

Appendix 1 to Proof of Evidence of Simon Fairlie

MWC Disciplinary Procedure

2 May 2023

Letter from Jared Hills

Dear Trustees,

I am writing today to express my views on the current situation, and to voice my outrage about the damage it has and continues to cause, which I believe are truly to the detriment of the charity and community.

I have lived and worked at Monkton Wyld Court since September 2020, and have got to know and enjoy the company of many wonderful people during my time here, learning a good deal of new skills, largely in the areas of land based work, gardening and farming sustainably, and using and processing of fresh organic produce. I stayed as a long term volunteer, helping over the lockdown period, amidst which the community went without stipends, and with a limited crew of people, managed to admirably hold the place together. I finished my six month trial period just over a year ago in April 2022, and have since then been working full time as the Grounds and Wood coordinator, amongst other minor roles in the kitchen, and maintaining the WET system.

I have spent well over a year being involved in the community business meetings, getting to grips with the consensus based decision making, and working collaboratively with the rest of the community, throughout this time the business meetings have undergone several metamorphoses, at one point having a separate meeting of the core community members for important matters, followed by a larger meeting involving long term volunteers and probationary community members discussing other operational issues. It is also worth noting that at present the business meetings consist of core co-op members, one part time member (Sarah), and one tenant (Simon), with an extended offer of attending given to probationary members, which has been taken up by Stephen, the other two probationary members (Laurie and Sophie) have considered the offer and declined until they have settled into their roles. Gill has not attended the business meetings at least since I have been part of the community, and Simon attends on the request of the community, as his area of operations has some overlap with the other areas around Monkton, and in my experience, his expertise on many things has always been greatly appreciated. This system of self governance seems to be something we are constantly improving upon and adapting to best suit the circumstance, and was something the trustees were aware of and had entrusted the community with.

The frustration I am feeling about recent events is partly that the sympathies and concerns of the resident community are not being heard or addressed in any way save by rushed, generalised and vague interviews over the phone. Not once has anyone on the trustee board or a third party mediator offered to actually come to Monkton and speak face to face to the people who live and work here to discuss matters, since the majority of points raised, affect and concern everyone here. This distanced communication has lead to widespread discontent and worry about our future here.

I would like to note at this point that Jasmine Hills is my sister. However I would say that I am my own person, and as likely to disagree with Jasmine as agree with her.

1.) Investigation report following whistleblowing claim

Bullying and Harassment

Firstly I would like to address the report submitted by Kelly Marsden, beginning with the opening section subtitled Bullying and Harassment, which primarily seems to deal with events occurring as a direct result of the investigation. From the outset, there is an apparent disregard for the context in which these events have taken place, following a repetitive pattern of anger and aggressive behaviour by Stephen, directed at various members of the community, including Simon. There have been numerous occurrences of Stephen shouting at people during the business meeting, unsubstantiated claims that others are trying to undermine him, and demands for preferential treatment in terms of his pay. Furthermore on at least one occasion, Stephen has openly been critical of Simon's position at Monkton, tenancy and private affairs in the business meeting, with concerns that could have easily been answered by many here or by the trustees in a civil manner, especially since the trustees had already been in communication with the community to update all of the tenancy contracts. It was well known in the community that the new trustees would be examining and reviewing contracts, as they should. Instead of waiting for the trustees' action, these issues were brought up in a forceful and suspicious manner in front of the rest of the community, arguably with the intention to provoke some sort of reaction.

I believe there are a number of issues and mistakes throughout the report which, to me, seem significant enough to call into question its thoroughness, intent and objectivity. I do not mean to question Kelly herself, whose job here I do not envy, simply the admissibility of a report so seemingly one sided, and devoid of context. Admittedly there are grains of truth throughout, but these tend to be things that are largely unopposed by the community. We had already agreed that disputes could have been and could be handled better, and we are taking steps to improve our processes. We have collectively undergone workshops based around conflict resolution and consensus decision making which appeared to have had a very constructive outcome. Unfortunately these could not be put into practice in any of the current circumstances, which were taken wholly out of our hands.

In the fourth paragraph, Kelly states Gill was "seen going around the other community members trying to gather support for she and Simon and trying to get everyone to turn against Stephen." There appears to be a complete lack of evidence to support this, with no mention even of who saw this behaviour, at any rate it is perfectly natural, if accused of something, to ask long time colleagues what they think about this, especially if they happen to live in the same place. After already agreeing that Gill and Simon were in a position of feeling "threatened or vulnerable", it seems incredibly loaded, or even malicious, to imply that simply talking to friends and co-workers in this situation means conspiring against another individual.

A later paragraph asserts that Jasmine "apparently sought to exclude Stephen and manipulate other community members" into holding meetings without Stephen. This must refer to one specific

event where the permanent members of the community agreed to have a brief discussion to consider what to do about the business meeting that day, and a prompt decision was made not to hold the business meeting, as it was felt unfeasible to hold it without excluding Stephen, given the circumstances. In no way are there signs of manipulation and this claim seems entirely fabricated, furthermore the link to Simon and his 'profession of openness and transparency' is spurious at best, and appears thrown in on some kind of assumption that Simon is in charge of the community, which I find insulting to the rest of us, and unnecessarily subjective in an investigation looking to express facts.

Progressing through the report, there is a good deal written about witness statements, these statements were all conducted over the telephone, which I believe most would agree is not the best way to convey responses and makes it a lot more difficult to have a thorough conversation, especially considering the seriousness of the subject matter. In addition, none of these witness statements are attached, there is no sign that they were recorded in writing and that the witnesses were allowed to review and confirm details, and speaking from my case specifically, were performed in a rush, without nearly enough time to give full accounts. According to the ACAS guidelines regarding 'Investigations for discipline and grievance' (1);

"If there's anyone with information about the discipline or grievance issue (a 'witness'), the person investigating can ask them to write it down (a 'witness statement')."

The person investigating can also have a meeting with a witness to ask them what they know or saw. Someone should take notes during the meeting. At the end of the meeting, the witness should sign the notes and these can also form a witness statement."

additionally;

"The employee under a disciplinary investigation or who has raised a grievance case should be given a copy of any written evidence, including witness statements."

and

"The witness should have reasonable time to give the statement."

I am referring to the ACAS guidelines as in an email on 05/04/2023 it was stated that this "process being followed needs to follow ACAS guidelines" and we were 'assured' that it would be. As far as we have been made aware, no real witness statements seem to have been taken, and instead the evidence refers to relatively informal conversations and interpretations thereof.

Paragraphs nine and ten describe "some" decisions to not accept potential people into the community as "emanating" from Simon, this language is incredibly vague, considering the process by which one's review is conducted following the trial period, which allows for every community member to give a full statement about their feelings regarding the person in question's performance, work ethic, and suitability to stay considering any behavioural issues and so on.

In order to stay, one has to be accepted by all individuals in the community, as is the way of consensus, and this process is taken very seriously, in any time I have been part of this, it has been a completely level discussion where everyone's input is taken equally, and everyone is given their turn to speak and express themselves, I do not believe anyone in the current community feels as though they could not speak honestly or openly in this process, and this could easily be corroborated by all.

The first of these two paragraphs seems intentionally loaded, referring to “some lovely people” with “great skills and ideas”, and then unfairly attributing Monkton’s loss of these people entirely to Simon. There are many unsubstantiated generalisations; “for one reason or another”, “these people”, and again loaded language like “blocked”. Community members in their trial period are not “blocked”, it is decided by consensus if they are the right fit. It is the nature of the place that many people who pass through the community are lovely and have great skills and ideas, it is one of the many reasons it has been such a joy and privilege to work here for the past years, and some lovely people with great skills and ideas have come through and have added value to MWC because of Simon, his teaching and his general manner of being.

In order to live and work successfully in such close proximity, it is essential to be willing to share your own views, but also to listen to and reflect on different opinions and be flexible and able to adapt. Regardless of skills, many find this aspect difficult, but it is very easy to come across as ‘lovely’, in the event that you are applying for a job or voluntary position, but also turn out to be unsuitable for said position. It is then said that these witnesses “spoke of Simon’s overbearing presence during meetings which rendered less outspoken members silent and unable to speak their true opinions for fear of being shouted down or later ostracised from the community by Simon and Gill,” it seems absurd but necessary to state that Simon and Gill are two separate people with different opinions on many things, and do not act as a single entity, and to reiterate that Gill has not been involved in any business meetings for a long time.

As someone who is not particularly outspoken during business meetings (I’m sure others can attest to that), I hope I am not being referenced here in the third person, it is one thing for a witness to describe their own experiences, but certainly another to ascribe reasons for somebody else’s silence, and when a subject occurs on which I have a strong view, either conflicting or coinciding with that of Simon’s or anyone else, I have never felt pressured to keep my mouth shut, instead approaching things in a calm and reasonable manner, which always seemed to lead to productive discussion, not shouting.

The latter of these paragraphs states that “all witnesses” suggested that Simon and Gill’s behaviours following the investigation (I assume this is what was implied by outburst) came from “fear and needing to maintain control” over the decision making process, this is rather dubious, considering this is far from the statement I made, as one of these witnesses. There is undeniably an aspect of fear when somebody is making allegations about you which you perceive to be false, I would probably add vulnerability and intimidation, but to suggest that this was anything more than an emotional response (acceptable or not), and that it was driven by the need to maintain control over the decision making process, is operating from the presumption of guilt, that Simon somehow has control over the process, and that this is a foregone conclusion, despite being what the investigation is attempting to prove (and once again, Gill has not attended the business meetings in a long time, and is only part of any decision making on a minor scale, generally regarding the flowerbeds around the house, or display of her paintings in the house).

Lastly, regarding these paragraphs, to suggest that this behaviour towards Stephen since the investigation had begun had been commented on by all witnesses, appears to be disingenuous, since at least one witness had been spoken to prior to the incident in question.

In reference to the last few entries in this first section of the report, it is stated that four witnesses “had very positive things to say about Stephen, regarding him as friendly and a real asset to Monkton due to his handyman skills”, these opinions must be weighed against the context under which the witness is making their claim, according to ACAS (1), being asked by the investigator “the reason why they were able to see, hear or know about the issues”. Unfortunately none of this information is provided or even addressed, leading to pure speculation.

It is of great importance to know who chose these particular witnesses, or why specifically they were chosen for the investigation, to eliminate any sort of bias, considering there are likely in excess of 20-30 people who could have been called to comment on most of these issues regarding Simon's conduct. Regarding Stephen's work and conduct, outside of the current resident community members, who attend meetings with him, the other people qualified to comment would potentially be the long term volunteers and other probationary members currently at Monkton, additionally a former member who was present in meetings until around late January (Lina) however I don't believe any of these people were interviewed.

A further entry states that "two witnesses suggested that it was Stephen's progressive nature and the way he wanted to fix everything that was wrong with Monkton was the main reason that Simon took a disliking to him", I contest that rewiring, H&S standards, missing tiles, and training needs are really progressive issues, but anyway, the points of health and safety training were addressed by Stephen in a meeting and went relatively unopposed. Missing tiles has been an ongoing issue for years as far as I am aware, amongst other issues regarding the structural integrity of various roofs around the estate. Obviously this is of concern to the charity, specifically part D of the charitable objects, and Simon has been one of the people involved trying to get this work done for the sake of the charity. Furthermore, the rewiring projects were already underway when Stephen first came to Monkton, and clearly hadn't been blocked by Simon. Interestingly Simon proposed going completely off-grid in terms of the rewiring in the interest of sustainability, something which would actually be a progressive idea, however this was opposed by the rest of the community.

My point here is that progressivism (if that's even the right word for what's being described) is not the issue, but the manner in which Stephen tried to get his own way on certain things, being overly or repetitively pushy and making others feel backed into agreeing with him, or feel guilty if they did not. I believe this notion would be corroborated by other members of the community. It often felt like Stephen wasn't listening, or adapting to the pace of the community, offering some good ideas, but seeming to want everything to happen 'now', and taking offence when people were not immediately on board.

One of the last paragraphs refers to my conversation with Kelly, saying "they initially had a good working relationship but then recently found him to be confrontational", which has heavily understated the issues we discussed, however as has already been mentioned, it was a rushed phone call where I didn't have time to go into full detail.

Finally, regarding the trustees being involved in recruiting volunteers and making them full time community members, this is the first I've heard of this policy but it was to the best of my understanding that this came under the operational decisions that the trustees had given the responsibility of to the community. This is a seven year old policy which likely needs to be reviewed openly between the trustees and the community. In any case I have not yet heard any expression from the current or past trustees that this should be being enforced.

Conflict of Interest/loyalty in relation to Jyoti Fernandes (Trustee) and Simon Fairlie

The suggestion that Jyoti's friendship with Simon is a conflict of interest, hindering her responsibility to make decisions based only on what's best for the charity, is backed up with evidence of her sharing information with the community as a whole, not exclusively to Simon. I believe Simon's interest in Jyoti remaining on the board was her long standing commitment to the charity, her understanding of the operations of intentional communities, and her links to organisations such as the LWA (Landworkers' alliance), whose aims and objectives align with many of the charitable objectives of Monkton, and our ethos. Additionally, since it is the Charity Commission's expectation that the trustee board will identify any potential conflicts of interest *before* they become an issue, why is Simon under investigation for this?

The third entry in this section, curiously mentions my 'sudden' keenness to speak to Kelly, I'm not sure what made it sudden, but the reason I felt I had to reach out at that point was that I'd heard she was wrapping up the investigation in the next day or two, until then I patiently waited to be contacted, as a community member involved in the situation, but had heard nothing at all. I have no clue as to why it was thought relevant to bring that up here.

Conflict of interest in relation to Simon's role in co-op meetings, his influence over the ongoings of MWC, and his personal business interests

The first entry in this section speaks of Gill and Simon's responses "painting a rosy view of themselves and their charitable natures, but do not necessarily represent the full picture." The evidence used to back this up is the fact that the tenancy agreements are out of date and in desperate need of review, a fact that is widely acknowledged by the community and the trustees, and revision of these was already in progress by the trustees. Given the evidence used to substantiate the claim, I can't see this as anything more than a biased statement seemingly to tarnish the reputation of two people who have worked hard for years in the interest of the charity.

While I am sure it is necessary for the trustees to establish the figures of revenue from the Scythe and Land magazine businesses, calling them "seemingly lucrative", is again use of loaded language indicating a lack of impartiality. Furthermore it fails to mention the qualitative and quantitative benefits of the Scythe business to Monkton, providing equipment for volunteer and community use, and scything courses, hosted at Monkton, for which all of the profits go to the charity. In addition, the fact that numerous visitors and guests are intrigued to learn more about scything, seeing it used to great effect in managing the grounds and farmland, fulfils objects A, B and C of the charity's objectives.

The rest of this section largely refers to the tenancy agreement again, though I am interested to know what is meant by "state of the art features" in Simon's living quarters, and again how this is in conflict with the charities objectives of preserving the buildings of Monkton Wyld Court. Unfortunately the report is incredibly vague when it comes to details such as this.

Grievance Outcome

Based on the issues I have already raised, and the following outcome, I would like to strongly question the legitimacy of this report, and its influence on the disciplinary hearing. In this last section, it is written that “everything he (Stephen) said is in fact completely justified”, I believe this to be explicitly untrue, and would like you to consider this statement in particular when I address Stephen’s initial complaint letter.

This final statement refers to evidence suggesting that there is a pattern of bullying and harassment over the years, once again the issue of openness and transparency comes up, where there are no witness statements, and nothing to base these accusations on save hearsay. There is also a seeming lack of sensitivity to the context of the situation, accusing an individual (or two) of having an aggressive, confrontational and coercive nature, based primarily on their direct response to the accusation itself seems unprofessional and incomplete. There is no contest that responding in anger was the wrong thing to do, and I believe there is regret felt about the response made, but it was undeniably from a position of being threatened, compounded by the manner in which the complaints were handled.

Additionally the instigation of looking into having a long standing resident evicted over a tenancy contract which is in the process of being updated to reflect the current situation seems completely overblown, and not at all a measured response to the situation by the investigator.

2.) Initial complaint letter from Stephen Williams

I would like to address the initial complaint submitted by Stephen, and comment on its assertions, some of which seems to have been taken on blind faith by the investigative report. This entire report seems to use some vague truths to underpin what is essentially a character attack, and continues a long history of repetitive bullying inflicted against Simon, of people threatening his position and openly undermining him, which I have witnessed from Stephen Williams and Lynden Miles, and I believe was also perpetrated by former members.

On Stephen’s second page, he asserts that “a vote was passed to lay the ground work for Jyoti to be the chair of the trustees” which I am almost certain never took place. Stephen offers no evidence for this, and the claim remains unsubstantiated by the official investigative report, instead simply stating that Simon had “tried to influence the group during a meeting”. The following paragraph states that Simon ‘demanded’ others in the meeting to agree to Jyoti’s staying as a trustee, no such demands were made and instead Simon asked to find out what everyone’s opinions were on the matter. The repetitive use of language such as ‘demanding’ where it really is not applicable seems highly indicative of the fact that this letter is simply an expression of dislike towards Simon.

The following section provides an entirely refutable claim that Simon’s ‘influence’ over the community conflicts with his business aims, a business which in the case of the farm and dairy, directly aligns with the interest of MWS, and in the case of the scythe shop and to a lesser extent the Land magazine, are of huge benefit to the charity, contrary to the claim of “no compensation” going to MWC.

Following some of Stephen’s bullet points as follows:

I’m sure this has been addressed elsewhere but the volunteers being “used” to fill envelopes also include other members, who consent to helping with this, outside of working hours, and there

is absolutely never any obligation to do so. The scythe business is linked inextricably to the farm as it subsidises the losses that the farm makes.

By consent of the Co-op, volunteers also work on the farm, and to a limited extent, only when they specifically ask to, work in the dairy. This is of mutual benefit to the volunteers and the community, since many of our volunteers come through WWOOF (obviously looking to help on organic farms), and they all benefit from many aspects of education provided through this, from scything, to cheesemaking, farming in general, haymaking, milking cows, drystone walling, coppicing, making yoghurt, butter and other dairy products amongst others. This is of undeniable benefit to the charity and almost everyone who passes through is very grateful for the time they spent learning these things, all of which are available due to Simon's expertise and tuition, and also fulfil the objects of the charity. The farm also explicitly benefits the charity by supplying almost all of the fertility used in the garden in the form of manure from the cows, and supplies the kitchen with a large supply of onions and potatoes.

Stephen further states that Gill's use of land and the art hut are of "no benefit" to Monkton and provide no educational function, despite Gill's original artwork being kindly given to Monkton for display throughout the house, on which many guests positively comment, and her education given to volunteers in the work she does maintaining many of the flowerbeds around the house, and additionally her tuition given on the scything courses, one of Monkton's most popular in-house course, for which she is not monetarily compensated. Regardless, Gill's tenancy and contract were already due to be reviewed by trustees, so the accusation seems irrelevant.

Further in the letter Stephen mentions raising issues such as a "unified approach to the operation of MWC", and creating "unified and cohesive plans", at the very first meeting he attended, and seems to imply that the community had no agreements about what we stand for and want to achieve. Understandably this came off as very abrasive and insulting after all the hard work we had put in since the lockdown, and over the last year, which turned out to be our best financial year yet, I believe this is adequate in explaining the response which was taken by Stephen to be "hostile and reductive", and I would imagine led him to believe that Simon imposed his will through "intimidation and domination, with scant regard for the views or well-being of others who just preferred to remain silent." This statement has no basis in reality, and is purely malicious conjecture, and it is the litany of clear defamatory statements such as this, as a response to anyone Stephen dislikes, which make me so astounded that it was decided that "everything he said" was completely justified.

Once again Stephen then accuses three individuals of "bullying, intimidation, coercion and manipulation" in meetings and MWC affairs, when in fact one of these individuals is not present in meetings, and a very small part of the MWC operation, and another of these individuals, Stephen has a history of confronting and provoking to anger, and repeatedly intimidating. Stephen bases this on other members feeling "too afraid to speak out or challenge" them, with a seemingly complete disregard for the idea that people may be too afraid to speak out against or challenge *him*, due to his quickness to anger and overly assertive demeanour in disagreements.

There are a number of other factual errors in the section following, Stephen seems to misunderstand the nature of consensus decision making, claiming that no votes have ever been held in the meetings he's been part of, when we make important decisions during meetings, everyone is given their chance to speak, and everyone has to be in agreement before proceeding, so I do not understand where he has witnessed decisions being made by silence. I also do not understand how one who has worked with somebody and attended meetings with them for 6 months can think it a "fair statement" to say they only come up with problems and never solutions, this is a complete overstatement even if you disagree with the person in question.

Stephen goes on to describe many of the tasks he has undertaken during his time at Monkton Wyld, which paint a rosy view of himself and in fact describe many of the jobs which were the responsibility of the former Maintenance coordinator, Lynden, who held the role for many years, and preferred not to keep written records. As a result of this, the community had felt it necessary to pay Lynden for handover training to Stephen, lasting months. It is strange to hear blame being aimed at the community for these shortcomings. Nevertheless he claims to have had to discover and solve them under his own initiative. It is worth noting that as far as I am aware none of these issues went opposed by the already stretched thin community.

What Stephen describes as “hard work, diligence and efforts to get along with the community” certainly do not seem to match up with the behaviour I have witnessed in my time here, characterised by overly friendly and obsequious introductions, to the point of insincerity, followed by an eagerness to argue and shout, provoke people to anger, and express a complete lack of respect towards anyone whose opinions seemed to differ from his. This of course is easily explained away as simply ‘Simon’s influence’.

Further in the letter, Stephen describes his worry about being excluded from the community for questioning a status quo that never really existed, this is a mostly new group of people who have started working at Monkton since the lockdown, and are currently working incredibly hard to get along and work cooperatively, out of complete care and respect for Monkton Wyld and its charitable aims, and the community made every effort it could have to accommodate and accept Stephen into the process, unfortunately Stephen made it quite clear that he could not get along with the people working here. After his six month trial period, the decision was made to extend Stephen’s trial period and have another review further down the line, because despite these issues becoming apparent, many in the community thought them to be remediable once he had settled in.

I am unsure as to whether any heed will be given to my concerns; from the point of the interview process it appeared that the trustees had reached a foregone conclusion and the matter was already decided. The letter and investigative report following it both seem to conflate potential whistleblowing issues with accusations of bullying. I firmly believe that the whistleblowing complaint was unnecessary as the issues raised were already due to be addressed by trustees, or were already the responsibility of the trustees to declare. Given long standing resentments with certain former members of the community, how does Kelly, or the trustee board know that all the witnesses are impartial? I would urge for the sake of MWC and all of the people we benefit, to really consider the circumstances here, to meet the community face to face before any drastic action is decided, and for the sake of a solid relationship moving forwards between the community and the trustees, to hear our thoughts fairly and openly.

My apologies for the length of this letter but there were a lot of issues here that I felt needed to be addressed, which were far too convoluted for a back and forth email chain, and impossible to clearly convey over the telephone. There was more to say but I am again pressured by time restraints, and a bombardment of information.

Yours sincerely,
Jared Hills

Notes:

- (1) <https://www.acas.org.uk/investigations-for-discipline-and-grievance-step-by-step/step-4-if-there-are-witnesses>
- (2) <https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29>