTED] both tender resignations a few days apart	
June 2024 An anonymous notice is posted and displayed in public accusing [REDACTED], [REDACTED] and [REDACTED] of being bullies	I am advised that this was looked into but in the absence of any witnesses or CCTV it was not possible to identify the perpetrators
10/06/24 Formal grievance submitted by [REDACTED], [REDACTED] and [REDACTED] against [REDACTED], [REDACTED], [REDACTED] and [REDACTED] on grounds of ageism, homophobia, undue interference and undermining of officers and the council	[REDACTED] and [REDACTED] subsequently withdraw their names from the grievance submission but have advised investigator that they still fully supported the content of the case through their observations of conduct by the named members
14/06/24 Email from [REDACTED] to [REDACTED] personal address discussing [REDACTED]'s resignation and legal action	Disclosure of confidential and personal information to a third party with historical vested interest
11/06/24 Email from [REDACTED] raising concerns that [REDACTED] was trying to discuss grievance with staff and [REDACTED] was challenging source of the evidence being used	Any attempt by a person who is cited in a grievance to contact any person involved in submitting the grievance is inappropriate. However, it would appear on investigation that [REDACTED] was only trying

	to establish whether the grievance had been sent to fellow cited members
12/06/24 ■ confirms to ■ that she had conveyed staffing information to husband, including ■'s resignation	Whilst the nature of this information share was not, in my view, a breach of confidentiality, sharing internal council business with third parties should not occur as a matter of habit, particularly HR related matters involving staff with previous tense relationships with the person being informed
31/06/24 and 29/07/24 Emails from ■'s personal address to Personnel members and copied to fellow cited members, all bar 1 to their personal addresses	It is a breach of the code of conduct to discuss internal council business on anything other than the Council IT system. It is made more serious when it is a confidential matter. In this case the attempt was to discuss progress on the grievance which involves staff confidentiality and personal vested interest. I will highlight this issue further in the report
NOTE: At a grievance investigation meeting on 15/08/24, ■ requested independent investigation of his case due to constant internal confidentiality breaches from members	
15/08/24 Email from ■ to all councillors, detailing ■'s past employment record	Sharing personal information of this nature is a code of conduct and potential GDPR breach, particularly when actioned by someone who is the subject of a connected grievance
16/08/24 In response to a concern raised by a councillor about 15/08/24 email, ■ referred to ■ as "a liar, deceitful and dishonest"	Further to the fact that ■ should not have been attempting to engage councillors or influence the grievance process, these remarks could be considered libelous

1. Introduction

This response is submitted on behalf of Meopham Parish Council as a corporate body. The four individually named councillors listed as co respondents (Cllrs [REDACTED], [REDACTED], [REDACTED] and [REDACTED]) have each responded separately to their own ET1 forms without consultation with the Corporate Body. Each of the 4 co respondents have been advised by the Corporate Body to seek independent legal advice as they will be individually responsible for the progress and defence of their individual cases.

The council as a Corporate Body acknowledges the allegations of constructive dismissal and age discrimination and provides the following response.

2. Background

- [REDACTED] was employed by Meopham Parish Council as Clerk and RFO from 25th October 2021 to 5th September 2024.
- His role was to provide operational management to the Parish Council including the line management of other council officers. Additionally, he acted as the Council's legal adviser on Governance matters and serviced full council and committee/working group meetings.

• 3. Response to Constructive Dismissal Claim

- **Acknowledgement of Issues:** The council acknowledges that there were issues related to the behaviour of certain councillors specifically the 4 individual councillors named as co respondents.
- **Mitigation Measures:** Throughout the period in question, Meopham Parish Council as a Corporate Body took a number of actions (this list is not exhaustive) specifically to address the issues arising and the concerns being raised by [REDACTED] (and indeed other councillors) including:
 - Adding a regular monthly item to the full Council Agenda covering Councillor behaviour and relations between the Officers and Councillors.
 - Engaging an outside consultant to provide additional training on roles, responsibilities, and council culture.

Statements read about the impact of behaviours and the need for change read out at Full council Meetings (and therefore a matter of public record as evidenced in the Minutes of these meetings) by both the Chairman of the Council and individual councillors.

Agreement obtained by Full Council to the signing of the Civility and Respect Pledge.

The implementation of an Employee Assistance Program was brought forward to Full Council as an Agenda Item twice but the motion was not carried on either occasion.

3a. Limitations Under the Localism Act:

Notwithstanding the actions taken by the Council as a Corporate body, under the Localism Act 2011, a Councillor cannot be directly removed from office by the Local Authority (Monitoring Officer) for misconduct etc. While the localism Act allows for sanctions like formal censure or removal from specific roles within the council, it does not provide for outright removal from office and any action taken must comply with the Code of Conduct procedures established under the act. In such circumstances, Meopham Parish Council as a Corporate Body found itself without the ability to robustly deal with the situation.

As a result of the submission of the Claim against the Corporate Body by [REDACTED], we have approached the National Association of Local Councils (NALC) to ask them to whether they would be willing to use this as a test case in pursuit of a change to The Localism Act 2011. In a submission to the Committee for Standards in Public Life's consultation on accountability within public bodies and the importance of acting on early warning signs (the consultation ran between 25th March and 14th June 2024) NALC said: "The current standards regime not only lacks effective sanctions, but in many cases the 'regulators' (i.e. monitoring officers and standards committees) lack the organisational capacity to promote, monitor and maintain ethical standards.

"In short, the current regime needs more 'teeth'."

NALC highlighted frustration among councils over the inability to tackle bad behaviour.

It said: "There is a growing lack of confidence in the ability to change behaviour that falls below the accepted standard.

"Councils are frustrated that there is nothing they can do to change the actions or attitudes of certain persons be they councillors, council staff or members of the public."

The organisation also renewed a call for the full implementation of all the main recommendations from the Committee's 2019 report on *Local Government Ethical Standards* and called on the incoming Government to implement them.

4. Response to Age Discrimination Claim

- **Denial of Discriminatory Intent:** While acknowledging the issues, the council denies any intent to discriminate based on age.
- **Equal Opportunity Policies:** Meopham Parish Council as a Corporate Body is fully committed to the provision of equal opportunities. The relevant policies are a matter of Public Record and until the resignations of both the Clerk (Claimant) and the previous Deputy Clerk, our Officer Team was the youngest in the UK of which the majority of councillors were proud.

5. Conclusion

Meopham Parish Council acknowledges issues related to the behaviour of the 4 co respondents and has taken several mitigation measures, including adding agenda items on councillor behaviour to ensure that the matter was raised and discussed on a monthly basis, engaging an outside consultant for training, and signing the Civility and Respect Pledge. However, the Localism Act 2011 limits their ability to remove councillors from office. The council denies any intent to discriminate based on age and emphasizes its commitment to equal opportunities, highlighting that their officer team was the youngest in the UK until the recent resignations.

For these reasons, we would ask that the mitigating actions taken and overarching legislation upon which the Corporate Body relies are taken into consideration and the claim against Meopham Parish Council as a Corporate Body is dismissed.