

This letter was drafted on behalf of Simon Fairlie by our solicitor who has 26 years experience in Employment Law.

Simon Fairlie
Monkton Wyld Court
Charmouth DT6 6DQ

15 06 2023

Dear Trustees,

I write to acknowledge receipt of your letter of 6th June.

I should advise that I write this letter with the benefit of having taken legal advice. I find it very disappointing that I have had to resort to this after so many years of harmonious living within the Monkton Wyld Court community, but as you have threatened my livelihood, my home and my reputation, you have left me little choice.

I shall not repeat, in this letter, the facts and evidence that I have already supplied you with. You have made it clear that you are not prepared to give them due consideration but are eager to press ahead with whatever agenda you are pursuing. I can only assume this agenda is behind the extraordinary manner in which you have dealt with a complaint about me from someone who is new to the community and who, for whatever his reason may be, has decided to take against me. Steve's complaint has been usurped by the Trustees as a 'found opportunity' to remove me, and possibly anyone who voices support for me. Unfortunately, the perceived opportunity is not one based in fairness, moral ethics or, in the rules of the community that you are appointed to serve.

There are two issues that I do wish to address in this letter; they are related in that the first has been used as justification, incorrectly, for the second.

I. Public Interest Disclosure Act 1998 (PIDA).

You have repeatedly asserted that Steve's complaint against me had to be processed as a public interest disclosure. His complaints against me, even if justified (which they are not) do not satisfy any of the conditions which must be met for PIDA to be triggered. None of the necessary factors are present such as Steve having 'worker' status (unless of course you wish to maintain that we do have some form of employment status); there was no information showing or tending to show that there had been any breach of legal obligations; and nothing that would bring the complaints against me within the realm of public interest. All legal cases involving PIDA and the government and ACAS guidance on PIDA are clear that internal complaints of the nature raised by Steve, are not 'disclosures' and should be dealt with using internal grievance procedures.

2. Trustee's refusal to comply with the rules of the community as set out in the Handbook.

The non-justified use of PIDA has been relied upon by the Trustees as an excuse to override and ignore the clear process that is set out in the Handbook for dealing with internal grievances and conflict resolution and disciplinary matters. Those processes involve the use of mediation and, in accordance with the overriding principle of the community being a 'consensus-based self-managing structure', should be dealt with by community members themselves, at least in the first instance.

What is of public interest, is the manner in which the Trustees have usurped the role of the community, ridden roughshod over the views and representations of many members, and ignored just about every rule in the handbook concerning the ethos and structure of the community, with the end result being a decision that is outside the powers granted to the Trustees in this situation. There has been nothing but lip service paid to the rules of natural justice and a callousness which has resulted in you purporting to dismiss me from the community.

I must advise you that I do not accept your decision or recognise your powers or right to enforce it.

I shall continue to live and work within the community and I shall comply with its rules, in good faith, and with no desire to retaliate or cause unease to anyone else.

Despite the way this has been handled, I am still prepared to adhere to the rules of the community in relation to conflict resolution and to engage in mediation if that is conducted professionally and by someone independent.

I would ask you to think very carefully about what it is the Trustees are tasked with doing and to ensure that at every stage they comply with their duties and adhere to the ethos and structure of the community.

I leave it to you as to how or if you respond to this letter.

Yours sincerely

Simon Fairlie

