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6th October 2014.

Mr C Beckett
And Other Trustees
Camphill Village Trust
9 Saville Street
Malton

Dear Mr Beckett

Thank you for your letter of 29th September and for the courtesy of replying to my letter of 22nd September. I note that you are responding on behalf of all of the trustees and I therefore assume that your response can be taken as containing the views of all.

I am afraid that I remain very much confused as to your (collective) stance, and I shall write what I hope (and you may be relieved to think) may be perhaps my final letter on the matters of concern to me, in order that I afford you a final opportunity to justify and explain your actions and so that I understand what changes my daughter may face. Let me be clear : I should like absolutely nothing more than to see a rapprochement between trustees/management and the Co-workers, and to this end it would seem to me that mediation would provide a non-confrontational, practical, and, most significantly, Camphill-style approach to dispute resolution. It would also accord with good, current dispute-resolution practice.

1. CORE DOCUMENT : MEMORANDUM

I have quoted from this document in my 22nd September letter. I think that I afford the words their clear and straightforward interpretation. You say that you are fully aware of the wording and had discussions with solicitors and Charity Commission lawyers. I really am not trying to fence with you! The words are what they are, it is their application which matters, but that must be based on an honest, informed understanding of them.

2. BREACHES OF CORE DOCUMENT

2.1.1 You assert "there is no rigid central control". I gave you two specific examples; there are many. Let me suggest some more :

-the communities were run by Co-worker appointed management groups. Now, although such groups exist, the Manager unilaterally and without prior consultation or discussion, removes members with immediate effect.

-decisions are made by the manager with regard to development projects, without any consultation with the usual groups liaising about such matters. Such lack of discussion and consultation in accordance with time-honoured practices causes confusion, frustration and a reduction in the feeling of value and self-respect on the part of the group members, and, most significantly, without taking into account their valuable views, insights and experience on such matters

- appointments are made without consultation with Co-workers leading to a (deliberate?) disempowerment, but depriving the charity of their considered views, whether acted upon or not.
- appointments are made to positions within Botton without consideration being given to previous Co-worker appraisal of applicants on previous applications
- see also the final paragraph at the foot of section 2.1.2.1

2.1.2 As I have been previously criticised by Ms Chadwick-Histed for an illogical presentation of order in my letters, forgive me if I revert to my original numbering. At 2.1.2 I referred to the lack of that “closest liaison” required by the Objects. The items of rigidity mentioned above also relate directly to this, together with the examples I originally mentioned.

2.1.2.1 Imperatives for imposing the employment model.

I do not doubt that you may have told Co-workers why the legal opinion was being sought (though I have not asked any of them), but the question is this: was the potential tax anxiety the only reason? You see, there is disagreement as to the facts with your own Camphill body in this, AoCC. They did obtain favourable tax advice in 2013. Why did you not act on that?

CVT had agreed a collaborative approach with AoCC and then resiled from it. Was that because you actually wanted the negative tax advice? I can think of no other reason.

CVT did not revert to the original Counsel, and there have been (from Ms Chadwick-Histed) a variety of explanations why not. Again, this gives reason to doubt your bona fides.

I also understand that during a conversation involving Ms Frances Wright and others in 2009, the view was expressed (not by her) that Co-workers would have to cease within the communities, and it was not a view with which she disagreed.

The current Botton Operational Plan (2014-2017) is based on the CVT Strategic Plan (2014-2017) which, in turn, is based on the CVT Review by In Control and Groundswell. In CVT’s letter of 14th December 2012, CVT endorsed the Review and committed itself to taking forward the key recommendations. The relevant recommendation on page 40 of the Report was to “Adapt the Co-worker system”. Thus CVT was publicly committed to ending the Co-worker system as we had known it.

Co-workers were first being removed from communities several years ago, well-before the tax issue was addressed.

On 3rd September 2014 in a meeting with you trustees, Co-workers were told that you had been working on a process of removing Co-workers for over three years.

Why does the evidence not support your statement that “there has been no determination to end the co-worker model”.

Is there any wonder why I cannot believe that the removal of Co-workers was anything at all to do with the tax situation?

Even in that respect the Charity is being duplicitous. Ms Chadwick-Histed loftily said to me in her letter of 5th September “under a self-assessment regime, it is our responsibility not HMRC to respond to changes” (sic). That is no doubt true, but in the Settlement Agreement which Botton Co-workers are being required (blackmailed may be too strong, or emotive a word) to sign, the Co-workers would be penalised if they had done exactly what Ms Chadwick-Histed knows to be their legal duty.

The relevant wording from the Settlement Agreement is this : (with the significant words in my italics)

“ Should the Co-worker receive a demand for tax or national insurance contributions in relation to their period as a Co-worker before the Leaving Date on the basis they have been an employee during some or all of that period *PROVIDED the Co-worker has not initiated contact with HMRC subsequent to the Trust’s trustees announcement to Co-workers of their decision on 13th May 2014* The Trust will meet this liability.....”

Incidentally, I would also cite this as further evidence of the Rigidity of Control, which you deny to exist.

2.1.2.2 re Huw John wanting to end the Co-worker model.

I repeat what I have previously said, as evidenced by his comments in the December 2012 AGM, as an example of what he has said publicly.

It has been apparent throughout the communities that this was his intention. It may not have been that of the Trustees, maybe you were not aware of his standpoint, but there is little doubt that it was his. I note that within 18 months of his arrival all of the Co-worker parents of 18 children had gone from Oaklands Park, for example.

On your website in the Chair and Chief Executive’s Introduction in “Vision, Mission and Strategy Themes 2014-2017” (“Vision”), I see there are no substantive references to Co-workers for the future, and, given their historic significance, and prominence in the Core Document, that absence is perhaps indicative of the lack of any relevance of them for the perceived and planned future.

Similarly, the lack of commitment to its core values is also exemplified by CVT’s own intranet. I am told that there is a section entitled “Anthroposophy”, but that the section has no content whatsoever. Would you care to comment?

2.1.2.3 Cost information.

You say “there has been no dishonesty around the cost of co-workers” (sic).

Then I ask this, given the information apparently given to the media in the North East that certain Co-workers get benefits in excess of £60,000,

(a) How is that arrived at?

(b) How do you calculate Co-worker costs per capita?

You will recall that I made the assertion to Huw John at the 2012 AGM, that, surely, it would be more expensive to employ paid care staff on a shift system, than to have individual Co-workers retained on a needs-met basis around the clock? He said that he could not accept that assertion. Surely the organisation has now detailed, comparative calculations upon which you have made your decisions? If so, can they be shared? If not, then how can you have made an informed, robust business decision to follow this course?

You will be aware that an analysis of CVT’s accounts has produced a cost to the Charity per head per Co-worker of a little over £14,000-00. p.a.

2.1.2.4 Information to Villagers

You do not seem to have addressed this.

We, and the villagers are still quite in the dark. For example

- a. Our daughter was specifically placed in her current, smaller, predominantly female house as that was felt to be in her, true best interests (and Best Interests). Will that situation continue?
 - b. It is rumoured that villagers in houses run by the Independent Co-workers will be moved into larger houses separate from their dear house co-ordinators, as a means of isolating those Co-workers and then removing them. Can you please assure me that this won't happen?
 - c. What level of care will she receive?
 - d. Will all of the workshops continue?
 - e. How will the workshops function?
 - f. What will be the significance of work? I hear that in other communities work is presented as something of an option, leading to a description of one community as a "holiday camp". Do you still believe that there is a value in work in terms of the spirit, self-respect, feelings of being valued and needed, of contribution, of community with others both disabled and able, in personal skill development and in "something to get up for"? Other providers offer the soulless "holiday camp" approach, but in these days of supposed choice, why would such a real, historic choice be lost?
 - g. Will "Botton Holidays" still be available?
 - h. TVs have traditionally been absent from the Botton houses. Carefully selected programmes can be enjoyable, I accept. Those wanting free access to TVs can choose placements other than Camphill. I happen to regard a large part of TV programming as corrosive of society, doing little to improve one's life and of stultifying creativity. What will be the policy in this respect?
 - i. Given that there has been a removal of Co-workers' children from other communities, and there has been an indication that Co-workers will not be able to perform their roles with children around, what is the policy in this respect? My daughter and many others are delighted by the company of children, they also bring a sense of fun and vibrancy to a community, as well as normalising it in the sense of making it more like a mainstream village. What will happen in this respect?
 - j. Will outsiders still be encouraged into the village? Another community which has lost its long-term co-workers has also lost its regular flow of vibrant, interested, intelligent, young international short-term co-workers. What will happen in this context?
- Mr Knowles has been unclear on this subject. In his letter to the Villagers in the Summer he said "there will still be young Co-workers coming for a year or two". I have heard another community where these outside influences have been lost described as an isolated ghetto for people with learning difficulties.
- k. What will Community life be like?
 - l. Will the houses still be decorated as they are so charmingly now, with items from nature reflecting the seasons and festivals?
 - m. If so, who will do it, given that the new support workers won't know about Camphill ways?
 - n. Will the festivals still be celebrated?
 - o. If so, who will do it if you have got rid of the Camphill people who know about them and believe in their worth and are committed to them?
 - p. You have summarily removed the eurythmists. Eurythmy has formed an important part of the cultural life for years. How will this be replaced?
 - q. In Ryedale there is an annual prestigious Ryedale Festival of the arts each year, with performances and displays taking place in various interesting locations throughout the District. In previous years there have been performances in the Joan of Arc hall, but I did not see reference to one there in this year's programme. Why was that?
 - r. Can you give me examples of how cultural affairs are conducted in those communities who have lost their Co-workers, who, after all, were the people who took the lead in training for these events and in their production?

2.1.3 Employment contracts.

Of course the Charity is subject to the law. If you had wanted to retain the Co-workers, and employment were, unequivocally, the only option, then I would suggest that you should have engaged with them to proceed to an employment model in honest, open consultation with them, as has been achieved in those communities which have moved to an employment model. For the present you have neither convinced me, nor, far more relevantly, the Co-workers, that there really is a need for a Contract of Employment.

Why would you not allow AoCC onto Botton site to satisfy themselves that the practices on the ground were still compliant with those which are required for self-employment (I use this as a shorthand phrase) to continue to apply, in accordance with the Trevitt Opinion??

The sixth paragraph on page 2 of your letter continues the confusion. The trust has talked about the law preventing a Co-worker living and working in the same house. Is that so? If it is, please provide the authority. If it is not, why was it presented in that way?

On the other hand, if it is, then how are you able to be, as you say, “pragmatic”? How will this work in practice?

No wonder the Co-workers (and Villagers) are confused.

Please remember that as you are considering your answer, the Charity’s Co-workers, while manfully carrying out their tasks of looking after our relatives, running workshops etc are being told to sign up, or leave, yet even you are not clear about what is on offer!!

Put simply, then, what is on offer?

2.1.4 Living in community.

You say that the governing document does not require Co-workers to live in shared living or even in the community. Now I fear you are descending to solecism, but perhaps revealing your (collective) hand. The Objects say, and I know you say you know it, but I will quote, again, an extract: “...to ...provide care to...people with a disability...particularly (without limitation) by the establishment and maintenance of ...villages...in which beneficiaries *live and/or work* ...in community with persons providing support.” (My italics, see below*)

It is stretching credulity to accept your assertion.

* From the wording of the Objects clause there is even more compelling reason for the villagers to work (as opposed to reside) with Co-workers, since it reads in two situations : *living and working* or simply *working* in community.

As an additional point, I would expect that before embarking on these changed living and caring arrangements, the trustees saw to it that there was a professional report on the likely effects of the changes on the physical and mental health of villagers, probably from both a General Practitioner and a Psychiatrist? Would you please be able to provide a copy to me?

2.2 Powers

I am quite aware of the distinction between Objects and Powers. However, I have seen a letter from the Charity Commission to the trustees dated 8th April 2005, which shows historic confusion concerning the objects on your part. At para 1.1 the Commission said,

“ At our meeting we drew the trustees’ attention to the fact that the Trustees’ Annual Report outlined the objects of the trust as being “ The principal activity of the charity is to provide communities with adults, some of whom have special needs, caring about the environment, work, economic and social life and further education.” These were not the Objects provided by the Governing Document. The trustees agreed that the objects outlined were more accurately described as a mission statement or similar aim and recognised that they were not the legal objects of the charity.” !

You have not dealt with 2.2.1 (Work proposals) and 2.2.2 (Loss of shared family life).

3. COSTS

Again your reply raises more questions than it answers.

At a meeting in Botton held on 16th November 2013, addressed by David Knowles, parents and family members were told that the Charity Commission was happy with CVT Governance and structure, and that the CQC were also satisfied. We were also told that there had been a meeting with NYCC the previous week in which it was said that if Botton could implement a revised set of suggested documents (which we were assured by Mr Knowles that it could), then in February 2014 it could start taking more villagers. He said that CVT could now concentrate on the village. He reported that Norman Lamb, the Care and Support Minister, had recently spent two hours in Botton and was “satisfied with the way the community is currently structured and the way it is supported and run”.

Incidentally, he also reported that a proposed new Trustee, Mr Thompson had spent 5 or 6 hours in the village and would visit monthly. Has he done so?

At another meeting on 12th April we were again told that matters had been resolved and there would be new villagers. You say that bans are self-imposed to prevent the authority imposing a ban. How does this fit with what Mr Knowles said? Is it not the truth that after the trauma caused by the Trustees’ letter to Co-workers on 13th May, the Charity felt that it would not be appropriate to take new referrals during what you called a period of transition, and therefore the charity caused the circumstances which might trigger NYCC’s concern, and itself decided to impose the ban? Is that so? If so, was the accuracy of your assumption checked with NYCC?

We know that in 2010 NYCC were extremely helpful and encouraging for one new villager (L) to move to the community.

A summary of the regulatory position appears from information provided by CVT to be as follows. By the end of November 2013 following the hard work which you mention, Botton had achieved satisfaction on the part of

- The Charity Commission
- The Care Quality Commission
- NYCC
- Parents / families

- Villagers
- The relevant Government Minister

Yet against this happy situation, confirmed to us in April 2014, the trustees within a month issued the “ Employment or Leave” ultimatum to Co-workers, threatening all of that satisfaction and compliance, and forcing itself as a defensive obligation to impose a ban on the acceptance of referrals, with the consequential trauma and lack of revenue?

Do you find this a logical and acceptable way to manage? Why secure the satisfaction of the relevant governing and commissioning bodies to a particular way of operating, only to alter it, and undermine all of that progress?

I understand that Huw John may now be saying that Botton is not viable? Is he?

If it is not viable, then surely steps would have to be taken to realise the assets by sales, thus the rumours that the village is to be sold would be true, despite Mr Knowles’ letter (undated, but with photographs) to villagers in the Summer saying “I want you to know that Botton does not need to be saved and will not be closed”.

Is there a detailed Business Plan with Costings which accurately calculates the costs of all of the changes (essentially severance payments for Co-workers, care staff salaries and on-costs, additional admin staff salaries and on costs, the reductions in income from changes in funding and the fact that the village is running at two-thirds capacity, the guesstimated impact on donations and legacies of the publicity around the changed ethos)? I do not expect to be shown such a financial document, of course I am not entitled to see it, but can you reassure me that it exists, and that it is a working document with variances monitored at suitable intervals?

On the other hand, is there a narrative Business Plan which could be disclosed?

4. COERCION

Please do not continue to imagine that I find it hard to accept that there has been abuse and serious poor practice by Co-workers, which view, I might add, is another example of Trustees’ arrogant assumptions about those of us worried parents who take you to task. I have many years’ experience of working with people employed in social care, and of working arrangements generally, and, of course not everyone is perfect all of the time. Nor do I disagree that there is a responsibility on the Charity to manage its affairs. As to your statement that I “would be surprised that many Co-workers do have resources”, that is slightly impertinent; the relevant point which I was making was that Co-workers had given up the opportunity of normal remunerated employment, from which most of us in society would make savings for the future, and instead they had chosen to live unwaged, *in community* alongside the learning-disabled.

I know what several members of the “Gerald Group” (whom I continue to respect and value) thought before they took contracts of employment, and I am afraid to say, with respect, that you are deluding yourself.

The Charity’s discriminatory treatment of Mr Poole, and, separately, Mrs Poole is shameful, but that is not really a matter for this correspondence. However, may I ask this, can you please reassure me that the rumours that Botton houses are to be rented to outsiders are not true? Additionally, can

you please specifically confirm that if you evict people like the Pooles, you will categorically not rent out their homes?

5. APPEAL

5.1 In what relevant particulars was the Memorandum different when you became a trustee? I should be interested to see a copy of the earlier Memorandum, if one were available.

5.2 I note that you do not answer my question as to whether you all truly have sufficient understanding of the principles, and, from that I treat your answer in the negative. There is, after all, scant reference to these matters on the Charity's website.

5.3 As to whether you are fully aware of what is being done in your names, I note that you "are fully aware of what is happening in the charity", in which case I would draw this analogy : that you seem like meat-eaters running a vegan restaurant.

5.4 You have not settled my concerns, though, as I said at the outset, I really do appreciate you taking the trouble to reply with a more sincere, and much less dismissive approach. I have to share another real worry, which may well, I hope be irrational, and that is that my continuing to probe and question might prejudice my daughter's position in the charity, and that is something that I would not want to do as I remain hopeful that a lot of the old ways will be capable of being preserved. I am heartened to some extent by the promise of the Chair and Chief Exec in "Vision" saying, "most of all we must be responsive to the views of the people we support".

With that in mind, I understand that concerned parties are planning an open convention, and I do hope that trustees will attend and engage in it. It does seem to me that the issues could best be resolved by discussion, and, probably most effectively, by mediation.

I look forward to hearing from you.

Yours sincerely

Andrew J Faulkes