

YOUR WEEKLY BULLETIN OF WIT AND WONDER



FALLING FOR MICHAEL

How BBC's Dr Moseley unbalances me.



RUNNING FOR THE HILLS

Why a whistleblower's swift exit cost him a pay out.



ZIP-ZIP-HOORAY!

The back-to-school accessory we should ALL get!

ONE-FOOTED CHOC SHOCK

Doctor Michael Moseley is surely the closest thing possible to a human multi-seeded flapjack.

Like his face, his voice is both sweet and sensible, both indulgent and nourishing.

And he's possibly the only man in the UK who can make a grown woman stand on one leg while eating a square of dark chocolate.

In the sun. After a cold shower.

If you've not heard of them, Moseley's 'JUST ONE THING' series of quarter hour chunks of wisdom on BBC Radio 4 have so far encouraged us to stand on one leg for a minute at least once a day, soak up autumn sun, reset our brains with breathing, eat chocolate, eat bacteria and take cold showers.

All for strong health benefits, of course.



Standing on one leg is one of the easiest to try. While you're brushing your teeth is a useful time frame - but having caught a bit of the 'Eat Chocolate' episode this week, I favour standing on one leg and eating a bit of 70% cocoa Fair Trade for a minute. Then again for the other leg. With another bit.

These two 'one things' combine very well. So well, in fact, that I got some worried looks at WG Towers yesterday, while standing on one leg and allowing a square of Lindt to slowly melt across my tongue. Especially when I shut my eyes and started wobbling like a spent gyroscope in its final flings.

Apparently the only thing better for the brain than standing on one leg for a minute is standing on one leg for a minute with your eyes shut.

Can't be done for longer than ten seconds in my opinion - but feel free to try it right now and report back to me. With or without dark chocolate. I'm off to eat some bacteria...

TERMINAL VELOCITY

And speaking of reporting back brings me to the unusual case of *Mr P Watson v Hilary Meredith Solicitors Limited 2021* which tells us a dismissal of a whistleblower isn't always automatically unfair.

Mr Watson joined the firm in 2017 as its Chief Executive Officer. He brought in a new Finance Director, Mr Ritchie, who very quickly noticed financial irregularities in the business. Both Mr Watson and Mr Ritchie made protected disclosures regarding these irregularities to Ms Meredith, the firm's founder and Chair, in September 2017. Ms Meredith was "shocked and very upset" on learning of the problems and was "keen to get to the bottom" of them.

EVENTS SEASON
2021

SEP 22
Peace of Mind Members
Seminar - Solent Hotel

SEP 28

OCT 12
Employment Law
Masterclass –
Settlement Agreements

OCT 20
HR Hangout – Creating a
Diversity and Inclusion
agenda



A couple days later, Mr Watson resigned and was subsequently placed on garden leave. Relations between Ms Meredith and Mr Watson at this time remained friendly and she tried to persuade him to stay and help sort out the financial issues but he declined. Settlement negotiations were taking place between the parties' solicitors at this time but were unsuccessful.

Ms Meredith informed Mr Watson that his garden leave was ending and he was instructed to return to work. He resisted returning but did eventually go in to meet with Ms Meredith. At this point, the tone of their relationship changed. In their meeting, Ms Meredith criticised Mr Watson for resigning, saying that his resignation had "spooked" the rest of the staff and that he should have stayed on to try and solve the problem rather than "running for the hills."

Mr Watson's employment was then terminated with immediate effect for gross misconduct. In the termination letter, Ms Meredith stated Mr Watson's actions "fell substantially short of what should be expected of a director and fiduciary and was in breach of numerous obligations to the company." He filed a claim for automatic unfair dismissal with the Employment Tribunal (ET), arguing that he had been dismissed for making a protected disclosure.

The ET dismissed Mr Watson's claim after coming to the conclusion that Ms Meredith's reason for dismissal was "not materially influenced by the disclosures." Ms Meredith dismissed Mr Watson because of his actions following the disclosure, which she believed had de-stabilised the business, and his actions could be severed from the whistleblowing disclosures themselves. Mr Watson then appealed to the Employment Appeal Tribunal (EAT).

The EAT dismissed the appeal. It reasoned that whistleblowing disclosures can, in some cases, be severed from the subsequent actions of the whistleblower and in such cases it is open to a tribunal to find that a dismissal was not materially influenced by the whistleblowing disclosure itself, but by the conduct of the whistleblower after the disclosure. Looking at the facts of the current case, including that fact that Ms Meredith never criticised Mr Watson for making the disclosures, she herself was not at fault for the irregularities, and she promptly investigated the irregularities rather than try to cover them up, the EAT concluded that the ET was entitled to find that Mr Watson's dismissal was not materially influenced by his whistleblowing disclosure but was instead due to his subsequent actions.

Employers may be comforted to know that in certain circumstances the subsequent actions of an employee who made a whistleblowing disclosure may be severed from the disclosure itself. Employers should still be cautious however when deciding to dismiss a whistleblower or subject them to a detriment, and only take such action where they can show the dismissal or detriment is in response to separate actions and not "materially influenced" by the whistleblowing disclosure itself.

A SOUND CASE FOR A CASE



When we hit that first full week of September, don't you sometimes feel a bit... cheated. Because I do. I want something I've not had for several decades. I want a new pencil case.

Do you remember the pencil case you got for each new school year? You might, of course, have had one pencil case throughout, but most of us had filled it with enough leached out ink, eraser rubbings and Opal Fruit residue by each July to warrant a new one for the autumn. And it was a rite of passage, getting that fresh, unblemished carrier of pencils, felt tips, eraser, pencil sharpener, little user, compass and set square...

I had a nostalgic search online and saw that those big vinyl pencil cases, with the zip around one end, are still to be had! The neat wallets with slots for everything, yes - with Holly Hobbie design! The weird block of wood thing that swings apart at an angle? Yep. Still out there. Hello Kitty, Master of the Universe, fluffy, beaded, shaped like a hi-top sneaker. All to be found, much of it vintage.

I know, I know. I don't *need* a pencil case. This is not a new term for me, but I think it should be. I think the first full week of September should give us *all* the right to a new pencil case.

That's all I'm saying.

What style of pencil case do you remember loving the most at school? And what new one would you choose today? Tell us over on our Facebook page!

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