

# Investigation Report following Whistleblowing Compliant

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**Monkton Wyld School LTD**

Name(s) of complainant(s): [REDACTED]

Date complaint received by Trustees: **20<sup>th</sup> March 2023**

Investigating Officer: **Kelly Marsden – HR Director, The HR Team**

Investigation Start Date: **11<sup>th</sup> April 2023**

Investigation end date: **21<sup>st</sup> April 2023**

**Main Points of the Current Allegations to be investigated:**

- Bullying and Harassment of Stephen Williams by Simon and Gill
- A conflict of Interest/loyalty in relation to Jyoti Fernandes (Trustee) and Simon Fairlie
- Conflict of interest between Simon's role in Co-op meetings, his influence over the ongoings of MWC and his personal business interests

**Witnesses to be interviewed:**

[REDACTED]

**Evidence used in investigation:**

Conversations with witnesses  
Various emails  
Tenancy agreements  
Accounts (Dairy, Land Magazine Office)  
Community Meeting Minutes

**Investigation meeting summary:**

## **Bullying and harassment**

- It must be said that this whistleblowing complaint, once common knowledge, was bound to cause tension, upset and resentment within the community one way or another, due to the close living and working arrangements of everybody involved. Clearly there are also several strong-minded and opinionated individuals within the community (as there are in any family or indeed organisation) who are very forthright in the way they conduct themselves. However, this is no excuse for the way Simon and Gill have responded or behaved during the investigation.
- Since the start of the investigation, Simon and Gill have both displaying extremely angry and aggressive behaviour, both in person to Stephen Williams (confronting him, shouting at him, following him around) and via email to both me and the trustees in their responses to being asked if they were prepared to answer questions in relation to the investigation. Whilst this could be suggested this is because they felt fearful, threatened or vulnerable to the situation they found themselves in, it also means that unfortunately they both showed the side of themselves that Stephen Williams and indeed other witnesses have argued is part of the problem here; that both Gill and Simon, when faced with a person they don't see as fitting in with their way of thinking, behave towards them exactly in this manner – with confrontation and aggression.
- It is also of note that Simon has already received two previous warnings for this type of behaviour in recent years (from the community I believe), one of which was for throwing a glass at someone! Again, there is no excuse for this kind of behaviour and it should not be condoned or tolerated.
- A previous community member gave evidence that Gill treated her very badly during her time at Monkton. Excluding her, ignoring her, ridiculing her in front of others. A current community member also confirmed this was the case with Gill. Stephen's account of the way Gill had spoken to him before and during the investigation was in line with this bullying behaviour. Another witness also confirmed they saw and heard Gill speaking to Stephen in an unacceptable manner. She was also seen going around the other community members trying to gather support for she and Simon and trying to get everyone to turn against Stephen.
- Witnesses also saw and heard Simon behaving towards Stephen in the same harassing and bullying manner as described above. So much so that 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.
- Jasmine Hills also apparently sought to exclude Stephen and manipulate other community members by holding meetings and purposely excluding Stephen in order to discuss issues privately – this is not in keeping with the openness and transparency Simon professes to adhere to at Monkton Wyld.
- I have to say that all other witnesses, Stephen included, were cordial, friendly, helpful, insightful and cooperative when interviewed. (Both Simon and Gill refused to speak to me in person and only emailed their responses, cc-ing other community members)
- All of the points that Stephen made in his complaint relating to bullying and harassment were validated by four of the witnesses and by the outbursts that were witnessed and documented since the start of the investigation.

- 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.) The same 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. 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.
- It must be noted that all witnesses did give balanced opinions as to personalities of Simon and Gill and the reasons for their behaviour. All suggested their outburst and behaviour comes from a place of fear and needing to maintain control over the community decision making in order to safeguard their place there. However, all suggested that their behaviour towards Stephen since the investigation began was also unacceptable.
- 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.
- Two of these witnesses suggested that it was Stephen's progressive nature and the way he wanted to fix everything that was wrong with Monkton (health & safety standards, re-wiring, missing tiles, training needs etc) was the main reason that Simon took a disliking to him. It was suggested that Simon was very much against authority, rules and compliance, therefore the idea of conforming to safety standards was not in his nature or something he agreed with doing, including at Monkton.
- Two other witnesses had negative feedback regarding Stephen. One said that she had had several altercations with him over recent months and found his behaviour passive-aggressive and intimidating. She concluded that she would not accept Stephen as a member of the community. The other said he got along with Stephen at first and they initially had a good working relationship but then recently found him to be confrontational.
- The evidence from Stephen suggests that Simon is very influential over the rest of the community and that he likes to get his own way. Witnesses also confirmed this was the way things were at Monkton and that Simon did indeed get his way, mostly because he shouted the loudest and inevitably others would rather comply than be confrontational.
- Having seen evidence from a 2016 Volunteer Recruitment Policy, it appears that Trustees are supposed to be involved and have the final say in recruiting volunteers and making them full time community members. In practise, this no longer is the case.

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

- It has been suggested that Jyoti and Simon's friendship is a conflict of interest at MWS. These allegations 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.
- 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. A witness from within the community confirmed this happened during said meeting.

- When speaking to Jyoti, she maintained that there was no conflict of interest at all and that yes she had a long-standing friendship with Simon but that this did not affect her decision making as a trustee. Jyoti admitted during her interview that she had spoken to Simon and Gill and told them they had to calm down and cooperate with the investigation – at which point there was a noticeable change in attitude from Gill and Simon in their email communication style. Jasmine Hills and Jared Hills were also suddenly very keen to speak with me.

**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**

- Questions have been answered by Simon and Gill in regard to their tenancy agreements in place and in terms of the businesses that are run at Monkton Wyld School. However, their emailed responses, particularly Gill’s, paint a rosy view of themselves and their charitable natures but do not necessarily represent the full picture. Evidence suggests that the tenancy agreements are completely out of date and in desperate need of review.
- It has been suggested by Gill that Simon takes no money whatsoever from the businesses and that it all goes to Monkton Wyld. However, I believe that the trustees need to establish the exact facts and figures to ensure that Monkton Wyld School and the wider community is indeed benefiting from the seemingly lucrative Land Magazine and Scythe businesses run by Simon/Gill.
- Simon has apparently erected buildings, refurbished accommodation and installed ‘state of the art features’ in his living quarters. However, there has been no evidence of planning consent or agreement sought by the trustees for any of this work. Simon has apparently paid for all of this himself. These facts are all very worrying for numerous reasons. Why does Simon have the authority to make these decisions and carry out this work on land that he does not own or seemingly pay any rent for?
- As stated previously, it has now been established that Simon has a Tenancy Agreement with MWS, although this has not been updated for some years. However, it has also been established that contrary to the tenancy agreement, Simon pays no rent at all, gets free electricity and free food at MWS.
- Gill also has a tenancy agreement but does pay rent and I believe pays for food.

**Grievance Outcome:**

The evidence suggests that Stephen Williams was justified in bringing his whistleblowing complaints to the Board of Trustees and that his complaints should be upheld. Although the complaints have indeed brought about much resentment and upset amongst the community, in no way should Stephen be punished or forced to leave MWC for speaking out against what he perceived to be wrongdoings. Throughout this investigation and on reading through Stephen's email once again now that the investigation has concluded, I believe that everything he said is in fact completely justified.

The evidence made available to me suggests that over the years there has been a pattern of bullying and harassing behaviour elicited by both Gill Barron and Simon Fairlie at Monkton Wyld. Recent behaviour witnessed by the community since the investigation began has further confirmed the aggressive, confrontational and coercive nature of both Simon and Gill in the way they communicate with certain people. The Board may now wish to consider appropriate disciplinary action.

The evidence made available to me also suggests that there is a conflict of interest between Jyoti Fernandes and Simon Fairlie which gives Simon an unfair advantage over other community members that is not appreciated by the wider community.

The Board may wish to consider whether this friendship is a conflict of interest which could undermine judgements made by Jyoti and whether these are in the best interest of the charity or the community as a whole. The natural term of any trustee may also be considered and whether Jyoti has remained a trustee for longer than the recommended term.

Another issue the board may wish to consider is whether or not Simon should be allowed to remain a tenant of Monkton Wyld since he has potentially breached the terms of his tenancy agreement. Simon no longer pays rent and has taken it upon himself to erect / refurbish and build several buildings/accommodation that have not been agreed by Monkton Wyld School. There is likely to be planning consent issues, insurance issues etc that could put the charity in a difficult position if exposed/challenged.

**Signed by the investigating officer:** *KE Marsden*  
**Date: 21-04-23**