

**Proof of Evidence of Simon Fairlie**

**Disciplinary Hearing**

**Monkton Wyld Court (MWC)**

**2 May 2023**

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# Summary

## 1. Introduction

I am innocent of the charges against me. I am also deeply concerned about the authoritarian and secretive nature of the investigation into these charges, which is not consistent with the co-operative approach that has been pursued by the trustees in the past.

The procedure is in conflict with the principles of Natural Justice, and with Article 5 (Right to a Fair and Public Hearing) and Article 8 (Right to Respect for the Home,) of the Human Rights Act).

I hope that the trustees will reach a decision that enables us to put this matter to one side, and forge a more open and constructive relationship between the trustees and the community.

## 2. Kelly Marsden's Report.

I regard this report as a very poor and biased piece of work for the following reasons:

(i) It fails to provide any information, legal or otherwise, why Steve's allegations of bullying are regarded as whistleblowing.

(ii) Part of the evidence provided by Kelly Marsden to prove I am a bully is based not on the evidence provided by witnesses, but on my views about how she has conducted the process.

(iii) A very substantial part of Kelly's evidence relates to a single event that happened after Steve had submitted his complaints and the investigation had already begun.

(iv) Witness statements are anonymous, and are often vague about dates and places. Witnesses cannot be cross-examined to establish more concrete evidence, nor am I able to assess how accurately their views are represented in the report.

(v) There is a further critique of the report by Jared Hill in Appendix I.

## 3. My Encounters with Steve

My relationship with Steve got off to an uneasy start last year. I found him quarrelsome and officious, that he undertook things he didn't finish and that he did not take the time to learn how the community functioned. Things came to a head in a discussion with trustees where we both became heated and I inadvisably used bad language. I apologised and we came to an agreement to make an attempt to get on better.

After that our relations were cordial, there were no altercations and I thought we were getting on much better. I was therefore astonished to find out that he had been nursing these grievances for over three months before expressing them in his letter of March 20.

## 4. People's Characters

Getting angry is not the same as bullying, which is defined as "*The repetitive, intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power.*" My behaviour towards Steve and others does not match this description.

I know of six people at MWC, including myself and Steve, who sometimes have a problem controlling their temper. By and large these outbursts are apologised for and the repercussions managed internally.

There are also people at MWC with character failings which are arguably more corrosive to the health of a community, notably bearing a grudge, backbiting, lying and two-facedness.

## 5. My Role in Community Meetings

I reject Steve's interpretation of my use of intimidation to dominate people who are afraid to speak in Community Meetings. He does not cite any actual measure or policy that has been bulldozed through in this manner. He himself tries to dominate and has twice recently become angry in meetings. His suggestion that Gill is also dominant in meetings is absurd, since she never attends them. This matter is supported by Jared Hills in his submission (Appendix I) which carries considerable weight since he is the person who speaks least in meetings.

## 6. Health and Safety

Although I moan about the burden of health and safety regulations, I conform to them where legally required. There have only been two minor accidents on the farm, both a long time ago, and no accidents in my scythe courses. The shortfalls identified by Steve in this regard are not my department.

## 7. The status of my tenancy

The status of my tenancy since 2018 has been by verbal agreement which has not been contested. I provide a substantial amount of dairy products, potatoes and onions, and maintain the farm infrastructure at my own expense; in return I receive accommodation and about half my food. This is not that different from the position of the other tenants of tied accommodation, except they get all their food, receive a stipend and don't pay the expenses; I instead receive accommodation for my business. There is nothing irregular about this, it is beneficial for both parties, and my VAT and Income Tax affairs are all in order.

## 8. Jyoti Fernandes and Conflict of Interest

Jyoti and I are indeed friends, but this does not in itself constitute a conflict of interest or loyalties. Many former and existing trustees have also been friends of community members, including Olly Goolden, Sarah Churchill, Dan Powell, Christopher Roper, and George Slavin.

The fact that I and others are keen for Jyoti to remain a trustee does not indicate a conflict of loyalties. On the contrary we are keen because she is the trustee with by far the most experience and understanding of both MWC and intentional communities; and as former trustee Christopher Roper observes she was instrumental in helping the charity to survive earlier crises.

## 9. Appendices

1. Submission from Jared Hills. 2. Testimonies from Farm Assistants 3. Letters of Support

## Introduction

1. From the point of view of the trustees, this is a disciplinary hearing to establish whether I am guilty of the allegations made by Steve Williams in the letter received on 20 March.

2. I am entirely innocent of these charges; so from my perspective this is a hearing to establish whether the trustees (with the exception of Jyoti) are capable of managing the Charity in a wise and competent manner.

3. Please remember that we are equals in this room. Technically the trustees are the owners, but in reality you as individuals are simply fulfilling a function; like each individual in MWC community you are dispensable.

4. In order for the charity to be a success, the trustees and the community have to co-operate, that is to work *together*. The course followed by the trustees in regard to Steve's complaint has not been one of co-operation; it has been top-down, secretive and authoritarian, as the following observations bear out:

(i) The process, up until the release of Steve Williams letter of complaint and Kelly Marsden's report, was a sort kangaroo court, conducted in total secrecy;

(ii) You have conducted investigations about complaints from a temporary resident of our community, without even having the decency to tell us what these complaints consist of, so we have been deprived of the ability to respond to these accusations.

(iii) There has been no attempt to find a mediator agreeable to all parties. The report has been conducted at arm's length by someone who has not even taken the trouble to visit our community, and, who it appears has no understanding of how intentional communities work. To add insult to injury, it is we who have to earn the money to pay for this.

(iv) The report, as Jared Hill's letter in Appendix I explains is ill-substantiated and biased.

(v) The process has bypassed our agreed complaints procedure, which Steve has signed up to, and on the sole occasion when I have asked him to comply I have been threatened by the trustees with being asked to leave.

(vi) The trustees have also refused to recognise our admissions policy when they say that we "do not own the land and . . . do not have the authority to decide who does and does not reside at Monkton." This is nonsense: of course tenants of rented accommodation have a right to decide which guests can stay in their home. If the trustees take it upon themselves to decide who can and who can't reside in the community, then you won't have a community for very much longer.

(vii) We have been given no legal explanation why the grievances raised by Steve against Gill and myself come under the heading of whistleblowing in the public interest.

(viii) My formal complaint against Steve, which was accompanied by a list of dated facts was summarily dismissed in a couple of paragraphs, whereas Steve has had an entire investigative report devoted to his allegations. This is further evidence of bias.

(viii) The time allowed to contest the 12 pages of evidence laid against me was only six days, of which three were weekend/bank holiday, and two were devoted to work on the farm. This was not enough time to engage a lawyer. Our application for an adjournment was refused.

5. This procedure is in conflict with the principles of Natural Justice, and with Article 5 (Right to a Fair and Public Hearing) and Article 8 (Right to Respect for the Home,) of the Human Rights Act.

6. Moreover, the procedure is not deemed acceptable by the majority of current community members, especially given that most of the trustees have only been in their post for a few months, while all full members of the community have been here for at least three years.

7. If the decision you come to here suggests that the trustees are going to persist with this authoritarian approach of questionable legality, you are likely to lose at least half your workforce and may find it difficult, if not impossible, to replace them in time to host all the bookings that are lined up for the coming year. MWC will also need to pay me the £10,135 that I am owed, since I will need it to get set up elsewhere.

8. This is not something that any of us want. I hope that you will come to a decision that enables us to put this massive cock-up of your making to one side, and to start afresh in a truly co-operative spirit.

9. I note that you "*would like to invite everyone who is part of the community to a meeting with the trustees once the investigations is completed.*"

10. I welcome this and hope that you will come to a decision in this hearing that enables such a meeting to take place to the benefit of trustees, members and volunteers alike.

# Kelly Marsden's Report

11. I am really quite shocked at the biased nature of Kelly Marsden's report, and I shall be doubly shocked if the trustees set any store by this shoddy piece of work. The letter from Jared Hill in Appendix 1 provides plenty of evidence for this. On top of the reasons supplied in his letter, it is I submit also defective for the following reasons.

## (i) Whistleblowing

12. It fails to provide any information, legal or otherwise why Steve's allegations of bullying are regarded as whistleblowing. Government advice on the matter states:

*"Personal Grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest."*

In my view the allegations of bullying and matters concerning my contract are internal grievances; the only matters that might be of public interest in Steve's letter are a failure to meet certain legal health and safety requirements, none of which are my responsibility. If the trustees or Kelly Marsden had any doubts about the health and safety standards of the farm and dairy, why did they not simply write to me asking to see them?

13. In any case it is extremely doubtful that any of the matters raised by Steve are what the The Public Interest Disclosure Act seeks to address. This is what Don Touhig MP stated when moving the second reading of The Public Interest Disclosure Act on 3 January 1996.

*"The Bill is not a nitpicker's charter; it will not provide a field day for whingers. It will protect only those individuals who, having discovered some **crime, fraud or wrongdoing** within their organisations, raise their concerns internally. Only then will they be protected from any reprisals. The individual must be seen to have **acted responsibly**. If the **serious malpractice** continues in spite of the initial warning, individuals may feel that they must blow the whistle in order to safeguard the public interest. In that situation, the Bill ensures that they will be protected against reprisals."* (My emphasis.)

None of the matters that Steve complains about could reasonably be described as "Crime, fraud or serious malpractice"; and since he bypassed our internal complaints procedure there must be real doubts as to whether he has acted responsibly.

14. I am not a lawyer, but neither is Kelly Marsden (Level 3 CIPD as far as we know). I have made repeated requests to find out what legal advice has been taken in this respect and these have all been completely ignored.

## (ii) Emails

15. Part of the evidence provided by Kelly Marsden to prove I am a bully is based not on the evidence provided by witnesses, but on my views about how she has conducted the process:

*"Simon and Gill have both displaying (sic) extremely angry and aggressive behaviour . . . via email to both me and the trustees in their responses . . . they both showed the side of themselves that Stephen Williams and indeed other witnesses have argued is part of the problem."*

I'm not sure how sending emails constitutes "extremely angry and aggressive behaviour." My emails are an

expression of the disgust I felt at the way the matter was being handled. I have a right to be disgusted, and to express my disgust.

16. The emails were not abusive or threatening; they were backed up by reasoned argument and they requested a response. The emails were sent because it was the only means available of finding out what the "issues raised" consisted of and who had raised them — information that was drip-fed to us over a period of nearly a month. First we heard it was "issues raised"; then that it involved "behaviour and contract"; then that it was to be dealt with through the ACAS Code of Practice, suggesting that it was a workplace issue; then that there had been complaints; then that these complaints were about Gill and myself; then that there were issues relating to my tenancy; and we were only finally given Stephen's letter of complaint when we received the report, so we had no opportunity to respond to them. If we were eventually allowed to know all these things, why weren't we told them at the outset?

17. Kelly Marsden also states:

*"Both Simon and Gill refused to speak to me in person and only emailed their responses, cc-ing other community members."*

Gill stated in one of her replies to Ms Marsden, (13/4/23 at 13.04 ): "I must ask that you put your questions in writing and I will reply likewise. This is partly because my hearing isn't good and my phone (an Old People's Doro) is primitive".

I said I would answer Kelly's questions when I knew what we were charged with, which is entirely reasonable. As soon as I was told that one of the matters was my contract and financial arrangement with MWC, I thanked Kelly and complied. Kelly sent me a long list of questions, which I replied to by email. There was no request from Kelly to speak to her in person.

18. There is no way this email correspondence could possibly be classed as bullying. I appreciate that Kelly Marsden may not like my questioning of the procedure, but to use it as evidence of bullying is highly unprofessional.

## (iii) A Recent Event

19. A substantial part of Kelly's evidence relates to a single event that happened after Steve had submitted his complaints and the investigation had begun. This is alluded to in no less than six paragraphs. (1,2,4,5, 8 and fourth-to-last).

20. Kelly alleges and implies that there was more than one event:

Para 8 *"the outbursts that were witnessed and documented since the start of the investigation"*

Para 2 *"extremely angry and aggressive behaviour, both in person to Stephen Williams (confronting him, shouting at him, following him around)."*

21. Both of these refer to the same event, which I described in my formal complaint against Steve. There have been no other encounters between Steve and myself since the investigation began; indeed I give him a very wide berth.

22. My first observation here is that Kelly gives undue weight to this event. My state of mind is utterly different from what it was prior to the investigation, as I am in a state of severe stress (and so I believe is Gill) as a result of the risk of being hounded out of my own home by someone who I experience as a bully, yet who somehow seems to have gained the uncritical support of the trustees. To adduce my behaviour on that occasion as evidence of how I might behave under normal circumstances is neither logical nor professional.

23. Moreover no allowance is given by Kelly Marsden for the circumstances under which the “outburst” occurred. As I have already explained at some length, Steve had bypassed our complaints procedure, and he had applied for permanent residency while failing to disclose the fact that he had already submitted a long list of complaints about the place to the trustees. I was entirely justified in asking Camilo to ask him to supply his letter of complaint, because that is what he was supposed to have done, and that is also what I was supposed to do since I wanted to register a complaint against him.

24. It was perhaps unfortunate that Steve should turn up at that very moment. That rather goes to show how difficult it is here with this person who I now experience as a bully wandering in and out of my home. When I asked him to please give us his letter of complaint and he refused and walked away, no doubt I should have left it at that. But I’m afraid to say that I feel very little guilt over following him about ten yards across the courtyard and asking him, in a necessarily loud voice, to explain himself. The harm inflicted on him pales into insignificance in the face of the harm his deceitful behaviour has inflicted on myself, Gill and the community. The fact that this is one of only a very few actual occurrences that are cited in the report, and that Kelly relies so heavily on it testifies to the flimsiness of the rest of her evidence.

25. I also find this further statement in the report requires scrutiny:

*“Witnesses were worried for Stephen’s safety and on speaking to trustees, Stephen was offered a room away from MWC for a few days in order to get away from the bullying and harassment he faced at the hands of Simon and Gill.”*

I can’t imagine what threat to his safety this fit middle-aged builder thought might be inflicted on him by a fat 72 year-old man and a little old lady of 73 who didn’t even have her handbag with her. My impression was that Steve was rather satisfied with the turn of events, saying “this proves my point”, or words to that effect, and calling us “Lord and Lady of the Manor”.

26 If Kelly Marsden were an HR expert worth her salt, she would know that playing the victim is a tactic regularly adopted by bullies and sociopaths. There is plenty about this on the internet (eg wikipedia: Playing the Victim). But she never once entertains the possibility that this might conceivably be the case with Steve, despite evidence that he nurses grievances, gets angry and has himself been accused of bullying behaviour

#### **(iv) Witnesses**

27. A large amount of the evidence given in the report is of a vague nature, or simply an opinion, coming from what appear to be eleven anonymous witnesses. For example:

*“Witnesses also confirmed . . . that Simon did indeed get his way, mostly because he shouted the loudest and inevitably others would rather comply than be confrontational.”*

*“All[witnesses]suggested their [Simon and Gill’s]outburst and behaviour comes from a place of fear and needing to maintain control over the community decision-making.”*

28. Since the witnesses are anonymous, it is questionable how much value can be placed upon this evidence, for the following reasons:

(i) Dates, places, and specific events are hardly ever given to support generalised assertions

(ii) I have no knowledge how these anonymous witnesses were selected or whether they reflect a fair cross-section of the people affected. I note that not a single one of my farm assistants was asked for a witness statement, even though they are the people who work with me the most.

(iii) I have not been informed whether any of the witnesses were selected by Steve to back up his viewpoint.

(iv) Since I have not seen any witness statements, I cannot tell whether their words are the result of leading questions, nor whether their words have been cherry-picked, or twisted or taken out of context.

(v) Since the names have been removed, none of the witnesses can tell whether their own witness statement has been correctly reported.

(v) I have no opportunity to cross-examine these witnesses, for example to establish more concrete evidence, nor can I respond to their allegations.

(vi) Jared Hill presents evidence that these witness statements do not conform to ACAS standards

29. In short this witness evidence would never stand up in a court of law, nor in a planning appeal, and little credence should be given to it. For further critique of this report, please see Jared Hill’s letter in Appendix 1.

#### **(v) Colouring the Evidence**

30. Some of the language used in the report is less than objective. For instance we are told that Gill and I painted a “rosy” picture of ourselves; we are not, however, told that those who testified against us took a “jaundiced” view of our behaviour. Describing the Land magazine as “seemingly lucrative” is baseless and absurd

31. Consider also the triple use of the word “influence” in this sentence:

*Stephen suggested that Simon tried to influence the group during a meeting, to support Jyoti remaining on the board and even become chair, to ensure she had influence and could help minimise the influence of the other trustees on community affairs.*

There is a suggestion here that something underhand and sinister was going on. But influencing people — persuading them through reasoned argument that your viewpoint is the best one — is what meetings are for. And, believe it or not, I often get influenced by other people’s views.

## My Encounters with Stephen Williams

32. I first met Steve some eight months ago when he was volunteering for two weeks, and spent two days on the farm. On the first of these days I assigned him and others to erect a corrugated fence around a burn-pile of weeds. I remember noticing that he immediately took over control of the operation and of his fellow volunteers, and seemed almost over-anxious to impress.

33. The following week, as he had acquired a reputation for building skills, I put him onto continuing the construction of a low stone wall under the wall of the barn. He moved a pile of stone up to the wall, knocked up some mortar, laid about two stones and then mysteriously disappeared. He never returned, leaving me to clean up the tools and dispose of the unused mortar. He did apologise for leaving the tools about four days later.

34. On 5 September Steve was engaged as a maintenance person to replace Lynden, on a six month trial. Two weeks later he undertook to demolish an old green caravan that has been deteriorating in the woods near the road. He again abandoned this job half way through, leaving a mess that Gill tidied up. The gutted caravan still remains there six months later.

35. On the 26 September, there was an urgent need to make a temporary repair to the Pine Hall Roof, before the Agroecology Group used it. Steve was briefed to do it by the meeting with some help from me. Since my experience of his working practice had not been encouraging, I wanted to be sure that he knew what he was doing. He proposed to buy cheap Polypropylene "tarpaulins"; I had to tell him that technically we had a ban on these because they deteriorate quickly and spread plastic fibres all over the place; but I also said that if there was no alternative we would have to override that ban. I looked into more sustainable and re-usable alternatives, but nothing large enough could be obtained in time, so I agreed to go ahead with the plastic tarps. His plan seemed sound, so I let him get on with it and I went to town to buy some of the materials he required. All the time this went on he expressed visible irritation that I was overseeing him. He actually did a very good job and I told him so afterwards.

36. There were one or two times when Steve got quite stropy about health and safety issues. He insisted forcefully that a carbon monoxide alarm be placed in the dairy, even though I explained to him that they just didn't work in the dairy's humid environment. He installed one anyway, which, like the others went off every time I heated water, so after a few days he came and removed it.

37. There were other altercations around this time., Steve refers to an incident when "he threw some records at me after finding out that I played some at the bar that weren't on his approved playlist." The provisional playlist for the "manual jukebox" that had been set up by Peter before he left the community, was in fact approved collectively through a session in the pub which everyone regarded light-heartedly except Steve who kept complaining about the selection system. The idea was to have a limited selection so I then spent about four hours, numbering and

labelling the whole system. A day or two later I came into the pub to find that Steve had flouted the system I had spent so much time fabricating by playing his own records. I took the record off the turntable and tossed it back to him (just one not several as I recall) with sufficient force to express my disapproval, but not to harm him, or the record.

38. Another minor incident demonstrates the problems that can arise at the interface between domestic and working life. Steve's proposal to have a big fry-up of supermarket bacon in the outdoor kitchen unfortunately coincided with the fact that I might be explaining to the Agroecology Groups that the community had a sustainable meat policy. I did not try to prevent him eating supermarket bacon (even though it was technically against the policy), but just pointed out that the timing was tactless. Steve took this in bad grace.

39. All this irritation culminated in Steve going to Camilo his linker and a meeting was arranged with him, Camilo, my linker Sarah, and myself. If I remember right, he complained that I was interfering, citing some of the instances above. I tried to explain that I was doing my job, and he needed to understand that if you live and work in a community you have to make and accept compromises that you would not have to make living or working on your own. I suggested that he should hold back a bit and try and understand how the community functioned. He also challenged my performance and views on health and safety issues, and wanted me to introduce a system for signing in and out tools and volunteers on the farm, something which I regarded as unnecessary time-consuming, micromanagement. (See section on Health and Safety)

40. The discussion between us became increasingly heated and eventually I gather I told him to "fuck off if you don't like it." Of course what I should have said is "why do you want to live here if you don't like it?", a question I would still ask him. He strode out of the door, I talked it through with Camilo and Sarah, apologised for getting angry, then Steve came back and I apologised to him. We then had a much calmer discussion which ended with us both saying that we would make more of an effort to get on with each other.

41. Since then I have had much less to do with him, and have avoided altercations, though not snubbed him, just restricted my conversation with him to light-hearted matters, such as the wobbliness of the cherry-picker he hired. When I saw him leaving wood around with rusty nails sticking out, a few weeks after having reported at a business meeting that I had pierced my foot with a rusty nail someone else had left around, I judged it wiser not to mention it.

42. Over the first three months of this year I thought I was getting on better with Steve, and that he was coming to terms with some of the limitations of living in a community, and I said so to other people. It therefore came as shock to me that he should be levelling a charge of bullying at me, based, it seems, on old grievances that he had been nursing for some four months.

## People's Characters

43. I do not deny that I have a hot temper and that gets me into trouble sometimes. I come from a loving family background where argumentative discussion was encouraged, rows were fairly frequent, but outbursts soon forgiven.

44. I am certainly not the only person with a temper at MWC. I can think of six people currently residing full or part-time at MWC (including Steve and myself ) who have exhibited outbursts of anger. By and large these outbursts are addressed and managed internally. Some people are more ready with an apology than others.

45. Anger is not the same as bullying, which is defined by the Anti-Bullying Alliance as: *"The repetitive, intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power."*

46. My behaviour towards Steve and others does not match this description. There is no imbalance of power, except when people are working under my supervision on the farm. In the Appendix I provide testimony from all of the people who have worked a season or longer as farm assistant, and not one of them regards me as a bully. Since these are the people I have spent by far the most working time with, why did Kelly Marsden not contact them to assess whether I was a bully?

47. Please note in particular the testimony of Seamus Connolly, a former member of the community who states:

*"On a personal level his argumentative nature can and will get him into conflict on occasion, however I have never witnessed him being unkind or letting it get personal . . . Further, he has a tendency to be very optimistic about people and seldom takes a personal dislike to anyone."*

48. A community such as Monkton Wyld is a sort of extended family of people living together, most of whom have faults of one kind or another, as people do. Besides anger, there are other character failings which are equally corrosive to the health of a community, and in some cases perhaps more so, notably bearing a grudge, backbiting, lying and two-facedness.

49. There is one person (X) currently living here who is civil and friendly to my face, and consistently helpful when I ask a favour. However, I am reliably informed by several people I trust, that X slanders me and indeed the entire community behind my back. I have several times spoken out in support of X, and I now rather regret doing so, since X has a close relationship with Steve Williams and there is a feeling here amongst the same people that X's views about me are probably the source of some of Steve's allegations.

50. One matter mentioned by Steve and Kelly Marsden needs correction here. Whatever it may say in the documentation, I did not throw a glass at anyone, I threw it on the floor of the pub in the course of a domestic row, and I have a witness to that. If I had thrown it *at* someone that would be an assault with the potential to cause bodily harm and the police would have been informed. I deeply regret the incident, I apologised, and nothing similar has happened since. If it did I would be ask to attend an anger management programme.

## My Role in the Community Meetings

51. SW: *“In my first community meeting of which I was asked to join after only being with MWC for 5 weeks I raised a point regarding my concerns about a lack of a unified approach towards to the operation of MWC and any unified or cohesive plans. I felt it was important that the community needed to find a way to agree on what we stand for, wanted to achieve and how we go about doing that . . . Every attempt by myself to achieve this I was challenged and undermined by Simon in a manner that I consider hostile and reductive.”*

52. Steve is correct I do not agree with him on this issue. I believe we do have a fairly unified approach to the operation of MWC, and what we stand for, involving matters such as consensus decision-making, sustainability, the importance of large venue bookings to make the place pay, the need to maintain the house and infrastructure, the need to put customers first, the various roles to be filled, the focus on land-based education and so on. That's not to say there aren't differences of opinion and conflicts, of course there are. But if we didn't have a fairly unified vision, we would not have improved the condition of the building and the viability of the enterprise so noticeably over the last 15 years, nor would we have had enough reserves to rewire the entire building after two years of lockdown.

53. Some of the elements of this unified approach are written down in the minutes or the staff handbook; but others are more intangible and part of a certain indefinable ethos or culture that is MWC's way of doing things. One problem with Steve is that he hasn't taken the time to look, absorb and understand how this culture works, and to assess whether it works for him. Instead he has come in with his own view of how things should function, and wants to impose solutions that in my view are more suited to the corporate world outside than to a community of people who are mostly here because we want to escape that world. For instance he complains that no vote has ever been held at any meeting — well that is because we operate by consensus, and a vote is only ever held as an indicator of opinion, not as a decider.

54. SW *“. . . one of which was by way of a business plan but I suggested that we just start with a general conversation to lay out the format for how that would take place. Every attempt by myself to achieve this I was challenged and undermined by Simon in a manner that I consider hostile and reductive.”*

55. Personally I happen to think it is not a good use of resources to spend a lot of time drawing up a lengthy business plan with all sorts of financial and operational projections. I am entitled to think that in my experience these things rarely happen as planned and often the entire plan can be stymied by a pandemic, a cost of living crisis, or a tree falling on the roof. I am in favour of a simple approach, namely taking the old one as a template and adjusting it to account for more recent conditions and aspirations

56. I am entitled to my view and to express it, which I did in a couple of meetings in a manner that was not hostile. I

get the impression that Steve simply doesn't like his views being challenged. In any case, since hardly anyone agreed with me, I consented to Steve hiring an expert to advise us on overhauling the business plan. That's how consensus works. I even put Steve in touch with the expert he eventually hired.

57. This brings me onto the allegation that: *consensus and agreement was established through certain individuals imposing their will by way of intimidation and domination with scant regard for the views or well-being of others who just preferred to remain silent . . . the same individuals (predominately Simon, Gill and Jasmine) can bully, intimidate, coerce and manipulate their way through meetings and the affairs of MWC leaving other members too afraid to speak out or challenge*

58. This is a bit rich, given that Steve is one of the people who talks a lot and shouts the loudest in meetings (not least about business plans) and has twice had to be calmed down because he was getting angry in a meeting. If you want to establish whether what he says is true or not it is probably best to ask Jared, who is much the quietest in meetings, although his views when they are expressed command respect. Second quietest is John, who comes into his own with his very helpful spreadsheets. Camilo is probably average in the amount he speaks, but his view also commands great respect. The most talkative people are myself, Jasmine, Catherine and Steve. As for Gill, she doesn't even attend the meetings!

59. The problem with Steve's allegation about me here is that he doesn't name a single policy or ruling in the minutes that can be shown to have been imposed by me, or a single project that has been blocked by me. In other words there is no evidence. Most recently, I didn't block his proposal to gut the farm caravan and refurbish it to house Laurie, even though I had some reservations about this, given the state of the other caravan he gutted; and I have co-operated by moving my furniture out without any quibble.

60. SW: *“Simon only comes up with problems and never any solutions which only exasperates the already difficult process of community consensus.”*

I allow myself some credit for coming up with some good solutions over time, including: building the barn over a series of courses; hiring Ecos Maclean and getting rid of the bay window buttressing (saving an estimated £72,000); putting the car park round the wood-shed; holding dairy courses; joining accommodation.com; getting a marquee; and liaising with the church council to use the church as a venue for weddings and concerts. I also repeatedly put forward all sorts of other ideas, such as charging visitors for parking to subsidise people coming by public transport, putting a roof on the potteries, etc which are regularly turned down by the meeting, no matter how much “bullying, intimidating, coercing and manipulation” I am alleged to have indulged in.

61. Note also that I used to attend far fewer meetings because of work commitments but am often asked to attend by others, as Camilo acknowledges in his submission.



## Health and Safety and Planning

62. Like many people here and elsewhere, I moan about the ever increasing burden of health and safety regulations, which impose a severe financial penalty on the running of the business. That doesn't mean I don't observe them. The dairy is regularly inspected by the council's H and S officer, and there is a HACCP covering pasteurization and cheesemaking. The farm is insured for third party damage and has a risk assessment; so does my programme of scythe courses. The two woodburners and flues I have installed meet DEFRA and HETAS standards at a personal cost to me of about £6000. I am happy to have whatever alarm systems are required in the dairy and elsewhere, provided they work, and don't go off willy nilly.

63. Steve accuses me of not wanting to do "sign-offs" of tools and people. This I consider to be unnecessary at the hand-tool scale at which I am operating. It is not a legal requirement. The website <https://www.haspod.com> states

*"So long as you do what is reasonably practicable; so long as you apply reasonable care; employers are free to decide how to control the hazards and risks in their business (usually following a risk assessment)."*

I consider that I do take reasonable care to instruct volunteers. I have had two minor accidents, both over seven years ago and I have addressed what caused them. I have run about 40 scythe courses here involving up to 16 people using very sharp tools and I have not had a single accident. The two major accidents here at Monkton Wyld involving air ambulance and hospitalization were not on my watch.

64. It is not my fault if other people using volunteers here are "influenced by me and as a result no one does any significant sign offs". Maybe they have concluded that Steve is a "little Hitler" who enjoys exerting authority beyond the bounds of what is legally necessary, and goes round looking for trouble.

65. Steve in his letter of complaint provides a long list of H and S issues that need addressing. It is not surprising that these have slipped, given the financial penalty of lockdown, the expense of rewiring of the house and Lynden's resignation. None of these matters (except the sign off issue) are my responsibility, though I did try to get some movement on the Pine Hall roof, first by trying to push Lynden into action, and then by asking Richard Wyatt to provide a quote. I have since handed this matter over to Steve and I don't know where he has got with it.

66. I am more than happy to see someone get this health and safety stuff up to date; but I would rather have someone who tackled it with good cheer and humour, rather than Steve's overbureaucratic, quarrelsome and accusatory approach.

## The Status of My Tenancy

67. There is a long history to this issue. It dates from the fact that when I joined MWC in 2010, MWC did not have the funds (about £10,000) to invest in reviving the moribund microdairy, whereas I did. I therefore advanced much of money to invest in fencing and repairs to the buildings and a new barn, and bought the cows, dairy equipment out of my own money. I sold milk, cheese and other products to MWC and in return paid an agreed rent, for the land, the two rooms I used for my scythe business, an office and a caravan and further sums for my food, the food of my volunteers, and other services such as paging. The work involved in running the dairy and maintaining the land is close to a full time job requiring a paid assistant in summer, as I dare say Camilo and Jon Hill will confirm.

68. The problem was that the value of the goods I was providing was greater than the agreed rent and other expenses that I owed to MWC, as my accounts for these years confirm. In 2014, I volunteered to increase the rent by £1000. But every year the debt that Monkton owed me increased until by 2018 MWC owed me over £10,000, which I said I didn't need to claim, unless MWC was sold up

69. By 2018 I concluded that the arrangement was ridiculous and that the best way to sort it was to calibrate my rent to offset any profit I made, so that effectively I provided milk, cheese etc to Monkton Wyld and receiving accommodation for me and my scythe business and a proportion of my food. I proposed this at a meeting and nobody objected so that's what I did and that is how it has functioned, seamlessly, since then.

70. This new arrangement is a far simpler barter exchange that puts me in a similar situation to the other community members who are also tenants of Monkton Wyld. They receive tied accommodation, food and a stipend from MWC in return for their services; I receive extra accommodation, some food and no stipend, and I pay for the costs of running the dairy and the stipend of the long term summer volunteer. This barter arrangement is a good deal for MWC since they get about £11,000 worth of dairy goods, potatoes and onions plus improvement and maintenance of the farm infrastructure, without having to spend a penny. It's good for me because I have what I need and don't have to do complicated accounts. Effectively, premises for my scythe business subsidise the microdairy, which otherwise (like most farming enterprises today) wouldn't be viable.

71. Unfortunately, some people have tried to sideline me from community decisions on the grounds that I am a "tenant" even though the other members of the community are all tenants of tied accommodation like myself. Some people, notably Lynden, started convening "co-op" meetings that excluded me on the grounds that I was not a co-op member, even though they addressed matters that were clearly of concern to the whole community.

72. The matter came to a head, I think it was just before the lockdown, when three trustees, Alexa, Sarah Churchill and Jan Freeborn held meetings here to sort out various issues. I pleaded with them to clarify my status as a community member, which they agreed to do, but it never happened.

73. Since then it seems that Lynden, in the time he has spent explaining the intricacies of the plumbing system etc to Steve, has also passed on his gripes about my status at MWC. In September I received a long handwritten query from a volunteer called Leon who spent a couple of days working on the farm. Leon asked a lot of pointed questions about my status here and the role of my scythe business that suggested that someone else had been feeding him with information. Since Leon spent a considerable time learning carpentry with Steve, it rather looks as though it was he.

74. The scythe business makes a decent profit in most years, and a substantial amount of this profit has been ploughed back into MWC in the form of new accommodation to replace the decrepit caravan that I technically pay rent on, (Arthur), woodburners and flues, rabbit fencing for the garden (£850), stone walling, free loan of a marquee and free scythe and dairy course tuition. I don't expect to be recognised or thanked for this contribution; I am so fortunate to have a profitable business, and I love MWC and what it has given me. But I object to being pilloried about it by people like Steve, who can't be bothered to find out the facts — not to mention being accused, without a shred of evidence, of tax irregularities. And I am aghast at the amount credence that is given to this vexatious impostor.

## Jyoti Fernandes and Conflict of Interest

**75. Steve Williams suggests that there is a conflict of interest between myself and Jyoti because we are old friends. As evidence he cites the fact that I “was asked to join MWC by Jyoti (sic) personally”.**

76. Jyoti and I are indeed friends, but this does not in itself constitute a conflict of interest or loyalties. Many former and existing trustees have also been friends of community members, including Olly Goolden, Sarah Churchill, Dan Powell, Christopher Roper, and George Slavin.

77. I was informed in 2007 by Jyoti that there was a vacancy for a dairyman/land manager to look after MWC’s micro-dairy which had been severely neglected. Jyoti has many friends, but she recommended me for the job because I was uniquely well qualified for the position: I had had considerable experience of micro-dairying including six years with Jersey cows in another intentional community. I went for an interview with the Board of Trustees in 2007 and was turned down for the position, which was instead taken up by a permaculturist who sold the cows and abandoned the dairy.

78. Two years later the land manager post became vacant again, I was informed that the community would like to revive the dairy, and I applied a second time. This time I was interviewed by Laurie Walters, then office manager, and two of the trustees (Sarah Churchill and Roger Bell) and accepted on a one year trial. I signed a rental agreement and in return was to be paid for milk and other produce, since MWC could not afford the considerable investment costs (cows, dairy equipment fencing etc).

79. Incidentally Steve states that I was asked to leave Tinkers’ Bubble. This is not true, I left of my own accord because my partner started a relationship with somebody else in the community. I am still a non-resident member of Tinkers’ Bubble.

**80. Steve also suggests that there are conflicts of loyalty because I and others at two Monday morning meetings considered it in the best interests of the community for Jyoti to be chair, and to have some input in the selection of new trustees.**

81. This is not a conflict of interest or loyalty. We as a community, and as individuals are perfectly entitled to voice our opinions as to which trustees we think act in the interests of the community and the charity. Why on earth not? The fact that I and others have confidence in Jyoti is nothing to do with the fact that she and I are “old friends” (I have plenty of good friends who I would emphatically not want to see chairing the trustees). It is because:

(i) she has been involved with the Charity longer than any of the trustees or community members and hence has a better understanding of how it functions. She has also lived in an intentional community herself, so she understands better how they work. All the other trustees except Alexa have only been trustees for a few months. For obvious reasons I and

others would rather not see them chairing the board until they have gained some experience of how the community works.

(ii) In 2015-2016 Jyoti was instrumental in rescuing MWC from the machinations of a rogue trustee who was making plans to sell off the house and grounds (among other things he commissioned a feasibility study to that end from Carter Jonas). We remain on our guard against similar problems. Christopher Roper observes: “Without Jyoti, I don’t think Monkton would have survived some of its previous storms.”

(ii) Jyoti (along with other trustees such as Christopher Roper) has always put a high value on open communication between trustees and the community. This is welcomed by most people in the community since it fosters good relations, which are in the interest of the charity.

82. I do agree with Steve that it would have been better if these views had been recorded in the minutes (again in the spirit of openness). But I cannot agree with his conclusion that”

**“ if something so important is not recorded then you have something to hide and if you have something to hide then you are clearly doing something wrong.”**

If that were the case then both he and the trustees must be doing a lot of wrong things because he and they hide from us a great deal more than we hide from them. We at least provide the trustees with minutes of our meetings; they don’t give us minutes of theirs.

83. Moreover, Steve’s assumption of “guilt through concealment” demolishes his argument in the next paragraph in which he states that Jyoti had been asked to step down for revealing “*information we are not supposed to be privy to*”. If that is the case, then according to his dictum, the trustees are “clearly” guilty of wrong doing, and Jyoti was therefore whistleblowing.

84. I do also wonder whether it was in fact the case that Jyoti was required not to mention that there had been moves to remove her. And if so why? If she was required to keep this information from us, how come Steve is privy to that fact and the rest of the community aren’t?

85. The argument that failing to record our support for Jyoti in our minutes is evidence of a conflict of interest clearly doesn’t hold water. I find nothing in Steve’s letter that suggests that there is any evidence of Jyoti acting or being compromised through a conflict interest; nothing to suggest that anything she did was for any motive other than the well-being of the community and hence the charity; and nothing to suggest that she at any time stood to derive any financial or material benefit.

**86. We are also told by Kelly Marsden in her report that Steve’s allegations of a conflict of interest were “supported by evidence from the trustees that Jyoti had shared confidential information with the community after being told not to.”**

87. I do not know what particular items of information that Jyoti has given us were confidential — and neither would Steve (unless he is privy to information that I don't have).

88. The point I wish to make here is that this evidence from the trustees that Jyoti shared confidential information does not form part of Steve's complaint, and there is nothing else in Steve's complaint which constitutes substantial evidence of a conflict of interest. His evidence is flimsy, to say the least, and I put it to the trustees that Steve had an interest in submitting allegations of a conflict of interest against Jyoti, however flimsy they might be. These interests were:

(a) that Jyoti, who has the fullest knowledge of the community, who is a vocal supporter of the farming activity here, and whom he feared might challenge his allegations, would thereby be excluded from the process of assessing his complaints;

and (b) that it might help to ensure that his complaints were regarded as "whistleblowing in the public interest", which would severely limit the ability of Gill and myself to respond to them. Bullying and other personal grievances are not normally regarded as constituting a whistle blowing complaint.

89. In this respect it is worth noting that when Steve acknowledged to us that he was the complainant he stated "*I have done everything by the book.*" I might interpret this to mean: "I have boned up on whistleblowing law to ensure that you are severely handicapped in your ability to respond to my complaints." His sister, so I am told, is an HR expert.

90. Thus Kelly Marsden states:

*"These allegations [of conflict of interest] were supported by evidence from the trustees that Jyoti had shared confidential information with the community after being told not to and actively showed her support for them in her communication to the trustees via email."*

Note the circularity in this argument, which runs as follows: Jyoti has a conflict of interest and therefore must be told not to support members of the community in the face of these allegations; the fact that she does support members of the community when told not to is evidence that she has a conflict of interest.