



## **Part 4**

**Ian Barkley**

# **APPEAL AGAINST DISMISSAL**

**Notes from Hearing**

## **Ian Barkley, Disciplinary Hearing**

**Notes of hearing – not intended to be verbatim**

**Thursday 11 May 2023**

**Level 4, Civic Centre, Hearing room 4F, Side rooms 4A and 4C**

### **Attendees**

Nasir Dad	Chair of the Panel	ND
Kathryn Pickford	Team Leader, Advisor to the Chair	KP
Ian Barkley	Employee, Client Finance Officer	IB
Margaret Warburton- Vaughan	Investigating Officer	MWV
Julie Kippax	HR Advisor to the case	JK
Hayley Cassell	Senior HR Advisor, Minute-taker	HC

### **Introductions and process**

**(Note Start and end time of any adjournments at the appropriate point in proceedings)**

**Start time: 09:36am**

ND- To confirm you have a right to representation? Do you intend to be represented today?

IB- I have had consultation and I am happy to continue unaccompanied.

Introductions.

ND- (Explained the course of the hearing and in which order cases would be presented. Confirmation of witnesses).

IB- Just to confirm, you said once all evidence has been heard- you said yourself and Kathryn would adjourn, am I at that point then to return to work until a verdict is reached?

ND- My understanding is that you've been moved to a different role. My advice would be to carry on as you are doing until an outcome has been agreed and we contact you.

MWV- Just to confirm regarding witnesses. Ben Simmons is a witness and is waiting, he's not in work. Kirsty Littlewood-will be on teams not available 12.30-1.30. Lisa Entwistle- in person, not available between 10.30-11.00. Rachel Skinner's statement not signed when pack went out, I now have a signed copy appendix 17 (distributed to all here).

ND- I may stand up periodically due to medical issue, please proceed.

## **Case presentation**

**MWV-** read through report **09.44am**



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**MWV-** finished reading report **13:35am**

## **Questions and answers of case presented**

### **Questions from IB**

IB- There are issues established by report.

ND- Specifically tell us which bit.

IB- Comprehensive and competitive, lots of misperception. Can we go to page 7, 4.4, you state of 8 colleagues interviewed, I can only get 5? Maybe it's a typing error?

ND- 8 colleagues listed but only 5 in the report. Let's bottom that and move on.

MWV- Appendix easiest to count, 9 colleagues in the appendix. Ahh, I will tell you why. Earlier on I didn't class Kelsey as she had put in the grievance.

ND- Happy with that?

IB- You said prior to the start, people's availability as witnesses? You said Ben is not in work? Why is he on leave or?

ND- This is not relevant to the hearing; you are only asking questions regarding report.

IB- But there is validity, if he's off, why is he being allowed to give a witness statement? There is a strong suggestion, we all here things, he's off work for something else and it's not sickness.

ND- We need to focus on the report, you will have an opportunity to question Ben regarding his statement. Are there any further questions regarding the report?

IB- Appendix 19 please, Claire Andrews. And if we go to question 2. It states, "inappropriate no, unnecessary yes". Then we have words like 'pedantic, overbearing, abrupt, whole floor can hear him'. The question is are those behaviours subjectively what you would find inappropriate because by default they are not?

ND- I don't get the question?

MWV- Can you clarify what you mean?

IB- Inappropriate? No, unnecessary, yes? There are words like 'pedantic, overbearing, abrupt', I am speaking with a natural voice, I am unaware I speak quite loudly, I do suffer low tone deafness, 20 years in military. What I am saying is, is that subjective?

ND- So just so I am just being clear, are you saying do we extrapolate other comments?

IB- Yes so, is the behaviour is subjective?

IB- Are the behaviours subjectively what you personally would find inappropriate?

MWV- I took the witness statements, I highlighted the comments in the report I felt I should highlight. I am not the person who decides whether this is appropriate. All the witness statements are true statements and that's what Claire said.

IB- As part of the grievance process, what led you to the conclusion, because I don't recall, actually being sat with Sophie and Kelsey? They were in agreement that their grievances would form part of the disciplinary process without solving the grievance separately.

MWV- Not my decision, governances submitted to HR and as there was an active disciplinary investigation, those people were asked if it could be included in the disciplinary.

IB- How did they know there was an ongoing investigation?

MWV- One was your line manager and the other person had already been interviewed as a witness as part of the investigation. HR was consulted as to whether we could include.

IB- Did I get asked? Or was I not under the rights of a worker?

ND- No, you can't influence how the grievances are investigated, what should and does happen is that you get a fair hearing and can respond, which is why we are here today.

ND- Any more questions?

IB- No.

ND- Kathryn any questions?

KP- No.

ND- You mentioned a couple of times in report about the DBS and the training?

IB- If we refer to my statement of case there is photographic evidence that I have a valid DBS which doesn't expire until July 2023. In reference to the renewal, I have been asked in recent communication with HR, don't know who, that once they receive photographic evidence to get me a DBS they would send me the link to go online. When given the link prior, it didn't take me to anything and nor did I get any explanation of what I need.

ND- So that's still outstanding but there's a process ongoing?

MWV- Having a valid DBS and being part of the update service are quite separate things. Even though Ian has a DBS it's not on the update service.

IB- I'm quite happy to do it, nothing to do with cost, but obviously when there was an ongoing interview, and I didn't get the information I needed to know to complete it. No link. No working link.

ND- Page 5, 3.3 monitoring period? Did that behaviour improve? Is that why it ended?

MWV- Yes, it improved.

ND- Page 7, 4.4, list of issues, allegations about Ian's behaviour, do we know why some of it wasn't reported? Some was 2020, some 2022 onwards.

MWV- Behaviour has been reported and it was mostly dealt with in supervisions.

IB- Well why not included?

MWV- They are, in the supervisions.

ND- We have had some allegations, there are recurring themes in supervision.

ND- Others I'll pick up later.

KP- I have questions for witnesses, none yet.

MWV- I would like to call Ben in first, then Kirsty Littlewood and then the rest of the witnesses are in work and can be called at any time.

MWV- Can you clarify with them if Ian can ask them direct questions. Certainly, Kelsey who has put in a grievance, said she is anxious about having direct questions.

ND- We remain professional and respectful throughout and I will intervene if needed.

IB- I am mindful of Kelsey, I am happy for the Chair on my behalf to ask them directly to her.

That's not a ploy, I am mindful of Kelsey.

ND- We will make our decision on what is presented. We will do that, and I will explain the procedure.

JK- Can I clarify how that will work?

ND- If the investigating officer reads question and then witness can respond.

IB- Can I just ask, if I re-write these questions on a page and then you can present them. These are the questions for Kelsey.

ND- We will have time between. We will do Ben then have a break and then whenever Kelsey arrives, we can ask those questions of her.

IB- I was not expecting Ben to be in attendance.

ND- We may have questions and if something does strike you, you can ask at the end.

IB- That was based on the 'jungle drums' and rumblings.

ND- We must be mindful of the credence that these are given.

### **Investigating officer to call first witness Ben Simmons 10.56am**

ND- You have provided a statement, MWV going to ask questions as you did in your interview. We are trying to establish the fact. Remain professional and respectful at any time. Need a break let me know.

MWV and Ben read through statement.

### **Questions from Panel**

KP- You've said Ian can be disruptive can you give any examples?

BS- Had a meeting in, not sure of room, one of the rooms, I had a lot to do that day. I wasn't really wanting to be there for the meeting. At the time I was only doing a small part. Sophie went down agenda and we were stuck on a point for 25 minutes. We get stuck on points. I agree people have opinions, but he could have left it and discussed it in private with Sophie.

KP- When asked question 3, you said towards Sophie yes, what are you thinking there?

BS- Push back, argument, sorry not great with words, not an out and out argument, aggravated push back, when asked to do stuff, the response is always 'when I can'.

ND- So more disrespectful?

BS- Yes.

KP- You described Ian as 'old school' what do you mean by that?

BS- I have been in Ian's position, when you get into a groove of how you work you just keep moving forward. When you've worked this way a long time, if someone wants you to work a different way, they don't want to work that way. That is sort of, that's what I mean.

ND- I know you spoke about meetings specifically, was it healthy discussion?

BS- No basically just an argument. Sophie wanted to do it one way and Ian said no. We all agreed to do something, and then a couple of minutes later, came back and contradicted himself. It just went like that, it was frustrating.

### **Questions from IB**

IB- It would be extremely helpful because there is no documentary evidence to support what you have stated. You stated I am old-school, set-in ways. Is it that I am old school or is it just because I am old?

BS- No, no, no, no, it's not like that at all, that's my turn of phrase.

IB- You said disruptive? Did I throw chairs? I just voiced an opinion based on work experiences.

ND- Sorry Ian, you need to ask specific questions.

IB- You stated I seem to contradict; you said I said it will be done when it will be done. Did it get done? Yes, but was I disruptive in that I didn't jump?

BS- You did say you would do it when you would do it. I was sat in the middle of you and Sophie. I was dealing with someone who was deceased, and I was having to deal with next of kin. When you are both going at each other over me, that's disruptive for me that. Organise a meeting, then discuss it. Or at least go round to her. I know it's not in here but there's stuff, can I mention that or?

ND- You can elaborate and then Ian can challenge.

BS- Okay, there has been times I have had to apologise to clients and say things like sorry about the noise, then I've done it on my lunch when nobody's there.

ND- Any other questions?

IB- Question 8? You said he cuts corners? How?

BS- Mosaic isn't me, I went off what Sophie said to do. I have witnessed you do things that aren't part of the procedure and cut arounds.

IB- Does that not come around a greater knowledge of the system?

ND- That is a statement not a question, slightly rhetorical.

IB- You're saying about my client contributions, why wasn't I doing financial assessments and not contributions?

BS- I couldn't say

ND- Yes, we will stop there, that's not a question. Thank you, Ben, for your time.

### **Investigating officer calls second witness Kirsty Littlewood 11:34am**

ND- Introductions. MWV will talk you through the statement and then there may be some questions. Professional and respectful at all times and will jump in if needed. Professional so far.

MWV- I am going to ask you about your statement and pick out points from the witness statement. Read question 2. Read question 3. Witness summarised answer to question 3. Meeting between Ian and Sophie which led to grievance. I asked about it in our interview, question 6.

### **Questions from IB**

IB- Have you got appendix 24? Your statement.

KL- Yes.

IB- Question 3, redesign of service, a full consultation process was conducted? Was that what you said in your statement.

KL- Yes.

IB- Can you tell me what the selection process was for people who were moved as part of the restructure?

ND- Not sure this is relevant?

KL- Completed around Christmas 2021. Matched people to job roles in partnership with HR based on their existing jobs and profiles. HR matching process, employed by the council. HR Advisor.

IB- Leading from that, and I appreciate leighway. So, you understand the process and issues arising around change management, would you agree there are a number of theories as to its contentious?

ND- We are not talking about the restructure. Questions should be specific to the statement.

IB- I appreciate that but it may lead to where we go to at the end.

ND- We can pick that up at the end. Only questions specific to the statement. The restructure isn't a question.

IB- Put question on hold. Chair said it can be picked up. Based on the restructure and adaptability who do you believe would be more adaptable to change young people or old?

KL- I don't think age is a factor and I don't understand what you are asking me Ian.

IB- Yes sorry I never was good at getting a point across.

IB- During your time there was two restructures, one where care structures because payments?

On the one where I was part of client finance, who got moved to the new incoming payments team at that time?

ND- We've all seen Kirsty's statement. Your focus is now on the restructures. It has no bearing on the behaviours towards another colleague.

IB- It all stems from this. I got moved because I had the knowledge on the second restructure, I got moved from brokerage back. We did have the option of discussing fears or concerns and I asked why was it just me that was being moved? Why wasn't anyone else moved. To be moved once and then moved back, it felt for me as though, it made me feel really really unhappy. When we first met in the civic, I stated it was a backward move from a career prospect.

ND- There is no relevance here, it may be more relevant as mitigation in your case presentation.

IB- All your emails were embedded in? I haven't got copies.

ND- That can be provided. We do not have copies of those emails.

MWV- Everything used is included in the pack.

### **Questions from the panel**

KP- Question 3, paragraph 2, financial detriment? What was it and when was it?

KL- One in August 2018 and further in 2020 and 2021, relating to section 117, several thousand hadn't been actioned by Ian. What was the other ones... I think those were the only ones. Worked out as tens of thousands. 2022- 12 outstanding queries despite being asked to provide updates. Impact on the council and impact on the individual person.

ND- For clarity can you explain CHC?

KL- Continuing Health Care, partly funded care.

KP- Was there any Disciplinary action over financial issues?

KL- Discussions in supervisions in 2018, letters of concern in 2019, subsequent advice to proceed to investigation, a grievance was submitted by Ian against the investigating manager. In 2019, reiterated in 121s, in 2020 another investigation commenced. Multiple timelines for different activities which took place.

KP- 2019- grievance against Andy? Did investigation happen?

KL- No, so because the investigating officer did the grievance and performance done as part of the same procedure.

MWV- No copies in the pack as I do not have access and do not have access to HR. Document where it was embedded.

KP- So no access?

MWV- A couple are but I have requested some of them.

KP- Just to clarify Ian we haven't had copies of anything you haven't had.

MWV- Anything in the report is included. Embedded documents are not accessible to anyone. I feel the chronology needs to be included but historical cases were not included.

IB- If I may, this is unplanned. Actions about section 117. Section 117 means that people do not pay for their care. Was I the team member who pointed out following audit that there were a number of people that had inadvertently been charged under the section 117?

KL- Circa 2018, you highlighted people had been charged. However, a report went to our DMT about how we would restore payments and how we wouldn't allow this to happen again. Circa 2018-2019 it became apparent you hadn't fixed this situation and you didn't rectify. The subsequent actions were not followed through. You were given the job to put it right, but it was not followed through.

IB- Those part of embedded?

ND- You identified the problem, solution found, failing happened in the implementation of the solution.

ND- Any other questions?

No from all.

### **Adjournment 12noon**

#### **Back at 12.45pm**

MWV- Sophie interviewed twice. Once for disciplinary and once for grievance appendix 12A, chronology 12B, appendix 27.

IB- Embedded emails?

MWV- Anything used is included.

KP- We haven't had anything else either.

### **Investigating officer calls third witness Sophie Harland 12:50pm**

ND- Introductions. MWV will talk through statements and then questions. Respectful and professional today. Any issues I will intervene.

MWV- Witness statements are lengthy, split out into background and as manager and the grievance. I'll split the questions and we will look to summarise.

A lot of the questions are based on Ian's behaviour. Summary of Ian's behaviour and how it has been appropriate?

SH- Read from statement.

MWV- Can you be more specific with relation to his behaviour towards Kelsey?

SH- Read from statement.

MWV- Can you tell us about Kelsey's concerns?

SH- Kelsey emailed me referencing specific examples. I assured Kelsey this would be dealt with.

MWV- Specifically I asked why at that time you didn't advise Kelsey to take further action.

SH- I didn't advise this to Kelsey, I felt we could deal with these issues informally.

MWV- Have there been any issues with other members of the team? Team planning session?

SH- Read from statement.

MWV- For the record, appendix 36 is the email Kelsey sent to Sophie. What have you been doing, what are you doing to support the team if they come to you with concerns?

SH- No concerns raised. If there was, I would seek HR or my managers advice.

MWV- Issues raised from wider team or wider council?

SH- Feedback from team. Kim Simister, asked Ian something and he was being dismissive to her, was huffing and puffing. I wasn't there so this is what has been said. Being loud and intimidating, brokerage there now as well.

MWV- Can you tell us when he didn't meet procedure?

SH- Read from statement.

MWV- Training team have undertaken?

SH- Restructured, new members of staff- then read from statement.

MWV- From point of Ian being under investigation are there any further examples of Ian's behaviour (question 12).

SH- Read from statement.

MWV- Ian's behaviour towards you?

SH- Read from statement.

MWV- Impacts on team?

SH- Read from statement.

MWV- Occupational health?

SH- Read from statement.

MWV- Chronology of events, anything relevant to report is in the pack. I have included, timeline of notes recorded. Nothing we have that you haven't had Ian.

MWV- Second interview- grievance against Ian? Can you tell use briefly how you got to this point.

SH- After 3<sup>rd</sup> November 2022, Ian had continuously ignored my emails, especially his DBS update registration. Tone of emails, we needed to meet. He was rude and dismissive. I asked him a question and his response was someone asked if Sophie always spoke to him like that. Not until after that meeting, towards evening and early morning, I felt effects. I felt I didn't have any other avenue.

MWV- You felt you could not present for work?

SH- Could not attend, in bits, crying all day, could not focus on anything. Thinking about the way he had treated me and spoke to me. Couldn't work and couldn't let the team see me. So, I logged on but I just asked my manager if I could speak to her.

MWV- Ian affecting mental health and wellbeing?

SH- Negative impact, exhausting, like it's a game to Ian, will not follow any reasonable requests. Ian will do what he wants to do.

MWV- Relationship going forward?

SH- No relationship between myself and Ian in the future.

MWV- I feel that's it from me.

### **Questions from IB**

IB- Appendix 9, grievance?

SH- Yes

IB- Paragraph 1, reputational risk. Do you have factual examples of the detrimental impact on the authority and residents. Because you have got that somewhere?

SH- Yes, I have evidence I can share. There are lots of things, lots of the contributions have. Workflow ended but it's not actioned.

ND- Do you accept this?

IB- Not having seen them. Was I the only person who has done this?

SH- You were leading so yes.

IB- Was it a team function?

SH- It was you, you offered.

IB- Why did I offer?

SH- You tell me why you offered.

IB- I offered because I didn't have the access to do the primary function so to take the pressure off the team and team potentially not knowing how to do this.

ND- You did it, contention is you doing do them how you were supposed to. Serves no purpose. Are you satisfied that has been addressed?

IB- I am happy.

ND- As long as you don't need further information?

IB- I feel my say is not being heard or understood.

ND- I want the facts to be recorded but we can't go on a tangent. Your question was can you give examples and she said yes. Do you accept that?

IB- Yes but where did the report come from?

SH- Matters that have been brought to our attention due to complaints.

IB- But you've got data analysts from workflow to show that I was the one who closed down these jobs?

SH- You don't need a data analyst you can see.



IB- You do know that one of the drop downs is the 'who' box? Could it be that people are putting me down?

ND- System aside, there needs to be a question. Is what we are talking about here to do with what Kirsty said about changes that weren't made?

IB- No, Sophie is talking about client contributions. Client finance, not necessarily at fault, tick boxes.

ND- So back to questions for Sophie please.

IB- Appendix 9. 3<sup>rd</sup> paragraph, we were in the same role?

SH- About 6 years ago?

IB- You were my mentor? We had a rapport

SH- Yes, we had a fine relationship, or rapport.

IB- We used to slap each other with a ruler?

SH- I don't remember this. I have no recollection of this.

IB- I'm just saying once upon a time there was a rapport.

IB- Appendix 6, supervision record form. Letter of concern. Sophie, can you read first line.

ND- No you will not ask her to read it out loud. It is not a court of law; you can read that if you wish.

SH- I can read it, I wrote it.

IB- How did you pre-empt the question? I was going to ask that, thank you.

IB- 12a Appendix, first witness statement, page 6. 900 pieces of work not completed. Can you tell me please why this was not highlighted in appendix 32, my last supervision meeting with you?

SH- I don't have that, I would need to look at that supervision to see what was discussed.

IB- 20<sup>th</sup> September. At the time you said I had 900 pieces of work and yet it wasn't discussed in supervision. As I was still indirectly involved with brokerage as and when. Pieces of work which should have been taken back by brokerage.

ND- Sorry, the question is why wasn't it raised?

SH- We did speak about this. I am assuming by then we had been through them, and it wasn't a concern.

### **Questions from Panel**

KP- Brokerage to finance team, there was a transition. When was the cut off point of his finishing the brokerage work?

SH- I don't have the exact date. He came in April 2022. I am pretty sure, that is where the point your over to client finance. But during that period there was a particular piece of work he was supporting the brokerage team with COVID 19 packages.

KP- So between Jan and April?

SH- No after that.

IB- Covid funding ended 31<sup>st</sup> March, reason was going on afterwards, client finance role was to write out to clients to say funding had stopped. Some communications with health colleagues. Health do MDTs.

SH- Government funding, Covid funding, NHS picked up the cost. To come off that, move to a business-as-usual package.

IB- Bit deeper than that because we had phase 1 and phase 2. Phase 1 should be 4 weeks. Scheme 1 as and when.

ND- Clarity, moving across in April, by the time you got to August you were still doing brokerage work?

SH- 900 pieces of work were all client contributions.

KP- Access to searchlight? Ian didn't have access to this, did this affect his ability to do work for the client finance team?

SH- Delay in DBS coming back, affects his ability to do some work. You can lose your job if you access when you shouldn't. But it only affected one element of the work. There was plenty of work.

KP- So other stuff that he could do?

SH- Yes absolutely.

IB- It wasn't that I didn't have a DBS, HR unfortunately could find no record of me having a DBS, I presented the evidence, there was that delay. Evidence presented.

ND- Question not aimed at you.

KP- I just wanted to understand what work could be done.

IB- There was an agreement to do update client contributions and deal with incoming queries because there was a backlog.

SH- Yes, I agree with that.

KP- Work for brokerage was specific, was he doing other stuff he wasn't supposed to?

SH- Yes, getting involved with work for direct payments. He was doing an out of borough check, this was not for our team to do at all.

KP- Mentioned in a statement that Ian is scaremongering staff, can you elaborate?

SH- Yes, explaining things are more complicated than they actually are. Explaining it, specific to the update client contribution, making it more difficult.

KP- Were all staff instructed to put work in their calendars?

SH- Yes, all staff, so we know what all staff are doing. That's an instruction from my senior managers.

KP- Question 3 in first statement. Kelsey's mum, Angela Barnes, manager on brokerage team. Ian makes derogatory comments about her. Examples and how often?

SH- No particular examples of that. It's not horrendous. Little comments as if to say she doesn't know what she's doing.

KP- Could you put a frequency on it?

SH- Not daily, probably weekly if that.

KP- You mentioned the checking the figures task that was outstanding, under question 10 in August on second page, page 6, appendix 12a. Recharge in the billing cycle. Hadn't been done, so has that been done since then and who has and when?

SH- It was picked up by two members of the team as soon as Ian left us. In new financial year. Allocated to two other members of staff.

ND- Was it delegated to two staff due to the volume or their other duties?

SH- At first one person, learning issue rather than delivery issue.

KP- 26<sup>th</sup> September, under question 12. First point. No update on Mosaic on a client who has passed away. What are the implications?

SH- For that particular one, and in fact all of them, if we have agreed to action something, we should have done it. No audit trail of what's been done. Ian doesn't put a note on, Ian says that conversation hasn't happened. No evidence of what's been said or done.

ND- What's the impact? Someone died, waited a month? Impact of not doing that? Resident who has lost someone.

SH- Reputational and service impact, what's your plan for speaking to them? They've made the enquiry. Let's keep them updated. Bit of everything.

ND- Typically how long should you wait before making contact?

SH- No particular time. If they've contacted us, we wouldn't leave it for two weeks.

ND- Someone did call, but a month later no contact has been made.

SH- Not necessarily that nothing has been dealt with, it was closed, it was not open to see that a query was there to be dealt with.

KP- That example, another example about the financial transactions, are there other missing updates?

SH- Lots of missing information on Mosaic.

ND- What's the impact of that?

SH- So CCG is multimillion pound of recharges. We raise an invoice for recharge. Not always good report, variation in costing. Point in time where director of finance needed an update. You can never be 100% on top of but if you aren't acting on queries makes debtors balance look worse than it is.

KP- 16<sup>th</sup> June, 12b, my understanding of something. Email from LDT. Can you explain what that means?

SH- So, a service user must have commissioned a package that didn't start, raised invoice to charge person, credit control have sent our correspondence that bailiffs are coming. LDT escalated and I called and apologised, and I gave it to Ian to re-do next day.

ND- How much of a priority?

SH- Would be a priority, we can get in touch with credit control but its somebody's life. They could be scared.

ND- What else could be in the day job for Ian that's more pressing than that?

SH- I don't know, if something like that is brought to your attention you deal with it.

ND- Mosaic work, question 10. Meeting, what happened after that? Ian didn't attend, what happened?

SH- Was just supposed to be a conversation between me and Ian. He had raised a few reasonable points and I was giving him that opportunity to have the conversation, but he didn't want to, so I met with other managers and made the changes myself.

ND- Question 11. "piss up in a brewery" did that go anywhere? Was it escalated?

SH- I've put that this was said out loud.

ND- Was that picked up?

SH- I can't remember.

End of questions.

### **Adjournment at 13:52pm**

### **Reconvened 14:05pm**

Agreed that Chair will ask IB questions on his behalf due to mindfulness of KB.

Questions given to Chair.

### **Investigating officer calls fourth witness Kelsey Barnes 14:11pm**

ND- Introductions and procedure explained. It has professional and respectful.

MWV- In front of me I have your witness statements and your grievance. I will ask you to clarify certain things. No additions just what is on statements. Just to clarify, Kelsey interviewed twice, once on 21<sup>st</sup> September, as witness and 24<sup>th</sup> November in relation to grievance on 17<sup>th</sup> November. 1<sup>st</sup> witness statement.

KB- Read from statement.

MWV- Challenging yourself, inappropriate behaviour towards others?

KB- Read from statement.

MWV- Raised concerns?

KB- Read from statement.

MWV- How dealt with?

KB- Read from statement.

MWV- Asked if anything was to be added?

KB- Read statement.

MWV- Move on to the grievance. I am going to summarise some questions. Can you let us know what led to the grievance?

KB- At the time, we were already understaffed. I cracked in my supervision, lots of little digs and stresses. I don't want to come in to work and be upset.

MWV- Question 6, instances prior to grievance that you have experienced.

KB- Back in lockdown, working across teams. Occasion when Sophie wasn't in, I knew Ian could help, asked him about the cap on care costs. Ian said after a certain amount they are stopped. Client kicked off as this wasn't the case, I looked stupid for misinforming the client. Can I read statement?

MWV- Yes.

KB- Read out of statement.

MWV- Why do you think he treats you this way?

KB- Read statement.

MWV- Question 11, has he asked you to do work?

KB- Read statement.

MWV- Anything to add to statement, question 14.

KB- Read statement.

MWV- Question 9. How do you feel the relationship would be in the future?

KB- It wouldn't exist. I could work professionally but I feel it would be very awkward.

MWV- Anything you think I have missed?

KB- No.

### **Questions from IB (Chair asked on IB's behalf)**

ND- Why have you felt the need to put a grievance in against me?

KB- Read from statement.

ND- Did you attach the emails Ian sent and highlight them to anyone?

KB- I sent them to Sophie.

ND- Not in factual evidence?

MWV- I had already interviewed Sophie and I felt I did not need that evidence. However, I can request it. I felt I had enough.

ND- Isn't part of the pack, do you want to see it?

IB- I feel the pack is incomplete without other things. We have to accept things are missing from the pack.

ND- Your question was if Kelsey attached the emails. We have also had MWV confirm that everything used is included in the pack. We have not seen anything you haven't seen. Are you happy with that?

IB- I am happy with the response.

ND- Page 2, question 6. What was it that Ian sent you that misguided you? What were you told that was incorrect?

KB- Spent a lot of money, not sure of the care cap. Sophie not in. Ian told me there was a cap on care costs.

ND- Did you follow up with supervisor?

KB- Yes followed it up with Sophie afterwards.

ND- Page 2, question 7 about why you feel he treats you this way. What are you referring to, what are you talking about specifically?

KB- Second time I did it and needed support. Ian went quiet and didn't support and it was awkward.

ND- Relating to the question, 'since being on another team has Ian asked you to do other work?', how did you check this?

KB- I spoke to my colleagues and asked them directly.

End of questions from IB (Chair asked on behalf of IB).

### **Questions from Panel**

KP- How is work distributed?

KB- Staffing capacity, no solid rota. The way it was working, myself, Wendy and Keith were working on financial assessments and Ian was asked to work on queries. But then sent them back to us. In my grievance, Ian was asked to look at benefits of query, he asked Wendy to check benefits and then Ian asked me to contact the client. To have to explain this to a client is awkward and should be the person who was dealing with the query.

KP- £2 contribution. What should the process be?

KB- If we do a financial assessment, and it says they can only pay £1, we should still charge it. If we don't write to them to say they have to pay and it goes up, there's been no charging process. Even though the invoice could cost more.

KP- So we should raise an invoice regardless of how much.

KB- Yes.

KP- In grievance statement on 3<sup>rd</sup> page. Example where a solicitor had got in touch, I want to get a sense of time, not what date specifically, just when was that?

KB- I want to say August/September 2022.

ND- In your grievance, you talked about shortcuts. Can you explain the impact that has?

KB- With the £2 contribution case, we still have to charge it. Or when we've got the contributions box it is just being closed off. On mosaic it says action complete, but it's not been. I don't know if I can comment on work now.

ND- Yes you can elaborate.

KB- This year doing the uplift contributions, the new contributions were never connected, and they were all being dealt with by Ian. Says its actioned and complete but no charge uplift has been applied.

End of questions.

ND- Just for completeness is there anybody you wish to call?

IB- No I am not doing tit for tat.

ND- I don't see this as tit for tat, it is a process which we need to go through.

IB- Yes it's a process and its opinions and yes.

### **Investigating officer calls fifth witness Lisa Entwistle 14:41pm**

ND- Introductions. Talked through process.

MWV- Go through the statements, pick up questions from statement, can read out or summarise.

MWV- can you explain working relationship?

LE- Worked with Ian for a number of years, not under my portfolio until 2020.

MWV- Have you had to deal with any concerns?

LE- Read from statement.

MWV- During your working relationships have you had any concerns with Ian complying with management instructions?

LE- Read statement. Not in statement- previous issues with manager Angela Barnes.

ND- We can't introduce anything new at this point, but fine just for context.

MWV- Issues with colleagues?

LE- Read from statement.

MWV- Can you advise any examples of when he has not followed instructions?

LE- Read from statement.

MWV- Regarding Sophie, prior to grievance, issue between Ian and Sophie in relation to question 9. Can you tell us about this?

LE- Read from statement.

MWV- How does Sophie feel about the working arrangements now in place?

LE- I know she's on edge, still worried about bumping into him in some social areas. 121s with Kelsey. From Sophie's perspective she doesn't want to bump into Ian. Some communication with client finance.

MWV- How do you feel Ian's behaviour makes the team feel?

LE- Wellbeing of team is my focus, team is on edge and upset. Sophie has threatened to leave. Disruption too much.

MWV- How does Ian's behaviour make you feel?

LE- Frustration, doesn't want to be in client finance, no one should have to feel intimidated. I want people to feel comfortable. The word 'bullied' does not sit well with me.

### **Questions from IB**

IB- Summarise, as the head of service and obviously these are extremely serious allegations etc, erm, we had an agreement where Kelsey didn't feel comfortable, I asked Chair to ask my questions. This links to what Kelsey says. Staffing levels.

ND- The questions need to be about the statement that Lisa made.

IB- I have listened to, maybe me being naïve. Erm it may be because its templated questions, but it looks like, so my question is has there been any collusion between yourself, Sophie and Kelsey because all the answers are identical?

ND- Are you asking whether they discussed the statements made?

LE- No, we haven't.

IB- Again, I think since, long time, you advised me I was going to work in Karen's team and yes, I did, on behalf of another colleague, walked round to client finance to ask something. You then said sorry you didn't make it clear I wasn't allowed.

LE- Yes.

ND- Sorry what is the question?

LE- Can I respond.

ND- You can but I am not clear on the question.

LE- That is right, I didn't clarify it at the beginning, then when it was clarified to you, afterwards you were still contacting client finance when actually we agreed all queries would go through Karen.

### **Questions from Panel**

KP- 121s about the restructure. Mentioned he wasn't given clarity, was that a conversation with you. Was there any clarity sought to his questions?

LE- Yes, spoke to Kirsty, she had notes from the session with the union rep and HR rep.

KP- Did they go back?

LE- Yes but they weren't really questions, mainly statements about not wanting to move.

KP- Under question 6, 'monkey see, monkey do' comment, did you hear that?

LE- Yes, he said that statement and Kirsty stopped the session and told him it was inappropriate in front of the team.

ND- Shelley in Business Support, comment made by Ian about just being Business Support, what was the outcome? Was an apology made?

LE- No apology made directly to Shelley, done through Angela and Shelley didn't take it any further.

ND- Number of examples of alleged inappropriate comments, have there been any other apologies made you recall?

LE- Not that I recall no.

ND- Question 8, management instructions. Significant financial impact? Was that specific to Ian or a failing widely in the service?

LE- It was specific to the work Ian was doing.

ND- What's the impact?

LE- Yes reputational. I suppose from our perspective they are residents. It's all residents' placements and making it secure for them.

ND- Work going on in brokerage? Was it clarified why this work hadn't been done in client finance?

LE- Work in the brokerage team was not the work he was instructed to do.

ND- So he should not have been doing this work. Volume was sighted.

LE- Yes.

End of questions.

### **Adjournment at 15:05pm**

### **Response case**

#### **Ian Barkley presents case 15:17pm**

ND- Go through witness statement and then make any additions. Ian talks through own statement.

Include:

IB- Statement of case, provided by Ian prior to.

IB- Character statements, provided by Ian prior to. Sent by J Kippax.

### **Questions and answers of respondent from Panel**

ND- Pattern from 2017 where management instructions haven't been followed. Repeated requests and it fluctuates, is there are a reason for this?

IB- Which part?

ND- All of it, there seems to be a theme of a general lack of being able to follow management instructions. Comes through and isn't linked to one specific statement.

IB- For you to be able to understand, it's such a broad spec. Not dealing with management tasks in a timely manner? Key thing to take out. The brokerage team as they now are, everything works on a payment cycle, to pay providers, recharges, so whilst management may perceive that things aren't being done in a timely manner, management didn't really understand and it never was Lisa's remit, how it actually functions in relation to how you do this. I worked to meet the payment cycle. If you give me a task to do today, the follow up that that provider wouldn't get it until that payment cycle anyway. Is that negative or is that about understanding how that works? Not ignoring, these things voiced to management, it was 'we have told you to do it'.

ND- This may sound direct, but I want to understand. If you've had a management instruction to do something, it's not for you to decide how much of it you do or when you do it. You haven't done what they've asked. Your answer is, and I am paraphrasing, you were working to timelines that you decided were better, i.e., the payment cycle?

IB- Whilst dealing with it yes.

ND- So to follow on, there were significant financial and reputational failings, how do you address that?

IB- I was given responsibility of managing the CCG recharges account, I sat with Angela Barnes, who was tasked, because I was in that transition from brokerage to client finance. Because I had the knowledge, I was asked to work with Angela. It was mind blowing. Even though we put a recharge on the system we were relying on CCG information, that they either discontinued joint funding, or adjust the amount of joint funding, it was always work retrospective. It was 12 queries; the invoices had been raised in CCG in good faith. Ben Simmons was also working on this. I don't know why Ben didn't deal with them. I hold my hands up in the air, everything has been done, Sophie has said its about these 12 queries. Excel spreadsheets are 'shhhoop' long. I hadn't gone along further enough, I hadn't read the ends, I then worked with my CCG counterpart, I was then able to cross reference, we hadn't had supporting documentation and we came to that mutual agreement. It wasn't that it was a financial detriment, yeh, from the moment we put a recharge on to mosaic the services system. Everything that goes on the system drops on the finance, finances ledger. They were aware, from an accountant point of view, ran up and say something.

ND- I appreciate you have given context. Are we saying you recognise you were asked to do something, and you missed it on the spreadsheet?

IB- Yes.

ND- Seems for both DBS and training you were asked to sort these, and it seems you fired it off?

IB- Yes, every year we've got to do mandatory training. Last year when I had opportunity, logged in, little hamster kept going round. Showed to Sophie. Email sent to Diane, she said she'd raise with IT. IT said we are aware of the issues, open in Chrome. Opened in chrome, hamster kept going round, showed Sophie. Anyway, despite periodically trying, for whatever reason, it wouldn't let me know my eLearning. We entered this financial year and by good fortune working under Karen in close proximity with Diane, I am just doing all the uplifts because it's her job as compliance. Other staff members said they had the same issue. Someone said it had something to do with the data put in from previous year. Why don't you re-put it in. I was actually the first once in this financial year to complete the mandatory training. I did seek the advice; they couldn't give the solution.

ND- Context, wasn't completed 2022- 2023 but for 2023- 2024 it's been reset on the system?

Were you given a reason for why it didn't work previously?

IB- Something to do with staff list or data.

ND- Worked in 2021-2022?

IB- It worked but it took some attempts.

ND- So with the DBS and online renewals?

IB- I had a valid DBS and I know Margaret made a comment on the policy. I was given a link. I followed it and it said are you requesting a DBS? I said hang on its supposed to ask for my bank details. After about 6 or 7 attempts I said to Sophie its just not happening. Email HR or IT, sent email regarding the link but it's asking for DBS. Have you received? Well unfortunately I got zero

response from HR. Should I have been more persistent? Maybe, but I didn't know who responsible for this.

ND- Did you ask?

IB- I don't know the teams, used to be team 1.

ND- Point I am trying to make; you sent an email, could say that's neither here or there. You are telling us you sent an email, and no one came back to you, so you just left it?

IB- Yes, I could have been more persistent.

ND- State of this now?

IB- Email to do DBS? Waiting for DBS. Because of this investigation I am thinking do I, don't I?

ND- You are still an employee, you should have this, it's been going on for a while.

ND- So what about putting work in your calendar? What are your thoughts about this?

IB- Adopted by client finance, it wasn't a client finance thing when I was there first, wasn't something that I was on brokerage. Regarding my day-to-day work, you've got assigned to each individual from framework, it seemed I am going to duplicate what's there in to there. On my initial induction day, when I officially became client finance, it wasn't an induction as this is what we are about, this is our expectations, we do this, we do that, suddenly appeared. If I can go on, timesheets, even though it was withdrawn, linked with I was away on break for 30 minutes, when I said to Sophie you'll have to give me more. She is right, I was away, for 30 mins maybe slightly longer. That's because I was over at Henshaw house collecting the fob which is required to give access to searchlight. You get a security brief.

ND- That's been dropped now thank you. Going back to the calendar issue I asked you about. You say you feel you didn't get a proper induction. I don't get why at that point you didn't update your calendar if everyone else is?

IB- I couldn't do financial assessments so I couldn't put that in my calendar. To say I am doing update client contributions, over and over, again there was no clear instruction.

ND- Without me being pedantic, management asked you to put work into your calendar, granted I understand what you have said, but you didn't follow the instruction?

IB- Yes that's right.

ND- Going back to management instructions conversation, on page 2, this was the mosaic tracker?

IB- No this is the spreadsheet?

IB- Off work August through to September. I was given all this work that had previously been assigned to someone who then went off sick. I had nothing to work on, no notes entered by that individual, so that wasn't mentioned. No, yes.

ND- You closed it off without adding any of your own notes?

IB- The case was something to do with someone who was deceased. And you did ask was there a policy and Sophie replied no not per say but as someone had phoned in, we should have. All this was going on in the background. I didn't know from doomsday what I was permitted to do and what I wasn't permitted to do.

ND- The one where you said the dust was to settle. It wasn't unreasonable for you to make contact before closed off?

IB- In that they were deceased yes.

ND- What comes through and is apparent in a number of cases regarding the carry over. The brokerage work was still being done, even though client finance work being missed. The client finance work was at detriment, because you were doing the brokerage work?

IB- In broader context, throughout all my years, I built up a rapport with clients and having directed emails, those emails were not getting picked up and actioned. Over 1000 not been addressed at this current day. Providers were bypassing and coming to me because they knew I was helpful. I saw that as an asset to the service. I was able to fend off possible litigations. Granted it wasn't my remit, but I was supporting the service. Whether in brokerage or not.

ND- Bottom out- one being that it goes back to the reasonable instructions. In turn it means that your other work is sitting in the list, and some are jumping up the queue. Someone's query from brokerage actioned the same day and some circumventing the process. Client finance at detriment



because they are on hold and not being done. Goes back to the reputational impact because the process not followed.

IB- Working in Karen's team, again picked up about client contributions, don't know where the piece of work came from. Karen said this is your forte, can you look at this and put it right. I then applied the increases where applicable to contributions and reported back to Karen these are all done. Whether then there was insight, oh do we know client finance have written out? I says its not a problem, I will undo the full cost paying clients won't be affected and she said ah, and I said Karen I'll reverse it.

ND- Do you understand that because you have addressed the brokerage work, the client finance work is at detriment? By prioritising the brokerage, the client finance work suffers.

IB- That's two different issues. Two different things. Working in Karen's team, Angela came round, her department are full of staff sicknesses, as always, I am happy to help, and she said we have actually asked for you to help but it was blocked. Well, I said, its fine but my offer is there, I can fit around any task. Last month ended up because of a massive log of unpurchased residential contracts which has a damaging impact on the council, anyway, I out of 186 pieces of work, on a Thursday, Friday and I worked on a Saturday I managed to do 166 of those. Which resulted in all this money that was owed getting paid. Its not jumping the queue its staffing issues.

ND- Not relevant and happened after investigation. For clarity, you were doing two things. One doing work that you weren't asked to do, and two you were addressing queries which were coming direct to you, which was circumventing the queue.

ND- Page 4 of the investigation report, stress risk assessment and occupational health referral. You've identified what occupational health report identified; you said the closer you got to work the more anxious you felt. Why would you then pass over the stress risk assessment?

IB- There have been numerous people that have had stress risk assessments and the changes last for a very short period of time. And was that out waying everything, that then was a decision I took consciously. I didn't feel it wouldn't change anything. I was somewhere where I didn't want to be. I haven't had a good enough answer as to why.

ND- Don't want to distract, did you submit a grievance on the back of this?

IB- I decided the grievance can be submitted at any time and initially I thought okay, I don't want to actually be there, and I have made it crystal clear to Kirsty, Lisa and Sophie, didn't do my mental health any good. I hadn't got the stomach to go through the process because I felt again it would be discussed but with no satisfactory outcome.

ND- You felt you didn't do it because you had seen other examples of other's stress risk assessments. Do you think that's reasonable as to why you wouldn't want your own stress to be managed?

IB- I was ex-military, one of the roles was critical incident stress debriefing. I've done all the course and decided I needed to look after my own wellbeing. I self-managed my stress risk levels.

ND- Can you see it puts the employer in a difficult position? I have looked at the military stress policy a while ago and it's not much different from ours. Do you think this was an opportunity missed? The potential grievance for the move and the role. Lost opportunity potentially?

IB- That's your perception. I decided I didn't want to go down a grievance process. The stress risk assessment- I was using the skills I had already learnt. Occupational health also recommended mediation between me and Sophie.

KP- Not there in the report? Is it missing?

IB- Maybe it was verbal.

KP- Normally they would put this in the report?

IB- Well I remember having this conversation.

KP- But you had a copy of the report, and did you check it?

ND- Occupational health letter you'd have a copy.

KP- When it wasn't picked up, did you ask for it? Did you follow up?

IB- No.

ND- Page 5, 3 and 3.1, 4-week monitoring period, no longer under review, do you remember?

IB- Nothing specific, I do remember I was put on a 4-week monitoring period. I don't feel I changed anything, but it may have been perceived differently by Sophie. How I have presented myself today is what I have been like since I first joined the council.

ND- It was perceived that there was an improvement and it ended and then your behaviour spiralled?

IB- If that ended in July,

ND- Don't quote me on the date.

IB- I broke my leg, combination of stress, I was off 7 or 8 weeks. Then I was told prior to breaking my leg I was told of this disciplinary process. May have led me to break my leg. To me there's void. How can you report on what someone's like. I then got moved out to Karen's team its rewarding and enjoyable and where possible, when I was given the clearer instruction, I couldn't go to client finance. Management miscommunication, Karen has even said email client finance. Again, I have asked Karen can I email to the recharge's inbox.

ND- My question was do you remember the period and you don't feel your behaviour has changed. From a manager perspective it was noticed your behaviour changed after the 4 weeks.

IB- That is their perception and even in the 4-week period I have remained the same person throughout.

ND- Do you feel how you are perceived in general terms is how you are?

IB- People's perceptions do not reflect who I am or what I am.

ND- Some examples?

IB- You need to understand, and it's a possible, a race thing. Northern Ireland, natural dialect, maintained throughout military and the through the council. Most accept that's who he is and that's the way he talks. Others think I am undermining them.

ND- Even though you've been told its not appropriate you've not changed?

IB- But why does the person have to change their identity?

ND- Just because that's your identity, doesn't mean it should negatively impact others. Just because you have personal views and behaviours, once you realise it is having a negative impact.

IB- Three P's, military training. Maybe I should actually step back, check and deliver in a manner which may not be deemed undermining.

ND- Maybe in the monitoring period you did that?

IB- That's interpretation.

ND- Statement, you say, 'if I would have known I had upset people, I would apologise'. The point I would argue, you were told you were outspoken, and you did modify behaviour and you digressed. You said if you would have known, you would change that. You asked why have management not approached me? I think the point is there that they have been addressed and they have approached this.

KP- 5.14, page 16. Wanted to clarify, character reference from NHS, who is she?

IB- The lady in question is Sharon, my CCG counterpart. She and I work closely to resolve any discrepancies or variations due to late information or invoices. So, I go I'll raise you a credit and I'll email you the invoice so enables Sharon to sign off. Sharon Bennett, appendix 10.

KP- So that relates to this work with the CCG?

IB- Yes, and on that particular spreadsheet I said to Sophie, me offering advice and I was the one that suggested compile lists of community and residential and then I said when all our data has been input then I will extract information and before we sign off on it, it should got back to CCG for them to verify what's on their systems. Let's do it, do it right, makes for year end reconciliation. On the forecast there was one box that had been missed. Someone could have clicked done that. In relation to any financial detriment, there wasn't. Recharge on the system, finance that run reports, why aren't they paying them.

ND- Contention was there that you should have done the invoices?

IB- No the invoices were already run. For me to be able to compile the spreadsheets, I ran the charges off mosaic and then input that on a spreadsheet. It was for the assumed forecasting for the year or finance probably for budget purchases. Forecast and annual CCG income to 4 million pounds. Because of what I had did, I was coming up with figures for this financial year for 6.7million.

ND- Clarify, invoices weren't being generated for small amounts?

IB- Not CCG.

ND- Were those generated or not? Irrespective? (In reference to the small charges not being raised).

IB- If someone had a very small contribution it costs more to raise an invoice, so even though the invoice may get raised, credit control pulls those invoices.

ND- That I get but,

IB- Maybe there has been a change in direction.

ND- So Sophie said they should have been raised for the small amounts and you are saying you didn't know?

IB- Until she made it known that the charge had to be set up. Why are we doing this when it goes there to credit control anyway.

ND- It goes back to the last point, you were given an instruction, that point stands then.

IB- When it was made known, I did apply. Prior to, they said I should have.

### **Move on to reviewing statement made by IB**

KP- Under question 3, that's where Margaret has asked you about your approach with managers, you've said that you do respect management. It is quite a direct question, but when there are lots of examples where you don't do what your asked to do, it comes across that if you don't like something you don't do it? I want to understand, if you respect them, why are you not doing it?

IB- Old school, modern technology I am not the greatest. I interpret things, had some of it formally been said to me on induction to the team, the ground rules would have been set yeh. Whether I would have liked them or not liked them. But if you got that from an induction.

ND- The point we are trying to make is that when you were told, you still weren't doing it.

IB- And I sort of said it here, only thing I was doing was update client contributions and the tracker. Why did it need to go into the calendar.

ND- The point we are making is that it is a reasonable instruction, and you were choosing not to follow it.

KP- For my clarity, do you acknowledge that you have been spoken to? That there are several documents? You have been told?

IB- I was referring to the individuals. Kelsey- actually never said can we have a quiet word. I don't know where Sophie feels, she never raised it, under supervision. If you don't know, you don't know.

ND- Does it need to be individuals or behaviour trends?

IB- It comes to perception, I am not ignoring, I hear, but my character is me. And some accept and some managers accept, some managers find me extremely helpful and it's about getting a broader balance.

KP- On the brokerage stuff, you had a transition period until April. You had a specific piece of work.

IB- There was multiple because they haven't got the skillset. I still offer and I still do help them.

ND- I take what you're saying, but from April onwards is it accurate you had one piece of work from brokerage?

IB- I don't think anyone be it brokerage manager or client finance or even Lisa has produced any evidence of what specific tasks I was doing for brokerage. Whilst they were relating it to C19. I can't comment without evidence.

ND- The point we are trying to make. Your client finance affairs work was suffering, and you've said in your own statement that you were doing work for brokerage. What was it you were doing?

IB- I didn't have access to the primary functions of client finance.

ND- When you were asked to do stuff, you said you'd get to it. It clearly was suffering; it wasn't happening as quickly.

IB- Okay.

KP- Direct, but would you say you were choosing to do brokerage work because you prefer it?

IB- I wasn't choosing to do it, I was helping. You are absolutely correct. I had no desire to go back to team I got moved back out of and then another restructure moved back into it. I don't know the

rational, then you suddenly find you are going back into it. I tried to get answers from Kirsty. I'd like someone to say what it was that you were the ideal person. Do we say you're going there Ian, because how do you feel, sorry I don't want to. The answer I got from Kirsty when I asked and on something Lisa said, meeting? There wasn't a union rep, it was informal, when I asked why me? I was given the answer, there is a realisation that brokerage and client finance need to work together. I said I agree but yes, my question still remains why is it me?

ND- We are detracting but the question was did you prefer that area over client finance affairs?

IB- Did I prefer? The work and because of the variety and because it was much more challenging and enabled me to use a wider range of personal skills, so yes. Did I enjoy the brokerage team, yes. Did I enjoy it over client finance, yes. Because the challenges were there, and I was able to rise to those challenges for the benefit of the service.

ND- For completeness I would like to go over your statement because that's your explanation of what has gone on. Do you want us to talk us through it? Talk through and present?

IB- So yes, basically it outlines stress, ACAS's opinions, not opinions, data reports, one of the big things stress does do is damage working relationships. I haven't had a satisfactory answer as to why it was me who got moved. I don't think any of the seniors in the brokerage in regards to the restructure.

Reading from statement.

Sharing skills- there has been nothing put in place for the skills to be passed. Its not as easy as Sophie paints a picture.

Despite knowing there was a transition period, why did I not have access to searchlight.

ND- Nationally recognised questionnaire? OC said they were fit for work?

KP- They do say they were fit to work, but they do still discuss the symptoms.

ND- Everything we are hearing is all based on today. Anything else that was going to be brought would not be added today.

IB- Yes.

IB- None of the brokerage team interviewed.

MWV- Brokerage team not interviewed. The were in the link centre.

IB- The link centre is a council leased building and to ensure fairness, could they not have been asked to come?

ND- Two things, you wouldn't ordinarily enquire, and this is about the facts presented.

MWV- Because they are not sat directly in your office space they've not been called as witnesses.

IB- Do we know what date the brokerage team moved across?

ND- For what purpose?

IB- I am just doing observations.

MWV- We did interview the brokerage manager.

IB- Accusations regarding women- false representation of my relationships with women. Most of my character statements are from women.

IB- Point 8, some of these raised, no evidence.

MWV- I don't have access to these records to put in the pack. They are not included as previously confirmed.

IB- Recommendations of support.

ND- Given the allegations, how do you feel any of those two recommendations would have stopped the behaviours?

IB- This relates to something in 2020, it may have allowed me to have a different outlook on myself.

KP- When you had the investigation outcome letter, did you ask about what was in letter?

MWV- I did but I couldn't have access to the copies. The person who did that, I don't know them, and I don't think they work here anymore. When we interviewed Kirsty, she mentioned it but without me asking her directly for that, if I was at a stalemate. Whether Kirsty would have the records I wouldn't know. I couldn't have asked Sophie for that.

IB- point 9, confirms grievance is sustained. If its part of this investigation, why does it say that?

MWV- I apologise that this was in there and I shouldn't have stated that.

ND- Kathryn and I have picked this up already. It is for us to find the outcome and not the author of the report and I will feed that back. Fair point and we acknowledge that.

KP- Going back to the stuff about sending work to Kelsey and not inbox, can you explain?

IB- Before, and as you heard Lisa say, there wasn't a clear instruction. The previous outgoing director talked about taking ownership for pieces of work. I directed things to Kelsey because she did the assessments. It was you did the assessment; I am asking you to please relook at it. Not meant to undermine. When I got a clearer instruction, again there seems to be a little of crossover because Karen was saying email client finance and so I have. On instruction of my now line manager. Maybe if the whole thing would have been sent through Karen, seems pretty long winded when I can just email direct but then if I wasn't allowed to do that it stops me from doing the job I am allowed. They operate two sub boxes – client finance and recharges, I understand they are overwhelmed and understaffed. And what I was trying to advise them of last year and it wasn't to undermine, they needed to prioritise what client base they uplifted first, i.e. someone on zero, likelihood is, ones that we are bringing a source of income back for authority and also your residential. I found out and pointed out that the FABU, something I don't think has been addressed. Financial assessment benefit uplift. Standard changes we go to mosaic, we say we need to increase enhanced rate.

ND- I don't want to stop you but you have explained why you are sending stuff to Kelsey which was the original question. Unless you feel it is relevant?

IB- I am trying to give overview where there are remarks of when I have been critical of Kelsey. It was advice what we found from previous years. But then it was Kelsey's interpretation I was undermining her and it was advice.

KP- You mentioned how could you undertake a stress risk assessment with a manager who is causing you stress. Did you ask for a different manager?

IB- I didn't ask, nor was there any offer.

ND- If they didn't know the manager was responsible, they wouldn't know to offer another person. Is this a moot point?

KP to MWV- speaking to Karen Madders. Did you speak to Karen?

MWV- Karen is my line manager, he is still on paper under client finance. What happened then I have worked from home. I have not been in direct conflict. I had a catchup with Karen myself. All along I have been concerned for Ian's welfare. When I have given Ian a letter or update, I have asked Karen to keep an eye. I know what work Ian has been working on as a general catchup. I have never felt like I need to speak to Karen. All witness statements have been taken prior.

IB- When I got the letter to say investigating officer, I actually spoke to Karen and said look something is going on, Margaret is the investigating officer and I don't want there to be any, I want her to be professional and I don't want her to feel uncomfortable and I was mindful of that. I do actually consider the bigger picture as demonstrated by actions towards Kelsey.

**Adjournment 17:11pm**

**Reconvened 17:20pm**

## **Summing Up**

ND- If I can ask you both to sum up. Ian this is your final opportunity to say anything else you would like to say.

IB- I don't wish to add anything further.

MWV- Not a long summary, I was asked to do the investigation I believe because I have only worked for the council for 1 year and I have never worked with Ian. Senior management felt I could be fair. I have presented the case and witness statements as I felt should be included. I have tried to make the report and pack fair to Ian and to the service whilst also acknowledging the two grievances. I have tried to make it very fair. I know a lot of people have been affected and it has taken time to get here, timeline is included. I apologise it has taken this long but there are reasons for this. I feel everything I have included should be presented. I am handing it over you to make that final decision.

ND- Thank you all for today.

KP- Unusually long hearing, Nasa off on Monday. I know it is stressful and you want an outcome. If the 5 days working slips, I would like to commit to an outcome before next Friday is that okay?

IB- You've explained, I take all that on board, in relation to me working, I don't think it will be uncomfortable. I will suggest to Karen I can work from home in an effort to minimise.

ND- It's all been very professional; I would trust you to have this conversation with Karen and we trust her to make that decision.

KP- On the expectation of management, they won't be expecting an outcome? I am assuming Ian will continue in his current team.

MWV- I did speak to Charlotte but I did say it would be at least 5 working date. The fact she hasn't said another plan its just business as usual. Anything going forward comes from you?

ND- Yes.

MWV- Do I get told of the outcome?

KP- We will tell Ian and we will tell you.

MWV- Management in the service? How is that?

KP- Your role is done, and your job is done, we will manage this going forward.

KP- If anything further is sought, you will all be told, and documentation will be shared with everyone.

**Meeting end 17:25pm**