

Dear trustees,

Since joining MWC as the maintenance co-ordinator it has become increasingly apparent to me that there are underlying issues within the organisation which I feel need to be addressed.

As someone who cares deeply about the success and longevity of MWC, I feel it is my duty to bring these concerns to your attention.

I write this letter without prejudice or malice and out of great concern for current situation regarding Monkton Wyld.

There are potential legal issues, conflicts of interest and problems with how the Monkton Wyld Court operates which have come to my attention that I feel need to be brought to light and weigh heavily on my mind, some of which I feel are in breach of the charity's commissions rules and possibly involve legal matters, the first of which is the conflict of interest/loyalty in relation to Jhoti the Trustee and Simon Fairlie.

The concern I have and the reason why I am starting with this is because I believe Jhoti will immediately inform and/or share this letter with Simon, such is their relationship.

It is widely accepted amongst the community that they are old friends and to the best of my knowledge this friendship goes back to at least 12 years ago from a community called Tinkers Bubble and where Simon was asked to leave the community (the complete reason is unclear but I have been told that it was down to something akin to anti-social behaviour) and in Simons own words, in the first trustee-community meeting, acknowledged that he was asked to join MWC by Johti personally.

The rules regarding conflicts of interest or conflict of loyalty are quite clearly set out on the charity's commission web

site, <https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29/conflicts-of-interest-a-guide-for-charity-trustees#identifying-conflicts-of-interest-legal-requirement>

In the Monday community meetings held on the 17/10/22 Simon (whilst talking about his concerns regarding the influence of the new trustee's) expressed his concern about Jhoti's lack of involvement in the signing up of the new trustees and that he will contact her personally to ensure she will come to the said meeting between the trustee's and the community, but this comment was not recorded in the minutes.

Also in a subsequent meeting of which I wasn't present XXX informed me that a vote was passed to lay the ground work for Jhoti to be the chair of the trustees as it is felt this is in the best interests of the community, that other matters were discussed relating to curbing the influence of the new trustee's and that (by general agreement) none of this was recorded in the minutes which is common practice.

More recently there was another discussion held in the Monday meeting where Simon brought up the issue of jhoti being asked to step down from her role as trustee, he admitted that jhoti had told him directly and then demanded that the people in the room agreed to her staying and that he could relay that support to her. Most people agreed to this but once I pointed out the issue that this agreement would only have any value if Jhoti was to use that as a means to getting the board to rescind their removal and in turn expose the group to collaboration with information which we are not supposed to be privy to the room fell silent and Simon started to get angry.

Again, this wasn't recorded in the minutes.

My view on this is 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.

Further to the subject in regards to conflict of interest I feel it is worth pointing out Simons Role in the Co-op meetings and role in the on-goings of MWC as a whole. Where the influence he has over the outcomes can conflict directly with his own personal financial and business interests in a manner that is extremely unhealthy to MWC and also involves practices which could potentially be deemed illegal and involve tax invasion.

Simon is a tenant with his own personal business interests and not a co-op member and as such potentially breaches the contract between the Co-op and the trustees, rules as set out in the charity commission as well as the conflict of interest as stated in MWC's own policy's, furthermore he uses MWCs assets such as manpower and resources to help his own private businesses with no compensation going by way of MWC's charity or business. The examples I can give are (to the best of knowledge) but not limited to:

- Using MWC volunteers and resources to assist in his scything business and land magazine such as the use of MWC staff to move the large delivery of scythes or using them to put a very large amount of magazines into envelopes, sealing them and putting on stamps, on MWC's premises which would otherwise come at a cost to him.
- Using Monkton volunteers and resources to assist in his farming and dairy business.
- No accountancy for the dairy or farm business (including the above) where Simon stated that for the £10k he originally invested into the farm 12 years ago he is allowed to operate on a "trust" basis with no financial records going either way, neither is this £10k accounted for and at what point it is considered "paid-off" all of which I believe is called "netting off" in accountancy terms and is potentially an illegal practice that gives a false impression of MWC's and Simons assets.
- Use of MWC community car

Simon does have a tenancy agreement dating from 2018 where he has exclusive use of all the farm land, farm buildings, dairy, his flat and office for £400 a year and that it is stipulated that we will purchase his dairy products but it seems that no money is paid either way, Simon has even said that he is not a tenant but rather a community member and that he has never paid money or asked for any to or from MWC.

The charity's commission rules can be found here: <https://www.gov.uk/guidance/charity-land-and-property> and might also come under the rules regarding personal benefit: <https://www.gov.uk/government/publications/examples-of-personal-benefit/examples-of-personal-benefit>

The law says you must:

- try to get the best deal for your charity
- take written advice, including a valuation, from a qualified surveyor before you agree a sale or lease (although you don't need one for a short lease)
- advertise the sale or lease, unless the surveyor says otherwise

They also state that the lease is in the best interest of the charity, which I find hard to justify when MWC charges £400 a year.

Because (to the best of my knowledge) nothing is accounted for, I am unable to quantify it but it's hard to believe that everything Simon gets for

£400 is worth less or the same to MWC than the monetary value of the dairy products we receive. It also might be worth looking at who negotiated the contract as this might fall under the conflict of interest or loyalty.

In recommendations set out by the Ethical Property Foundation the rates charged to a tenant should be determined by the rateable value, The RV is the rent at which the property would be let on the open market on the valuation date.

Also, in the agreement it states that we will provide water and electricity but there is no mention of the gas that we supply free of charge nor the manpower.

In regards to Gill she has exclusive use of the art hut as well as the land that she lives on but neither are of any benefit to the charity and has no educational function which I believe is needed to fulfil the requirements of the charity's commissions rules.

I must state that everything is to the best of my knowledge, (the lack of transparency makes this quite difficult) I am clearly no expert on these issues and admittedly could be wrong in some aspects but I do feel it's enough to warrant an investigation into the matter and raise these issues to you with the best of intentions for the benefit of MWC.

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, 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.

One of the reasons I asked for this to take place was in order to counter the unhealthy situation I found where 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 issue that has come about because of this lack of cohesive structure or framework is that the entire community consensus is based on individual will where 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

them primarily because of the response they know they will receive and through the conflict of interest.

Instead of any vote being held (which has never happened in any of the meetings I have attended) it is much more the case of who can shout the loudest or emotionally pressure the group with an agreement being reached by way of silence from the others.

Any ideas brought forward by people who are not close to him are constantly challenged in a manner that is entirely unproductive and a fair statement would be to say that he only comes up with problems and never any solutions which only exasperates the already difficult process of community consensus.

A good example of this is when i tried to bring up the issue of not giving volunteers proper training and the lack of any sign offs, whilst i had made some progress with other members Simon got very defensive saying that there hasnt been an issue before and that I am over reaching and the issues i raised arent issues at all of which the other members were influenced by and as a result no one does any sign offs apart from myself.

I have only been at MWC since the beginning of August 2022 but in that time have had to undertake the task of dealing with and fixing most issues under my own initiative such as compliance and H&S which through neglect and the lack of any oversight have left MWC in an extremely vulnerable state with huge liability problems such as but not limited to:

- PAT testing – 2 years out of date.
- Gas certification – 3 months out of date.
- Fire Alarm system – due to my instance we discovered 2 “break glass” alarms not working and a system fix that rendered the main house invalid from insurance dating 6 months previous with no records kept on the logs regarding the tests, done for 11 months – this is a legal requirement to be done each week. Nor has regular training or drills been held.
- Poor risk assessments, very little or no training given and no sign off's for where training is given in order to prevent accidents and injuries or for when Accidents and injury's do occur, no way for us to prove that any training was given.
- Pine hall roof- leaking for 10 years with nothing done.
- Testing of carbon monoxide alarms – no records kept to the best of my knowledge
- Re-writing and updating the check list for fire procedures and risk assessments including the checking of fire extinguishers = last records date to 2018 to the best of my knowledge.
- No records kept in the accident book when someone is injured or hurts themselves such as when a volunteer named Phil stabbed himself in the hand with a knife.

I have since dealt with and put right most of these issues but the reason why it was allowed to happen and the means of which we prevent it from happening again have not been addressed.

Some of the biggest issues we face are the lack of training and sign-offs for volunteers, poor H&S policy such as risk assessments, the state of the main house and outbuildings, poor and not up to date fire safety records and that we will not have a fire safety officer in place when Camilo leaves.

For full disclosure I need to state that despite my hard work, diligence and efforts to get along with the community, I at times find myself ostracised by some of the more established members (all of which fall under Simon's influence as explained in the above) none more so than by Simon and Gill.

I did try to write a formal complaint (which i can provide if you wish to see it) but there was no procedure to do so due to my self-employed status and lack of any standard procedures and policies in place (such as recommended by ACAS) and had no choice but confront Simon face to face as per the rules of the Co-op.

In this meeting, where I tried to confront him on the issues raised in my letter I have attached, he told me to "fuck off if you don't like it", which was witnessed by 2 Co-op members but no action taken. Admittedly Simon did apologise for his comment to me but nothing I have seen since indicates a change in behaviour or attitude.

I also understand Simon has had 2 previous written warnings one of which involves him throwing a pint glass at someone.

I think it's also worth mentioning that one of the incidents that was cause for me to have the meeting with him was when he threw some records at me after finding out that i played some at the bar that weren't on his approved play list.

In regards to Gill she has gone out of her way to ignore me since I joined and even went so far as to tell me, in no uncertain terms that I don't understand how community's work, that she finds my saying "hello" and "good morning" distracting and that she wanted me to ignore her despite her instance that she is a community member and is in general a very unpleasant person by way of her comments about other people and general behaviour towards myself and others, most notably new volunteers and members.

I have also been told by Gill that I need to wait at least 6 months to understand how the place works in a manner that can be considered a veiled threat and now very much feel that by raising these issues I will be excluded from MWC by the community, this also has precedent as by way of my conversation with other members it's become clear that anyone who challenges the status quo or raises issues soon comes to find themselves having to leave the community and have been told by some current members that the good people don't take long to figure what's going on

and then find themselves in a position where they have no choice but to leave.

I very much hope this will not be the case as I care deeply for Monkton Wyld, it's future and also for other community members who are subjected to the issues raised but don't see how given the issues I have raised and other problems which I'm sure will come to light under further investigation, MWC can operate or realise its potential to the fullest and in line with Elanor Urban's wishes and the standards set out by the charity commission.

My understanding is that a lot of good and very capable people (and trustees) have left MWC over the last 12 years due to the same or similar issues that I have brought to your attention, none more so than Sarah and Lyden and the awful situation they are currently in but yet the same people still remain which I feel has resulted in the situation that MWC finds itself in now and that no real change is possible until these issues that exist have been identified properly and dealt with.

The list of issues is not comprehensive, but I have highlighted what I consider to be the most important and very much hope that I can help make MWC the success it can and should be.

Thank you for taking the time to read my thoughts and concerns. I am passionate about the organisation, want to see it thrive and hopeful that we can work together to find a solution and create positive change.

Please let me know if you would like to discuss these issues further and I look forward to your reply.

Yours sincerely,

Stephen Williams.