



## Newsletter April 2015

Dear Friends of Botton Village

We are writing to give you an update about the developments in Botton Village. It has been nearly a year since the charity Camphill Village Trust (CVT) wrote to its Co-workers, the long-term vocational community workers at Botton, to tell them that they will either have to become employed by the Charity or leave their homes and community. It still seems hard to believe that the once so revered and caring Camphill Village Trust that was built and nurtured by Co-workers is now working to remove these very people.

What went wrong? Let's start with a look at ...

### **How a Camphill community works**

Camphill communities are created by people who live together, work together, and celebrate cultural events and festivals together, creating an intentional community that includes people with and without disabilities, the young and the old. One principle of Camphill in general and of the Camphill Village Trust charity (before the take-over) is that organisations are non-hierarchical and that day-to-day decisions are made by the community's members. Another principle also of Anthroposophy is that each individual makes their contribution in freedom and based on shared values and mutual trust, not employment contracts and job descriptions. Camphill communities receive an income for the care and support they provide, for the products they sell and from donations they are given. Instead of paying a monthly salary to each community worker, income is pooled and expenses are paid from that. The government has recognised this holistic approach and [has agreed a set of rules for the tax treatment](#) of the various benefits (accommodation, food, use of pool car, holiday, spending money etc) that community workers enjoy in place of receiving wages. The honourable role of the charity CVT has always been to provide support and governance to its communities and to work with them in good collaboration, to achieve their defined aim of fostering such communities for the benefit of the disabled residents and society at large.

### **Upset and destruction caused by new CVT Officials**

Recently, however, some new CVT Officials have sent Eviction Notices to all the Co-workers and their families, over thirty, requesting that they leave Botton Village! Only [an order by](#)

[the High Court on 1 April 2015](#) has stopped them from actually implementing these evictions.

With a passion and experience in Camphill community building, Botton's Co-workers also know that certain changes were necessary a while ago to meet their obligations as a modern care provider. However, the way CVT is managing change is confrontational and divisive, which has already caused emotional upset and confusion amongst the learning disabled residents, and many are suffering the loss of their former Co-workers in other previously life-sharing communities. Apart from being uncaring, CVT's approach is also counter-productive. Modern change management takes the people of an organisation with you and engages them in a shared vision, but not CVT, which consistently antagonises the people of this charity in a relentless pursuit of its very own agenda.

### **So what is the problem with the 'new' CVT?**

Why is this charity that used to be so supportive of its communities now waging such a campaign against the builders and key people of this charity? It all started with some new officials, independent trustees and directors with no experience of and sympathy for Camphill, who joined the charity a few years ago in order to deal with issues that arose mainly because social care regulation has changed so much. However, instead of simply helping the communities to modernise the working practices, which has now been completed, the new Chair of Trustees, the CEO and the HR Director appear to have another agenda that goes far beyond what is necessary as they are now changing the whole charity into a centrally and top-down managed company. In what they call the 'One Charity' they have brought all communities under their control and at the same time dismantled each single feature of community autonomy. They then [sent eviction notices to all the Co-workers](#) who did not agree with this centralised model. In a next step they are splitting up the various aspects of community – housing, working, care and support – in order to commercialise these as separate businesses.

We are not exaggerating when we say that neither the disabled people nor their families have ever been consulted about these changes, nor are they being listened to when they protest. CVT Officials [stop the press and television](#) (BBC, Channel 4) from visiting the disabled people in their own homes (unless they support CVT's changes). This is censorship and discrimination, it happened at least six times, as a consequence of which they have only been able to speak to the press and TV on the streets or in a vicarage outside the village of Botton.

### **High Court case 1 – Is CVT still Camphill?**

We believe that what CVT is doing no longer reflects important Camphill values and principles, and one of the High Court cases is exactly about this question. We feel that the new independent trustees of this charity are in Breach of Trust by acting *ultra vires*, a legal term for acting outside their powers and against the legally binding principles of this charity, which are defined [in the charity Memorandum](#). This is one of the most serious allegations against a charity's trustees. It is made by a group of 23 claimants who have been Co-workers and relatives of Villagers of the Botton, Delrow and the Grange communities for many years. They first sought [an expert opinion from Hubert Picarda QC](#), possibly the country's leading charity barrister, who argues that replacing a "shared life community ideology" with a "care

worker culture" represents a fundamentally different charitable purpose. Action for Botton is supporting this case and is helping to raise the necessary funds – please consider our appeal further down this newsletter.

The first major achievement in this case was [an order made by the High Court on 1 April](#) that bars CVT from evicting Co-workers and making any further changes to the life-sharing homes in Botton. To avoid a risk of potentially huge penalties from HMRC, Co-workers have agreed to be paid for the delivery of commissioned hours of support for tax purposes only as a temporary measure for the duration of the case. CVT is, however, starting to expel Botton Co-workers from their workshops since the court order only regulates the living arrangement, which re-confirms CVT's hardnosed approach and underlying agenda.

### **High Court case 2 – Is CVT breaching the Human Rights of disabled people?**

We believe yes, and a second case taken to the High Court by Bindmans LLP on behalf some of the learning disabled Botton Villagers is examining this claim and has so far achieved an injunction stopping CVT from making any further changes to the living arrangements with their Co-workers. Read more about this case by following this [link to the website of Bindmans](#). There will be a further hearing on 15 April when the question will be examined as to whether a judicial review can be brought against the charity.

### **Fact – The Co-worker model provides high quality care and is legally compliant**

We believe that the communities must meet the highest standards of quality and safety, especially as they are entrusted with the care of vulnerable adults. The Care Quality Commission (CQC) has repeatedly inspected the care provided by the Co-worker model in Botton [and found it to meet all of its standards](#) - a level that was achieved by only 50% of providers nationwide. Also the Scottish care inspectors report that Camphill communities consistently score as the best of all providers of care and support for people with learning disabilities.

Despite this, and quite surprisingly, CVT keeps telling the public that “the heart of this story is about ... poor quality care for people with learning disabilities”.

We are aware that a historical CQC report dating back four years demonstrated a number of shortcomings in various areas that needed action. It is important to learn from these and to continue improving care provided all the time. Co-workers and management have worked very hard to implement all the actions required, to adapt the working practices, carry out the assessments and documentation suggested, modernise the medicines procedures, etc. and the new reports provide evidence that this has been very successful. Why then do the new CVT Officials nurture a myth of “poor quality of care” if the evidence clearly demonstrates “high quality of care” provided by Botton's Co-workers? CVT thereby reveals its desire to discredit the Co-worker model.

In summary, when CVT says that the reasons for change are concerns about quality and safety, this is simply not - or to be exact - no longer true.

As a related point, the local authority North Yorkshire County Council (NYCC) recently confirmed that they do not have a ban on new placements in place at Botton and that this

ban is purely voluntary by CVT. This is acknowledged [on page 32 of CVT's own annual accounts](#) produced this Autumn for the period to April 2014, signed as fact by CEO Huw John, and more recently [in an e-mail from NYCC](#) itself.

### **Fact – HMRC and the Treasury are happy for Co-working to continue**

Another justification given for the restructuring is that Co-workers are seen to be employed by HMRC. We agree that presently Co-workers and CVT communities, because of the way that CVT is treating them at the moment, are not self-governing and autonomous in the way Camphill normally works. It only took them a few key alterations, like changing the named person for the CQC and social care contracts from a community member to a CVT employee, then imposing a manager on each community who is employed by CVT instead of the community, to change the relations in such a way that Co-workers have technically been turned into the charity's employees. Therefore, if CVT now insisted on continuing to engage Co-workers in such a way, then yes, they would have to make them formally employed and pay income tax.

However, and this is what CVT does not tell you: the model of the Camphill Co-worker community remains perfectly valid and an option open to CVT. This model and the [related tax agreement with HMRC](#) is based on Co-workers not being in employment but self-governing and life-sharing and pooling their resources, as explained in [a legal opinion by Peter Trevett QC](#). That this tried and tested model is still legal and that there has been no change in legislation has recently been confirmed by [the Financial Secretary to the Treasury](#) as well as by [HMRC's Director General](#). Further that the initiative and decision to manage Co-workers in the current top-down fashion and to engage them as employees has been CVT's choice only.

In addition to HMRC, [the Local authority for Botton, North Yorkshire County Council \(NYCC\)](#) has confirmed that they do not require Co-workers to be employed: "North Yorkshire County Council has made no requirement of Camphill Village Trust in relation to the current staffing proposals for Botton Village. The Council's sole concern has been, and remains, to ensure that the standard of care offered to residents of the village is of the highest quality and standard."

Like HMRC and NYCC, [the Charity Commission](#) also confirmed in writing that they did not say that Co-workers need to be employed: "You have asked us to confirm whether or not the Commission has provided legal advice to CVT that volunteer co-workers are employees. I can confirm that we have not done so. The question of whether the status of an individual is that of an employee or a co-worker is not a matter of charity law, and as such is not something that we can comment on."

In summary, it is now evident that it was CVT's own choice to force Co-workers into employment, even if they continue to give the misleading impression that they were forced by the Charity Commission and HMRC and other authorities to have only employed staff. The fact remains, that as long as there is a real Camphill community the state will agree to treat Co-workers in line with the still valid HMRC tax agreement for Camphill Co-workers. Please look at [our webpage that presents further information](#) regarding this controversy.

## Support for Botton in Parliament and House of Lords

Professor of learning disability psychiatry and life peer [Baroness Sheila Hollins spoke about Botton Village in the House of Lords](#). “The umbrella term used by social services would be ‘shared lives’. However, the model is under threat, with a division being made between those who are considered carers or staff and those being cared for. It appears that financial decisions are driving change without the inclusion of residents in best interest decisions about the future direction of their lives, with many relatives of people who live there being gravely concerned that this loving and inclusive community will be lost, without their individual voices being listened to.” CVT “made the decision to change it from a community or family-based organisation to a commercial/institutional model, which the families have perceived as being to the detriment of the inhabitants of Botton Village. In the words of the Welfare Reform Trust, ‘When did care become a business?’ ”

Her concerns coincide with Care Minister Norman Lamb launching his green paper, [‘No Voice Unheard, No Right Ignored’](#) and saying in a BBC interview that he felt the learning disabled are being “treated like second-class citizens with decisions being made about them without them being involved and without their families being involved”.

Caroline Lucas MP, who has constituents who are parents of a Botton resident, has prepared a motion that was read just before the close of parliamentary session. It is to be re-read in Parliament once it reconvenes after the election on 7 May and so far 30 sitting MPs have been approached and many have committed to support the motion if they are lucky enough to be re-elected. What’s more, local Labour, Lib Dem and UKIP candidates for Botton’s area have all confirmed they will support the EDM if elected.

This motion “urges CVT to work with the authorities to revert to a volunteer Co-worker model at Botton Village; and calls on the Department of Health to work with the Care Quality Commission, HM Revenue and Customs and the Charity Commission to support those running intentional communities to ensure that the unique and successful volunteer Co-worker model can continue.”

Please write to your MP, and the candidates for election in your seat, asking them to support this parliamentary motion. When parliament reconvenes and the motion will be read, we hope that as many MPs as possible will support it. [Here is a link to the motion](#) online, and you can find the [contact details for your local MP](#) here.

### **Please continue to help us**

A supporter recently wrote to us. “But you have stood up and acted instead of sitting down and mourning. This is an act of courage and hope in the face of towering odds. David and Goliath spring to mind, as well as this quote from Goethe's fairytale: "One alone can do but little, but he can avail who in the proper hour unites his strength with others.” It really moves me, how true this appears to be in the case of Action for Botton.”

Rudolf Steiner wrote, “In my view, everyone should stand up wholeheartedly for his own convictions with all their implications and consequences. The question whether our views will win the day we must leave to the future to decide. All we should be concerned about is to stand firm in the struggle.” Co-workers are standing firm, and they are enduring considerable pressure every day in order to defend our Camphill values and their genuine

“convictions with all their implications and consequences”. They believe that a real and at the same time modern and forward looking Camphill community is possible.

CVT’s plan was to eliminate all Co-workers by Christmas last year and have only employed care staff in place by now, all under their control and segregated from the disabled Villagers. In the face of these ‘towering odds’, Co-workers have already achieved what seemed impossible to imagine. But they are still living with the Villagers in shared homes, protected by a court order, and are now in a position to take their reasonable case before a judge in the High Court. They have an excellent legal team and we need to do everything we can do now to ensure that they can fund this court action all the way. A successful outcome is now more likely than ever before!

Please help us with your donations as we still need to raise significantly more. Many of you have already donated so much and we have raised nearly £250,000 in donations and pledges which enables us to cover the costs for this legal action, but we know we will need to increase our funds as the case is likely to take a long time.

### How you can help

Send a **Cheque** to: Action for Botton, The Vicarage, Danby, Whitby, YO21 2NQ

Pay into our **Account**: Sort code: 53-50-15, Account number: 50702254, IBAN: GB86NWBK53501550702254, SWIFT/BIC: NWBKGB2L

Or donate **Online**: Simply click the Donate button at [www.actionforbotton.org/home](http://www.actionforbotton.org/home)

Write to your MP, and the candidates running against them, asking them commit to supporting the parliamentary **Early Day Motion** EDM once parliament comes back into session and they can do so.

Join the **Botton Buddies**, a network of companions, where you can connect to people of a house in Botton and where you can help, with your friendship and moral support, with food, transport or money, whatever you feel like. You can join if live on the other side of the globe, or in their neighbourhood. Go to [www.bottonbuddies.org](http://www.bottonbuddies.org) to find out more and join.

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With thanks,

Yours sincerely,

Neil Davidson, Chair  
Action for Botton



**BOTTON  
BUDDIES**

