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29 October 2014

Dear Ms Wilkins-Jones

**CAMPBILL VILLAGE TRUST LTD. 232402**

I am writing as a member of the above mentioned charity. I am also the father and attorney of my daughter Tracey who has lived happily in Botton Village for the past 20 years and I am writing on her behalf.

I am very concerned that the charity has moved away from the Objects contained in its Memorandum and Articles of Association. The particular concerns are that the charity is proposing to and has already changed in some instances the living arrangements which have applied for the 60 years that the charity has existed. The Articles expressly refer to beneficiaries living in community with persons providing support.

CVT have issued a Botton Village Community Operational Plan (2014-2017) where it states:-

***“Care and Support”***

***We are moving towards establishing neighbourhood teams whereby there is a shared responsibility across the neighbourhood for houses to be covered adequately. This will require a restructuring and redefine co-worker roles and responsibilities. We imagine co-workers will not necessarily be life sharing, but may instead be living in neighbouring houses: this is being trialed the central neighbourhood.***

The implementation of such a change in policy will be an absolute disaster for my daughter Tracey.

Tracey chose to join Botton Village in 1993 precisely because it offered community living in a family environment cared for by live-in unpaid volunteer co-workers.

In July 2012 Tracey experienced at first-hand what it was like to suddenly lose this family living environment when without any prior notice CVT senior Management headed by Huw John removed the co-worker living in Skylark House where Tracey together with three other villagers lived.

Overnight Tracey became cared for by a team of five agency employed care workers working in shifts.

The effect on Tracey was disastrous and it culminated in her acting in ways that were totally out of her normal character.

I appealed to Kent County Council who were her care provider at that time and I quote extracts from their letter dated 26 November 2012 :-

*“I am given to understand that the resident who was causing the difficulties in Skylark House has now been moved to another service and that the house co-ordinator Ms Claire Griffiths has moved back to work there.*

*In view of the findings of the investigation and the actions taken to address the concerns I am now proposing to close your complaint and the overall outcome is that your complaint has been upheld. Tracey’s needs were not fully taken into account when the changes were made at Skylark House and that this had a far reaching effect on her health and well-being .I am very sorry that this has happened but new support Plan should reduce the risk of this happening again . North Yorkshire will also be better placed to monitor your daughter support due to the distance involved.*

It is very clear that CVT management have learnt nothing from this incident and they continue to make decisions without any consultation with the villagers concerned and totally in breach of the Mental Capacity Act.

The decision of CVT to insist that all co-workers become employed will have a profound effect on the Botton Village Community and the Villagers in particular.

The Objects say that Co-workers must not have a contractual relationship with the charity. It is this aspect which is primarily under attack. The consequence of the insistence of the Charity on breaching this Object is that (they say) employment and other laws prevent Co-workers sharing homes with the beneficiaries.

If CVT continue with their stated policy then I am very concerned that other villagers will suffer as my daughter did.

In your recent letter to Mr Rook dated 3 October 2014 you state :-

*The principles of Rudolf Steiner are a matter of doctrine which the commission is unable to determine. Since we cannot authoritatively determine matters of doctrine we are unable to decide whether the change of status of co-workers amounts to a breach of Trust.*

*I hope this letter clearly explains the role of the Commission and why we will not be investigating the issues you have raised .*

However in your letter dated 2 November 2012 under a section entitled “The Charity” you were able to authoritatively determine the following:-

*The Communities are described as “life sharing” with “career volunteers” or co-workers who live with the beneficiaries and provide them with care and support .This is a key feature and one which is valued both by beneficiaries and their families.*

How comforting it must be for you to admit how important the live-in co-worker is to my Tracey whilst at the same time you hide behind some legal mumbo-jumbo that you are powerless to act in protecting her?

As explained above in July 2012 my daughter Tracey was a party to a safeguarding incident caused by CVT management when they removed her co-worker from the house.

According to your document “Application of the Charity Commission’s Risk Framework” (Page 7 of 25 ) you *should have a public strategic response to dealing with the following regulatory areas.....Safeguarding children and vulnerable adult issues in charities.*

My daughter falls into this category. For the record would you please confirm that your “public strategic response” in this instance is that you will not be investigating the issues I have raised as the Charity Commission cannot determine matters of ethos or doctrine.

Please also aware that in the coming months my daughter Tracey is most likely to suffer a repeat of the same safeguarding incident when her live-in co-worker is forced to leave.

Should that happen then I will use this letter as evidence that you have been warned of this possibility.

The issue of volunteer unpaid co-workers being required to accept employment was raised by CVT in their letter dated 13 May 2014. The first sentence states:-

*As we mentioned in our recent newsletter, our auditor have repeatedly identified as a serious financial risk the continued reliance, without review, on the favourable tax agree with HMRC in 2002 based on a legal opinion obtained in 1998 that co-workers were not employees.*

CVT inform us that this serious financial risk has existed for a number of years hence the use of the word “repeatedly”

In your guidance document “Charities and Risk Management” Section A1 it states *make an appropriate statement regarding risk management in their annual report.* The risk detailed above has never been mentioned in a financial report.

Section B4 describes what needs to be done if a serious event is likely to take place. i.e disaster recovery planning. This lists 6 steps to take place. For the record none of these steps have been have ever been disclosed to members and I have grave doubts that CVT could produce documentary proof that they even exist.

You are aware that the financial position of CVT has seriously declined since 2010/2011 when the CEO Huw John was appointed. It is my view that the policy decision to make all volunteer co-workers employees will simply exacerbate this declining financial position until it reaches the point when Botton Village ceases to be viable as an intentional community in the state that existed in 2010/2011.

The financial accounts show a declining donor base of gifts and legacies and past evidence is that the live in co-worker family model was much appreciated by relatives and friends of villagers. I fear that with the proposed changes which will turn Botton Village into nothing more than a collection of care homes in an isolated and rural setting will have little appeal to donors.

Should that state come to pass then I assume the Charities Commission position will be that that they could not intervene since “The Charity Commission cannot determine matters of ethos or doctrine” For the record please could you confirm my assumption.

Finally I am very worried that the Charity might try to change its fundamental Objects. I understand that to do so the Charity would need the consent of the Charity Commission.

I believe that any change to the Objects will undermine and work against the existing Objects, and that the existing Objects are still a valid, current model of care for the learning-disabled, still applicable to current social and economic circumstances.

The Trustees have not consulted about changes to the Objects with either Members or beneficiaries.

Can you please confirm that if an application is made to you to change the Objects that you will let me know before a decision is made and give me the opportunity to make representations?

Yours sincerely

B.S.Knight

cc Anne Marie Lubanski – Assistant Director Social Care Operations

cc Tina Simpson – Care Services Manager ,Adult social Care Operations

cc Chris Jones-King – General Manager, East, Adult Social Care.

cc Care Quality Commission

cc Bindmans (Anna Moore)