

YOUR WEEKLY BULLETIN OF WIT AND WONDER



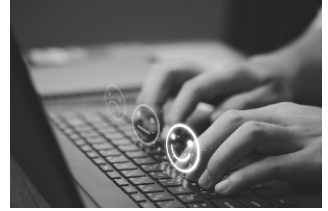
SPIRITED ARGUMENT

Have you seen a ghost? Convince me.



NO MORE MR MOORE

How a former founder and CEO grumbled his way out.



AT ANY RATE

What more must we give to the people we've bought from..?

THE FEATHER PHANTOM

It's nearly Hallowe'en again. A shiver runs down my spine as I think of it. The day I first came... to BELIEVE...

We were at school, in a classroom, when someone said 'Let's do that ouija board thing! Talk to the dead!'

Foolishly, I went along with it. Nothing of note happened during our seance BUT ever after, we noticed the crucifix on the wall kept repeatedly tilting - pointing towards the school chapel. We 100% believed we had disturbed a spirit and it scared the bejesus out of me.

Turned out that the cleaner wafted her feather duster over it each evening but didn't take care to realign the cross afterwards.

And this was the point that I became a BELIEVER that IT'S ALL A LOAD OF NONSENSE!

But do you agree..?

Howard doesn't.

Just today, as we all gathered around the flickering fire together (*note to self - get fire retardant spray for the office carpet*) he told us...



'It was many years ago... I was hoovering my room (yes, I was a tidy teenager) when I heard police radio transmissions coming out of the vacuum cleaner. Yup. Checked no other radios on, turned it on/off and still getting all that "Charlie Tango Alpha to brawl at Dominoes...beep beep...Roger, control...beep beep..." or something like that.

'And...before you all ask...yes, I WAS awake, no, I had not been drinking and most surprisingly of all...I really WAS doing the hoovering.

'Ghost in the machine? Weird.'

Sam shivered, leaned over her mug of cocoa and said: 'There used to be a ghost in my old childhood home. One night my mum's partner woke up to find an old lady in a black dress, with long grey hair tied back in a bun, sitting on the end of the bed. Nobody believed him until one day my brother, who was five at the time, stood at the bottom of the stairs looking up to the top, talking to someone.

'When my mum asked who he was talking to he said there is a lady at the top of the stairs who lives with us. She said "What is the lady saying to you?" and he said "She likes to sit in the rocking chair at night." We had an old rocking chair in the back room of the house that nobody liked to use so it was placed there out of the way. I never saw her but from that day onwards I hated being in the house on my own...'

Have you seen or heard a ghost? Please try to convince me it was REAL over on our Facebook page!

A FLOUNDERING FOUNDER

Development Limited 2021 and a dismissal was not unfair, despite the fact that the employee was not offered a right to appeal.

(I know! Two pro-employer cases in as many weeks! What is going on?)

Mr Moore was the founder of Phoenix Product Development and the inventor of a water efficient toilet, which the company sold and marketed. Mr Moore was the CEO of the company from 2001 until 2017 when he was replaced by Mr Jones. Mr Moore remained an employee and a director but he had trouble accepting this new arrangement. He referred to the institutional investors as “leeches” and displayed a generally poor attitude, causing his relationships with the other directors to sour.

In March 2019, the board of directors held a review meeting with Mr Moore and Mr Jones where the two men agreed to try and set aside their differences and work together. Not long after, Mr Moore had a conversation with one of the company’s investors where he criticised the company and Mr Jones’ performance.

The board then informed Mr Moore that there would be a formal board meeting to consider his future at the company. Mr Moore was “combative” on hearing this. He was informed of the allegations before the meeting and given an opportunity to respond. He denied all allegations, and the Employment Tribunal (ET) heard he was unrepentant and continued to refer to the company as “my company”.

At the end of the meeting the directors voted four to five to dismiss Mr Moore, with Mr Moore himself being the only dissenting vote. He was dismissed with six months’ notice and was not given the right to appeal. Mr Moore then lodged a claim with the ET for unfair dismissal.

The ET rejected Mr Moore’s claim, finding that Mr Moore entered the board meeting “in a thoroughly confrontational mode and showing no insight, no regrets, no contrition, admitting no fault, and blaming others” and that this undermined the board’s trust and confidence in Mr Moore. The board had shown a willingness to work with Mr Moore and it was Mr Moore’s fault alone that the relationship did not work.

Mr Moore appealed to the Employment Appeal Tribunal (EAT), which found that the ET correctly applied s98(4) of the Employment Rights Act 1996 and the procedure was fair. Justice Choudhury reasoned that “although an appeal will normally be part of a fair procedure, that will not invariably be so” and that it will depend on the circumstances of each case. The EAT considered the following to be relevant circumstances which justified the ET’s finding that an appeal in this case would have been “futile”:

1. The fact that Mr Moore was a board-level director;
2. There was no higher level of management;
3. Mr Moore himself had caused a breakdown in trust and confidence;
4. Mr Moore was considered “destructive” and a “drag-factor” on the company;
5. Mr Moore was unrepentant and had not shown any sign that he would change.

This case reaffirms another decision in *Gwynedd Council v Barratt and anor* in which the Court of Appeal confirmed that the lack of an appeal will not necessarily render a dismissal unfair. While employers may welcome these decisions, they should note that the circumstances in the present case were unique and that in most cases an appeal should be included as part of a fair procedure.

EVENTS SEASON

2021

NOV 9

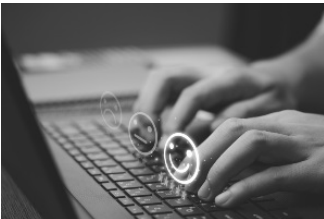
HR Hangout -
How to include
Diversity and
Inclusion - A
Practical Session

NOV 24

Employment Law
Masterclass -
Practice Makes
Perfect



FEED ME!



Holland and Barrett have been in touch again. That pair are SO needy. They want feedback on their services... their supplements, their healthy snacks, their jam, their lifestyle choices...

Then there’s the people who sold me the toothbrush on Amazon. They are waiting anxiously by their screens, eating lunch at their desks, hanging on

Weirdly still are questions from other potential purchasers which are passed along to me, as I am clearly now a sage of all things toothbrush, whose guidance can be utterly relied upon. I confess I do sometimes let this go to my head...

Q: Is this toothbrush easy to hold? It looks a bit shiny and slippery.

A: I am holding it now. I have never let it go, it’s so wondrous. The grip is beyond words.

Q. Does this toothbrush clean gums, too?

A: This tooth brush cleans teeth, gums, tongues, lips, face, hair, elbows and toenails. It cleans anything it comes into contact with. It is a life-changing toothbrush and I hate myself for only giving it four stars when I first reviewed it. What was I thinking? Oh! If only I could turn back time...

We live in a *rate and like* culture, of course, and I can’t claim to be any different. I love it when I get nice feedback for this newsletter, for example, or in the form of kind words from happy clients. But would I email them repeatedly, begging..?

Of course not.

Has reading this newsletter made you:

my every typed word. Was the toothbrush good enough for five stars? No? Why only four stars? What could they have done to make it five? What? What?! *sob* Oh- and did it arrive in good time? Did I like the packaging? Was the transaction happy and fulfilling? Do I really *like* them or am I just saying it?

- a. happy?
- b. very happy?
- c. deliriously happy?

Please just email back with a, b or c.

That's all I need to keep going...

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