

# **FAIRNESS IN WREXHAM? A CASE STUDY**

In March 2011, just as negotiations were happening between AVOW and the Welsh Government about AVOW taking over the running Plas Madoc Communities First following the serious governance issues there exposed by whistle-blower Mandy Bostwick, an Employment Tribunal found AVOW's own governance to be seriously flawed, its trustees to have failed in their duties and its Chief Officer John Gallanders to have behaved reprehensibly and to have abused his position in a number of ways. The ruling is nearly 60 pages long, but includes the following damning statements:

*A chair of trustees such as Mr Davies [previous AVOW Chair] would have great authority to speak on [AVOW's] behalf... it was reprehensible for Mr Gallanders (who was not himself a trustee) to write a letter in Mr Davies' name, without his consent...*

*Mr Gallanders was not simply manipulating the body of trustees to achieve the outcome he wanted, he was usurping their role by reaching their decisions for them.*

*This is a conclusion that we reach in only exceptional cases, but we have reached it in this case without hesitation: from start to finish, the grievance processes were a sham.*

*[T]he respondent victimised the claimant... That victimisation took various forms: the initial reluctance of Mr Gallanders to accept the claimant... under TUPE; his expressed desire to be 'awkward' with her on the issue of medical evidence; his stubborn refusal... to make reasonable adjustments...; his control of the respondent's internal procedures so as to deprive her of a meaningful resolution to her grievances; his subsequent refusal to allow her access to the trustees for redress; his unilateral withdrawal of the whistle-blowing policy...; worst of all, his 'long shot' of trying to show her instability by seeking an unnecessary enhanced CRB disclosure... This last step was reprehensible (a word we do not use lightly) and an abuse of his position...*

No one has yet answered the question (which has been asked of both the Welsh Government and of AVOW) of when AVOW told the WG about the Tribunal outcome, which was known and delivered verbally in March, although written reasons were not issued until August.

Although his behaviour constitutes Gross Misconduct on several counts as detailed in AVOW's own Employment Handbook, just one of which can result in dismissal without notice, it seems to be business as usual at AVOW, with the Chief Officer continuing to work as normal and to represent AVOW at various functions. AVOW has yet to inform its members of what's been going on there and the damning Tribunal findings.

For nearly six weeks following the publication of the Tribunal's written reasons, the various funding, regulatory and overseeing bodies were largely at pains to say that they couldn't take any action on the findings because AVOW might appeal the decision. AVOW announced its decision not to appeal just days before the deadline and declared that it would now be conducting an internal review with an independent chair, following correspondence from the Charity Commission for Wales expressing concern about the findings.

In spite of all the rest of the correspondence being in the public domain, either through FoI requests or AVOW itself releasing correspondence to the media, the detail of the review itself, which is believed to be contained in a letter to the Charity Commission, has been withheld. It is notable that AVOW has set no date by which the review will be completed (it's been going on for nearly two months already) and has yet to answer questions from AM Mark Isherwood about whether the panel intends to interview me, the employee who suffered the discrimination and victimisation, as part of the review. Nor has it confirmed that it will consider all the witness statements and tribunal documentation, which includes documents AVOW tried and failed to suppress. Some of these, written by John Gallanders, reveal his misconduct and show that he was acting in bad faith towards me all along.

**For more, see: <http://notavow.wordpress.com> Read on overleaf...**

## **WHERE WREXHAM COUNCIL COMES IN**

Wrexham Council has an equality initiative: the **One Wrexham Charter of Belonging**. AVOW is not only signed up to this; it also encourages other organisations to sign up in its role as mentor to other, smaller voluntary bodies in the area. In view of the Tribunal findings, which make it clear that AVOW has failed to meet many of the criteria for being a signatory to the Charter, I wrote to many WCBC councillors including all the Executive Committee and all leaders of the political groupings. Not a single one responded to me on this point.

In September, I wrote to the department responsible for the Charter, raising a number of points including the following:

*AVOW cannot claim to be meeting at least five of the seven requirements. Further, it operates in such an opaque manner that there is simply no accountability... AVOW failed to provide details of improvements to its policies and practices which it claimed to be working on. It failed to provide many documents requested for the tribunal hearing which would have demonstrated how Trustees were dealing with problems raised. Either the Trustees were not addressing these issues or they did not wish the Tribunal to see how they had addressed them. Either way, this is completely unacceptable and NOT a model of good practice.*

No one replied. I wrote to my own councillor Simon Meyers. He did not reply and did not even acknowledge my message. I phoned the One Wrexham office number to find out whether my messages had been received, I was told that the person responsible was not available. I left my name and number but they didn't call me back or reply to my original emails.

I wrote again to the One Wrexham email address. I then received a response from Lee Robinson, who tried to fob me off by telling me to address my complaint to AVOW. In the circumstances (Lee Robinson had been in possession of the full tribunal judgment since the end of August so would have known how AVOW had treated me when I tried to get my grievances addressed), this was at best extremely insensitive and at worst deliberately obstructive.

I replied to Lee Robinson but received a response from Complaints Officer Sue Bywater to say she would come back to me later with a more formal response. She wrote again to say she was continuing to liaise with AVOW who had commissioned an independent investigation. I replied to explain that the investigation was internal not independent and suggesting that it would not inspire confidence if the council kept deferring any action pending the outcome of various investigations. I also wrote:

*My point to you is that the Tribunal findings stand and that you should be taking action NOW on the basis of those findings... There is nothing to stop you taking action now and possibly reversing any moves made once the investigation has reported, but it's really not good enough to do nothing in the meantime. What sort of message do you think that sends to disabled people like myself?*

Sue Bywater then wrote again to say that the complaint could not be investigated by the council and was outside the remit of the corporate complaints department, even though it was not me but Lee Robinson who had involved her in dealing with my complaint. She said she was passing it on to Equality Manager Celia Hart so she could liaise with AVOW over the issues I'd raised.

I copied my emails to Celia Hart, who ignored my communication. When I chased her up nearly a month later, she wrote that '*This issue is being dealt with by the Council's complaints officer in accordance with our policy,*' copying her email to the same Sue Bywater (Complaints Officer) who had, a month before, said she was passing the matter over to Celia Hart.

My frustrated complaint about this prompted an email from Lawrence Isted, who didn't even trouble to get my name right, saying that **he** had written to AVOW and would contact me again once he had received and considered their response. He didn't explain what Sue Bywater and Celia Hart had been doing about my complaint all this time. I'm not holding my breath for a result.

***Fairness? I don't think so! I just feel fobbed off.***