

# Interviews Conducted by Simon Fairlie with the Witnesses who were Questioned by Kelly Marsden in her Investigative Report into the Situation at Monkton Wyld Court

All interviews were conducted by Simon Fairlie. All seven witnesses were willing to speak or write to me. I would like to thank all of these witnesses for allowing me to interview them.

This document provides very strong evidence that Kelly Marsden has misrepresented statements given to her by the witnesses she interviewed in her investigation of complaints lodged by Stephen Williams. The trustees have also made a false report about witnesses' requests for confidentiality.

## Incompetent Redaction

Kelly Marsden claimed to have interviewed 11 witnesses, all of whose names were redacted in the pdf of the report she sent me. However she did not carry out the redaction thoroughly. When I transferred the text into an Indesign layout file, the names reappeared. However here I have re-redacted the names of the third party witnesses for the purposes of this public access document

Stephen Williams

Simon Fairlie

Gill Barron

Jyoti Fernandes

Witness A

Witness B

Witness C

Witness D

Witness E

Witness F

Witness G

Note that Stephen Williams is the complainant, and Simon Fairlie, Gill Barron and Jyoti Fernandes are the people he is complaining about. There are therefore seven third party witnesses.

I have interviewed all seven witnesses. Five replied in writing and two (Witness D and Witness E) orally. I showed Witnesses D and E my transcript of what they told me. Witness D agreed that it was a fair representation. Witness E was a bit more ambiguous, but did not contest the way that I have reported what he said to me.

What these seven witnesses have told me that they said to Kelly Marsden is frequently at variance with what Marsden reported.

## Missing Witness

One of the people interviewed by Marsden, Jared Hills is not listed. Jared's views are completely at odds with

those reported by Marsden, and he subsequently wrote a critique of Marsden's report. No explanation is given as to why his interview was not reported. This omission clearly influences the balance of evidence.

## Reasons for Redaction

The trustees have twice stated that all the witnesses requested that their name be withheld because they were afraid of reprisals:

*"Witnesses were interviewed including ex-community members as well as existing community members. All wished to remain anonymous because of fear of reprisals from Simon Fairlie and Gill Barron."* (Frequently Asked Questions)

And from the Disciplinary Meeting

*"George Slavin: The investigation included several community members and an ex community member, much of the community members asked for their names to be withheld, the reason given that they were frightened of you and from reprisals from you. Why do you think this was?"*

*Simon: I have no idea. I don't know who they are so, so I can't, I have no idea why they would be frightened of reprisals.*

*Muffled query by a man*

*George: Ah, they were the investigations Kelly did, so she spoke to various people and previous community members who wanted their names withheld. The report was redacted as they were scared in their words of reprisals and they were frightened of you."* (Transcript of Disciplinary Meeting of 2 May).

Note the phrase "scared in their words of reprisals". This appears to be a complete fabrication. I have interviewed all seven of the witnesses, and all deny that they were afraid of reprisals. I received the following replies to the question: *Did you ask that your name be redacted because of fear of reprisals?*

*Witness A: No I don't recall this.*

Witness B *No, she said at the beginning that the conversation was private and no names were going to be used but I didn't ask her. She just told me when we started talking.*

Witness C: *No*

Witness D *No. I can't remember exactly what I said, I didn't say a lot, and was very careful what I said but I'm pretty sure I didn't say that I thought that I was afraid of reprisals from Simon.*

Witness E *I asked for my name to be withheld because I wanted to keep out of it and maintain a low profile, not because I was afraid of reprisals.*

Witness F (now a taxi company operator): *I asked not to be named, given that we live locally and often pick up customers from Monkton. In no way do I fear any reprisals from you and I always enjoy the times when we get to see you.*

Witness G: *No, I was told that all names would be redacted before the interview began.*

**Conclusion:** It is clear from these responses that the idea that witnesses were afraid of reprisals is a fabrication, either dreamed up by Kelly Marsden, or by the Trustees.

## Lovely People Deterred

The Investigative Report states:

*It was confirmed by four of the witnesses I spoke to that some lovely people have passed through the community over the years with great skills and ideas that would have added value to MWS. For one reason or another these people were blocked from becoming full community members and asked to leave, with a common theme emerging of the decision emanating from Simon (albeit through community meetings.)*

I asked the witnesses whether they said that:

Witness A: *I possibly mentioned the first but not the last bit.*

Witness B: *No.*

Witness C: *No this is not me.*

Witness D: *No I didn't say this.*

Witness E told me that he agreed that some people were asked to leave. However he did not tell Marsden that that was "emanating from Simon". He told me that there was a group of people responsible.

Witness F: *This was said with reference to Gill.*

Witness G: *No*

**Conclusion.** There appear to be no more than three witnesses who agreed that "lovely people" were forced to leave. And no one has stated that the decision emanated from Simon.

## Overbearing Presence

The Investigative Report continues:

*The same [four] 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.*

I asked the witnesses whether they said anything like this. Their replies were

Witness A: *I have found your presence a bit overbearing in meetings and this has not encouraged equal participation.*

Witness B: *No. I always wanted you in the meeting.*

Witness C: *No.*

Witness D states that she told Marsden something on these lines: *Simon is a dominant voice in meetings but that is the nature of communities, there are always some people who are more dominant and others less so.*

Witness E tells me that he did say that I was a dominant voice but did not say that people were fearful of being pushed out by me.

Witness F: *I did not say those speaking out would be ostracised by you.*

Witness G: *No, this was something Kelly said to me. I said both you and Gill were strong personalities and that it is up to the individual to stand up for themselves and make themselves heard.*

**Jared Hills.** In his interview, Jared told Kelly Marsden that Simon could voice strong opinions, but was able to listen to reason and to change his mind in response to other people's views.

**Conclusion** There is considerable agreement that Simon is a "dominant" voice or has strong opinions, though only one person used the word "overbearing". However none of the witnesses claimed that members were "unable to speak their true opinions for fear of being shouted down or later ostracised from the community by Simon and Gill.

## Ostracisation

The Investigative Report continues:

*Two witnesses spoke of themselves and others being ostracised in this way, completely ignored by Gill, Simon and eventually other community members, until there was no choice but to leave.*

Only one of the witnesses, Witness F, is not living on site. She is a former resident of Monkton Wyld. Court who has left the community. Witness E has stopped working for the community and charity, but is still living here. I asked each of them if they could be one of these two people.

Witness E said that he wanted to leave for other reasons and stated that Simon didn't ignore him. He also acknowledged that Simon had paid him for certain work outside Monkton hours; and that Simon occasionally bought him a bottle of whisky at Christmas to thank him for his prompt assistance with technical problems which Witness E said was "much appreciated".

Witness F stated: *No, I did not say that I was ostracised by you personally.*

She added: *As I hope you already know, I never had any issue with you during our time at Monkton. I always enjoyed your company and you never treated me or my family badly. When asked, I stated that I had no issue with you.*

**Conclusion.** The allegation that two people left because they were ostracized by Simon appears to be drawn out of thin air.

## **Lack of Balance**

During the Investigation I was not allowed to know who the witnesses were or what they were saying. I was told that this was because the Investigation would be conducted according to ACAS guidelines. These guidelines state: *“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.”* But I was given no written evidence, neither Stephen William’s complaint, nor any of the witness statements. I was therefore unable to supply evidence to counter any of these allegations.

For example, I might have pointed out that Witnesses D and E were recently largely responsible for asking one couple, P and Q, to leave, on the grounds that they were in Witness E’s words *“unsuitable”*, while there were others here who thought they were *“lovely people.”*

Equally, while Witness A finds me *“overbearing”* in meetings, I would say the same about her. She talks a lot in meetings, and sometimes can *“go on and on”*. I would add that she has also been known to single-handedly block consensus, which is something I never do.

My point here is that the allegations about me that are upheld by witnesses in their interviews with me describe part of the normal cut and thrust of community politics. My inability to respond to these allegations because I was not told what they were, along with an apparent bias in the selection of the evidence (eg the absence of Jared Hills’ testimony), allows Marsden to paint a completely false picture of my role in the community.

## **Overall Conclusion**

It is clear from the above that what Kelly Marsden claims the witnesses have said about me in no way tallies with what the witnesses themselves say they said.

It is conceivable (though I think unlikely) that some of these witnesses have said something different to my face from what they said to Marsden. But if that were the case they would be unreliable witnesses.

The statement that two people left the community because they were ostracized by me is not far short of a brazen lie, given the fact that only one witness has physically left the community and that she is adamant that she *“had no issues with me”*. The evidence is overwhelming that statements of the witnesses have been misrepresented in Marsden’s report, if not deliberately twisted to paint a false picture.

In short, the allegations made in Kelly Marsden’s report which I have covered in this document are baseless and defamatory, as are the trustees reports about *“fear of reprisals”*. Yet they have resulted in an order for me to leave my home and workplace.

My lawyer advises me that if the trustees

*“proceeded with their threats on the basis of the Marsden report, they would be complicit in the misrepresentation of evidence and their integrity would be called into question. At the very least, someone totally unconnected and independent should be asking these witnesses to confirm which version of their evidence is correct.”*

Clearly yet another investigation and re-interrogation of witnesses would involve still more expense for the community and a prolongation of this dispute. I therefore call upon Kelly Marsden and the Trustees to provide a full retraction of the above allegations, and apology for the considerable harm they have caused me and others. If this is not forthcoming, I shall take the matter further with the Chartered Institute of Personnel and Development, with the Charity Commission, and, if necessary, through the courts.