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Legal battle over changes to a disabled charity's ethos



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Petitioning: disabled residents of Botton Village, supported by co-workers, in Downing Street earlier this year

A LONG-STANDING row in Botton Village, a Christian community set up for people with learning disabilities, has led to a High Court battle between the charity that runs the village and those who live with the disabled residents.

Botton Village, in North Yorkshire, was founded 60 years ago as a place where adults with learning disabilities could live and work side by side with able residents - sharing houses, workshops, and farms together. It is part of a worldwide network of more than 100 Camphill communities.

For the past four years, some of the non-disabled residents, known as co-workers, have been in dispute with the Camphill Village Trust (CVT), which administers the community, over proposed changes to the model of shared living.

Critical reports into its work at Botton prompted CVT to shake up the way in which the village was run, introducing outside managers for the first time and more independent trustees. Now, the charity wants to turn the co-workers from volunteers who receive expenses into salaried employees, and ensure that they work within conventional social-care guidelines. But some of the co-workers are resisting, arguing that the changes will destroy the Christian-infused shared living for which Botton is known.

One of those battling the proposals, Kathryn von Stein, a Botton co-worker for 11 years, said on Wednesday of last week that she could never become an employed care-worker.

"It goes against the fundamentals of the set-up of the community," she said. "It creates a subtle segregation that, over time, will turn into total segregation." Mrs von Stein, who, with her husband, has lived with people with learning disabilities at Botton, said that CVT wanted the co-workers not to live in the same homes as the disabled residents, and to have defined working hours.

"[Botton] is based on Christian principles, and treats people as valuable and equal, no matter what their abilities or disabilities," said Mrs von Stein, who runs Botton's candle workshop while her husband manages the village's bakery.

These sentiments are echoed by the Revd Michael Hazelton, Vicar of the nearby village of Danby. Many Botton villagers attend his church, and he said he feared its unique Christian ethos was under threat.

"What struck me most was that there is no 'us' and 'them', care-providers and care-consumers. Everyone was part of the community, and had something to contribute," he said. "In trying to reform, they are throwing out the baby with the bathwater."

In reply, CVT says that it has no choice but to professionalise Botton, and argues that shared living can co-exist with modern social-care standards. The charity's chief executive, Huw John, said: "We recognise that some people have a desire to retain the co-worker model of care at Botton and elsewhere. However, it's clear that the model creates issues around financial control and governance, as well as quality of care. We are disappointed to be forced to spend charitable money and time and energy on legal matters, rather than focusing on people we support, and their families."

Problems emerged in 2011 in a critical inspection report by the Care Quality Commission (CQC), which regulates social care, and which failed Botton in four of their nine inspection categories. The inspectors said that there were unsafe procedures for handling medicines, staff were not aware of potential abuse issues, and that the users were not given enough choice in what care they received.

Concerns were voiced to North Yorkshire County Council and the Charity Commission. Both organisations began investigating Botton. The Charity Commission raised concerns about safeguarding vulnerable adults, "excessive" benefits for co-workers, and financial reporting.

The County Council raised similar concerns, and encouraged the charity to stop taking new referrals of people with learning disabilities. A spokeswoman said on Monday of last week: "We believe that this suspension is right, given the level of uncertainty and anxiety there has been within the village around CVT's proposals to change the staffing and co-worker models. Now is not the time to consider new admissions."

By 2013, CVT had made enough changes for a follow-up CQC inspection to pass Botton in all categories. The Charity Commission said last year that CVT had also adequately addressed their concerns.

But more radical alterations to Botton's shared life were proposed by the charity, after it approached the authorities to inquire about the tax status of the co-workers. Her Majesty's Revenue and Customs (HMRC) said that, although there were no written contracts, the fact that the co-workers received money for working and caring meant that they were effectively employees.

A spokesman for CVT said that this forced them into dismantling the voluntary model and turning the co-workers into salaried and contracted employees. "The challenge is how we can be compliant, and stay within the law, and meet the standards from our regulators, and keep that sense of community," the spokesman said.

This is disputed by the campaigners, who argue that HMRC was merely observing rather than prescribing employee status. They suggest that CVT could tweak the circumstances at Botton and retain the voluntary model.

"Employment is in some ways a bit of a red herring," CVT's spokesman said in response. "There are other Camphill places where co-workers have moved into employment and it doesn't necessarily need to mean that the ethos is destroyed." He denied that CVT wanted to turn Botton into a standard care-home, but said that modifications would have to be made, such as co-workers living next door or in annexes rather than in the same homes as disabled residents.

Responding to this move, Action for Botton, a group opposed to CVT's proposals, launched two court cases. One, which claimed that the human rights of the disabled to a private and family life were being breached, was rejected by the High Court earlier this month.

Another legal action claims that CVT is going beyond what is permitted by its founding articles.

While the activists wait for permission from the Charity Commission to bring this case, CVT has agreed not to impose any changes at Botton until the case is concluded. This could take several months.

<http://www.churchtimes.co.uk/articles/2015/1-may/news/uk/legal-battle-over-changes-to-a-disabled-charity-s-ethos>