

## Investigation Report Template

### Report on the Disciplinary Investigation regarding Ian Barkley

**Job Title:** Client Finance Officer

**Start date with OMBC:** 23 August 2015

**Report produced by:** Margaret Warburton-Vaughan

I (Margaret Warburton-Vaughan) have been appointed as the Investigating Officer in relation to;

#### **1. Nature of the allegation(s)**

- Demonstrating unacceptable attitudes towards other staff on the team and within management.
- Not following management instructions in a timely manner.
- Bullying and harassment against two members of staff that has resulted from two grievances being submitted one from Kelsey Barnes and the other Sophie Harland.

The above allegations are being presented as Gross Misconduct.

#### **1.1 There are many examples that demonstrate unacceptable attitudes towards other staff on the team and with management:**

- a) Not meeting the required standard of service that is expected of a council employee by the persistence of verbal and non-verbal behaviour which could be intimidating and offensive to others.
- Speaking disrespectfully about other members of staff
  - Being rude and insolent towards the Client Finance Manager
  - Challenging colleagues in an overpowering manner regarding working practices and interfering with their work
  - Behaving in a way that undermines trust and confidence and that is contrary to the council's expected values and behaviours.
  - During team meetings being rude and obstructive to the Client Finance Manager and uncooperative with the team
  - Ignoring management when they have identified on multiple occasions that improvement is required regarding overall conduct and behaviour.

#### **1.2 There are numerous incidences that have led to the allegation of not following management instructions in a timely manner:**

- a) Noncompliance of registering for the DBS update service as stated in the 'Handling Oldham Council Information' policy.

- b) Noncompliance of keeping own outlook calendar updated to reflect work that has been or is being undertaken, as instructed by department manager.
- c) Noncompliance of mandatory online training for various training needs. In particular, mandatory Cyber security training.
- d) Noncompliance of requested tasks. In particular, not raising a credit note as requested on the 16 June 2022 by the department manager.
- e) Nonattendance of department meetings. In particular, a meeting scheduled on the 14 June 2022 with the department manager.
- f) Not providing requested information in a timely manner. In particular, the completed CCG debtors' spreadsheet as requested on the 16 June 2022 by the department manager.
- g) Closing cases on the department tracker without any actions taking place or notes being updated on Mosaic. In particular, a case allocated on the 26 September 2022.
- h) Wrongly undertaking duties that are the responsibility of the Brokerage Team and not the responsibility of the Client Finance Team, despite work tasks and priorities being discussed and agreed on a regular basis.

**1.3 There are several incidences regarding the allegation of bullying and harassment against two members of staff that has resulted from two grievances being submitted one from Kelsey Barnes and the other Sophie Harland.**

- a) That Ian is disrespectful, bullying, disruptive, manipulating and displays controlling behaviour towards Sophie Harland (Client Finance Team Manager).
- b) That Ian is targeting Kelsey Barnes (Client Finance Officer) by allocating work directly to Kelsey instead of doing it himself or sending it to the team to be distributed fairly. There are multiple occasions when Kelsey believes Ian has made her look stupid on purpose or has belittled Kelsey in front of other people in the team/office.

**2. Background information**

2.1 Ian Barkley has been employed by Oldham Council since 23 August 2015 in varying roles within the Brokerage team and the Client Finance team. Prior to this date and up to 2015 Ian worked for the service as an agency worker.

2.2 Job Title – Client Finance Officer **Appendix 1 – Job Description**

Key elements of the role are to:

- To provide an effective and accurate income service for adult social care provision in accordance with agreed performance targets.
- To complete financial assessments to calculate service user contributions towards social care services.
- Be responsible for complex cases including deferred payments and issues of deprivation.
- To support the Directorate to maximise its income from social care and other related charges and offer support and advice on client finance matters.

2.3 Ian Barkley is a permanent employee working 36.66 hours per week and is positioned with his team in a large open plan office, 'The Client Finance Team' are situated directly next to 'The Court of Protection Team' with several operational and support service departments from across Adult Social Care (Level 4, Civic Centre).

2.4 Ian directly reports to Sophie Harland, Client Finance Manager

2.5 Prior to this investigation there have been several formal discussions or disciplinary actions:

- a) 01 Feb 2020 - Disciplinary investigation regarding allegations around Ian's unacceptable behaviour in the office and non-compliance with instructions, policies and procedures resulting in a management instruction (**Appendix 2 - Management Instruction 2020, Outcome Letter 17/03/2020**).
- b) 08 March 2022 – Discussion held between Lisa Entwistle (Head of Prevention & Client Services) and Ian regarding Ian's unacceptable approach when speaking to colleagues and managers and that a Letter of Concern would be issued if this unacceptable behaviour continues (**Appendix 3 - Email 08/03/2022 – Subject: Discussion Today**).
- c) 27 May 2022 – As the unacceptable behaviour continued a further discussion regarding expected behaviour was held between Ian and Sophie Harland (Client Finance Manager).
- d) 09 June 2022 - A letter of concern was issued (**Appendix 4 - Letter 09/06/2022 – Subject: Letter of Concern**).
- e) 17 June 2022 - Ian was placed on a 4-week monitoring period, because of continued unacceptable behaviour despite being formally spoken to and a letter of concern being issued. Sophie Harland explained to Ian that she will be continuing to monitor Ian's behaviour over the next 4-week period and his behaviour will also be reviewed

and discussed in his supervision sessions (**Appendix 5 - Email 17/06/2022 – Subject: LOC Monitoring**).

- f) 26 July 2022 - Ian was informed in his supervision that his behaviour is now not being closely monitored. Sophie acknowledged that Ian had demonstrated being very helpful to colleagues both within the team and reminded him of what type of behaviour is acceptable going forward (**Appendix 6 - Supervision Record 26/07/2022**).
- 2.6 08 August 2022 - Ian was informed verbally by David Garner (Head of Business Strategy and Performance) that there will be a disciplinary investigation into allegations that:
- Ian had demonstrated unacceptable attitudes towards other staff on the team and within management
  - Ian had not followed management instructions in a timely manner
  - Ian had taken lengthy breaks from work and not reflected these breaks accurately on your timesheets
- 2.7 09 August 2022 - It was confirmed in writing by Margaret Warburton-Vaughan (Investigating Officer) to Ian that a disciplinary investigation had started (**Appendix 7 - Letter 09/08/2022 – Subject: Confirmation of Disciplinary Investigation**).
- 2.8 09 August 2022 until the 18 September 2022 - Ian was absent from his duties due to work related stress and with a broken leg.
- On his return-to-work Ian requested that a Stress Risk Assessment be undertaken, Ian was sent the stress risk assessment checklist, however this was not returned. An Occupational Health Referral was submitted, and a report was received 29 September 2022, citing that Ian had stated he has symptoms of low mood, anxiety, palpitations, sleeping problems, and irritability. Ian was advised to contact the EAP service for support- PAM Assist 0800 8824102. (**Appendix 8 - Occupational Health Report 19/09/2022**).

During the period of time (09/08/2022 – 02/11/2022) witness statements were being undertaken along with Annual Leave.

- 2.9 03 November 2022 - A meeting was held between Ian and Sophie resulting in a collapse in the relationship.
- 2.10 06 November 2022 - Sophie Harland (Client Finance Manager) submitted a Grievance against Ian (**Appendix 9 - Grievance 06/11/2022 Sophie Harland**). This was agreed with Sophie to be dealt with as part of this investigation.

- 2.11 08 November 2022 - 3 months into the disciplinary investigation the decision was made between HR and Lisa Entwistle (Head of Prevention & Client Services) to move Ian away from the Client Finance Team and into the Business Strategy Team to be temporarily managed by Karen Maders (**Appendix 10 - Email 07/11/2022 – Subject: Notes from Today’s Meeting (7/11/22)**).
- 2.12 17 November 2022 - Kelsey Barnes (Client Finance Officer) submitted a Grievance against Ian (**Appendix 11 - Grievance 17/11/2022 Kelsey Barnes**). This was agreed with Kelsey to be dealt with as part of this investigation.
- 2.13 01 February 2023 - Ian was invited to attend an investigatory interview and was informed that the allegation of ‘taking lengthy breaks from work and not reflecting these breaks accurately on his timesheet’s will not be progressed as there was insufficient evidence to proceed with the allegation.

### **3. Origin of the allegation(s)**

- 3.1 The allegations were raised following the Letter of Concern issued 09 June 2022 and the subsequent 4-week monitoring period, however continued behavioural and procedural concerns were still evident resulting in management bringing these concerns to be further investigated under the Disciplinary Procedure.

### **4. The Investigation**

#### **4.1 16 August 2022**

Sophie Harland, Team Manager was interviewed to gain background information of concerns brought to management attention at this meeting Sophie brought to our attention a timeline of events that she feels are relevant to Ian’s behaviour (**Appendix 12a - Witness Statement & Appendix 12b Timeline**)

#### **21 September 2022 - 7 witness interviews took place.**

Kelsey Barnes, Client Finance Officer (**Appendix 13 - Witness Statement**)

Lynsey Marsh – Court of Protection Case Officer (**Appendix 14 - Witness Statement**)

Keith Miah, Client Finance Officer (**Appendix 15 - Witness Statement**)

Ben Simmons, Client Finance/Court of protection case officer (**Appendix 16 - Witness Statement**)

Rachel Skinner, Assistant Case Worker (**Appendix 17 - Witness Statement**)

Michelle Thornhill, Court of Protection Case Officer (**Appendix 18 - Witness Statement**)

Claire Andrew, Court of Protection Case Officer (**Appendix 19 - Witness Statement**)

**23 September 2022 – 2 further witness interviews took place**

Gill Lill, Court of Protection Case Officer (**Appendix 20 - Witness Statement**)

Wendy Whitehead, Assistant Case Worker (**Appendix 21 - Witness Statement**)

**26 September 2022 – 12 October 2022**

Margaret Warburton-Vaughan, Annual Leave

**25 October 2022**

Sophie Harland was re-interviewed for further clarification regarding the allegations (**Appendix 12 - Witness Statement**) (Notes from this interview are incorporated with notes from the interview 16/10/2022)

**4 November 2022 – 3 further witness interviews took place**

Kim Simister, Court of Protection Team Leader (**Appendix 22- Witness Statement**)

Liz Taylor, Senior Accountant (**Appendix 23 - Witness Statement**)

Kirsty Littlewood, Assistant Director of Community Business Service (**Appendix 24 - Witness Statement**)

**9 November 2022**

Angela Barnes, Carers and Brokerage manager (**Appendix 25 - Witness Statement**)

**14 November 2022**

Lisa Entwistle, Head of Prevention & Client Services (**Appendix 26 - Witness Statement**)

**18 November 2022**

Sophie Harland was again interviewed specifically around her grievance concerns towards her that linked to the allegation of bullying and harassment (**Appendix 27 - Witness Statement**)

**24 November 2022**

Kelsey Barnes was re-interviewed specifically around her grievance concerns towards her that linked to the allegation of bullying and harassment (Notes from this interview are incorporated into (**Appendix 28 - Witness Statement**))

**05 December 2022 – 28 December 2022**

Margaret Warburton-Vaughan, Sickness Absence

**28 December 2022 – 12 January 2023**

Julie Kippax, Annual Leave

**29 December 2022 – 27 January 2023**

Margaret Warburton-Vaughan, Phased Return to work with reduced Service Hours

### **10 February 2023**

Ian Barkley was interviewed (**Appendix 29 - Witness Statement**)

- 4.2 I have included a version of the managerial reporting structure of all individuals interviewed as part of this investigation (Jayne Ratcliffe was not interviewed but has been included on the chart) (**Appendix 30 - Managerial Reporting Structure**).
- 4.3 9 colleagues and 6 managers (that have direct contact with Ian) were interviewed, including Sophie Harland (Client Finance Manager) and Kelsey Barnes (Client Finance Officer) whom both have each submitted a grievance against Ian during the investigative timeframe. Therefore, comments from Sophie and Kelsey have been reserved for section 4.9.
- 4.4 Of 8 colleagues interviewed each identified that in various situations and as a team member, Ian's behaviour and general attitude when talking to and towards colleagues is perceived as inappropriate in their views.

### **Comments regarding - Ian's general behaviour**

- Ian respects anyone who is on his wavelength but if not then he is disruptive (Ben Simmons – Appendix 16, Question 6).
- Ian appears to be pernickety (Claire Andrew – Appendix 19, Question 2).
- Ian's behaviour can be unnecessary, in your face (Claire Andrew – Appendix 19, Question 4).
- Ian can be pedantic, it's his character (Claire Andrew – Appendix 19, Question 5).
- Sometimes it can be overbearing from Ian with things he is saying (Claire Andrew – Appendix 19, Question 7).
- His general demeanour is unnecessary and appears to be more towards females (Gill Lill – Appendix 20, Question 3).
- Unnecessary is the way he is in the office with people (Gill Lill – Appendix 20, Question 2).
- Ian's manner can be abrupt (Lynsey Marsh – Appendix 14, Question 3).
- It could be seen by others as his manner is disrespectful (Lynsey Marsh – Appendix 14, Question 3).
- He comes across as a bit obnoxious and can be abrupt (Wendy Whitehead – Appendix 21, Question 2).
- The whole floor can hear him (Wendy Whitehead - Appendix 21, Question 7).

### **Comments regarding - Ian's behaviour at team meetings**

- Sometimes when we are having team meetings, he can be

disruptive, he does not need to be disruptive rather he should be constructive (Ben Simmons – Appendix 16, Question 2).

- He can be obstructive if you ask a question, he says “I have my way”, he does not participate and he is not on board with new working practices it’s just obstructive and disrespectful (Wendy Whitehead - Appendix 21, Question 3).
- Ian says “I work different than anyone else” when we were asked our opinions on better ways of working and moving forward with working practice, he made the meeting difficult (Wendy Whitehead - Appendix 21, Question 5).

### **Comments regarding – Ian working as a team**

- I think he likes to do things his way (Ben Simmons – Appendix 16, Question 4).
- Ian has been off work and the team productivity has been up (Ben Simmons – Appendix 16, Question 7).
- Team morale is brought down (Gill Lill – Appendix 20, Question 5).
- People could take offence to his straight-talking approach (Michelle Thornhill – Appendix 18, Question 3).
- Ian can clash with others (Rachel Skinner – Appendix 17, Question 4).

### **Comments regarding - Ian’s mindset and opinions about working procedures and practices**

- Ian has opinions, says he will go with the flow and then Ian pushes back (Ben Simmons – Appendix 16, Question 5).
- It is always about ways that we work, Ian often states if it’s not broke don’t fix it, but there are procedural ways to work. When someone else tries to do work that Ian knows, there is always push back, unnecessary push back (Ben Simmons – Appendix 16, Question 3).
- Ian says no to most ways of working but he should think about it instead, as there are reasons and needs behind our ways of working (Ben Simmons – Appendix 16, Question 4).

### **Comments regarding – Ian’s observed attitude towards management**

- There is disruption a little bit towards Sophie his manager (Ben Simmons – Appendix 16, Question 2).
- Sophie stays calm but Ian does things his way (Ben Simmons – Appendix 16, Question 4).
- You can hear references to management it can be derogatory (Claire Andrew – Appendix 19, Question 4).
- There can be some tense issues, mannerisms with management so you can see there is tension (Keith Miah –

Appendix 15, Question 3).

- 4.4 From the 9 colleagues interviewed, 4 colleagues observed that Ian can be helpful and is knowledgeable at times.

**Comments regarding – Ian’s helpfulness and knowledge**

- Ian is very helpful although there is tension with management (Keith Miah – Appendix 15, Question 4).
- Ian has opinions it’s reasonable to share that (Keith Miah – Appendix 15, Question 4).
- Ian is helpful (Lynsey Marsh – Appendix 14, Question 3).
- In other ways he can be helpful and has a lot of knowledge (Wendy Whitehead - Appendix 21, Question 6).
- We all appear okay as a team, and we all do generally get on. Although sometimes it can be overbearing from Ian with things he is saying (Claire Andrew – Appendix 19, Question 6).
- If you ask Ian to explain he would be there but in equal measures he has a lot of unnecessary questions (Claire Andrew – Appendix 19, Question 5).

- 4.5 Of the 9 colleagues interviewed 2 colleagues noted that Ian has always behaved in the same way.

**Comments regarding – Ian’s historic behaviour**

- Ian has not changed (Lynsey Marsh – Appendix 14, Question 3).
- I have worked with Ian many years and he is good at his job (Michelle Thornhill – Appendix 18, Question 3).

- 4.6 Of 5 managers interviewed, in general it was felt that Ian’s behaviour fell below the standard that is expected from a council employee.

**Comments regarding - Ian’s general behaviour**

- Ian can be quite bombastic; Ian can be loud; Ian can be outspoken (Angela Barnes – Appendix 25, Question 3).
- I have had to raise about Ian swearing in the office, he has apologised but then soon after the swearing has occurred again. It is so frustrating from one day to the next (Angela Barnes – Appendix 25, Question 3).
- Ian’s manner and his loudness can be intimidating (Angela Barnes – Appendix 25, Question 7).
- I had to regularly remind Ian about Council values and behaviours, with his interactions on the phone with people ringing the department with queries about charges and with colleagues (Kirsty Littlewood – Appendix 24, Question 3).
- Ian is disruptive as a person (Lisa Entwistle – Appendix 26, Question 6).

- No staff member should come into work and feel intimidated or bullied by Ian, I fear staff will leave the Council (Lisa Entwistle – Appendix 26, Question 13).
- Ian is not the easiest person to work with, he can come across as aggressive at times, I found him to be rude and dismissive (Liz Taylor – Appendix 23, Question 3).

### **Comments regarding - Ian's behaviour at team meetings**

- When we were in a small room, he was very loud, dominated the room and could be very outspoken about his views and opinions (Angela Barnes – Appendix 25, Question 3).
- When Ian has come out of meetings, he can make comments like 'that was a waste of time' (Angela Barnes – Appendix 25, Question 7).

### **Comments regarding – Ian working as a team**

- I feel Ian targets women in the teams, and it amounts to bullying (Kirsty Littlewood – Appendix 24, Question 6).
- Ian can be intimidating, patronising and disrespectful to people (Angela Barnes – Appendix 25, Question 3).
- The team do not know where they are up to any one day, he can be excellent in training one day then next day he will challenge staff in the middle of the office (Angela Barnes – Appendix 25, Question 4).
- Ian can come across very intimidating (Kim Simister – Appendix 22, Question 3).
- Sometimes Ian can be flippant, he is awkward, and I feel he goes out of his way to be awkward then sometimes he can be helpful (Kim Simister – Appendix 22, Question 4).
- I have witnessed Ian speaking disrespectfully, to colleagues, rolling his eyes (Lisa Entwistle – Appendix 26, Question 6).
- I would be concerned about the wellbeing of the team whilst Ian is around (Lisa Entwistle – Appendix 26, Question 11).
- I feel Ian being in this team is not helping anyone, the disruption is too much (Lisa Entwistle – Appendix 26, Question 11).
- Ian's behaviour makes me feel uncomfortable (Liz Taylor – Appendix 23, Question 5).

### **Comments regarding - Ian's mindset and opinions about working procedures and practices**

- Ian should not be dealing with queries that relate to the Brokerage team (Angela Barnes – Appendix 25, Question 2).
- Some work has been incomplete because Ian tries to do everything and does not always follow process (Angela Barnes – Appendix 25, Question 3).

- Ian tries to get involved in work where he should not be (Kim Simister – Appendix 22, Question 3).
- I feel Ian is a power person and he knows better, and thinks his way works and he does not need to follow processes (Angela Barnes – Appendix 25, Question 6).
- Ian does what he wants, when he wants, at his pace and in his own time (Kirsty Littlewood – Appendix 24, Question 7).
- I find him difficult to work with and I sometimes struggle to get a straight answer from Ian to any questions asked (Liz Taylor – Appendix 23, Question 4).
- If things don't go his way, his priority, he will be disruptive or not complete work (Lisa Entwistle – Appendix 26, Question 7).

#### **Comments regarding – Ian's observed attitude towards management**

- I feel that Ian tries to undermine decisions (Kim Simister – Appendix 22, Question 3).
- Sometimes he walks past you without looking at you and another day he can say hello (Kim Simister – Appendix 22, Question 8).
- I have seen Ian have a lack of respect towards Sophie (Lisa Entwistle – Appendix 26, Question 6).
- Sophie has stated she would leave the council if Ian does not change (Lisa Entwistle – Appendix 26, Question 11).
- It is not acceptable to behave in the way Ian does with customers, colleagues, management there is no respect for others (Lisa Entwistle – Appendix 26, Question 12).

4.7 Of the 5 managers interviewed 2 managers noted that at times Ian is knowledgeable and good at his job.

#### **Comments regarding – Ian's job capabilities**

- Ian can be extremely good at his job, but Ian thinks he does things his way then the next day he can be the total opposite (Angela Barnes – Appendix 25, Question 3).
- He is knowledgeable about his job, maybe he does not like that he has been moved from Brokerage (Kim Simister – Appendix 22, Question 3).

4.8 Specific to the Bullying and harassment against two members of staff that has resulted from two grievances being submitted one from Kelsey Barnes and the other Sophie Harland (**Appendix 9 & 11**).

#### **Comments made by Sophie Harland & Kelsey Barnes (Appendix 27 & 28)**

- I have tried to manage Ian as best I can and deal with things without the requirement of HR support, but I cannot physically carry on with working with Ian. He does not listen to me or follow any instructions. (Sophie Harland – Appendix 27, Question 3).
- Ian is making my time not enjoyable, causing me unnecessary stress and obstructing the team from being the best we can be. I am having to manage other staff more proactively as Ian is scaremongering staff (Sophie Harland – Appendix 27, Question 8).
- I would not be able to work with Ian at any point in the future, I would not be able to cope, and I would seriously consider leaving my role as I should not have to come to work and be treated like this (Sophie Harland – Appendix 27, Question 10).
- Ian's issues with me are serious and even now if I bumped into Ian in the office, I feel anxious (Sophie Harland – Appendix 27, Question 10).
- Colleagues have commented that since Ian is not around it is a better atmosphere and staff have commented they feel they can breathe (Sophie Harland – Appendix 27, Question 7).
- Ian knows I am under pressure, and I feel he was adding to my workload, and I feel he knew it would put me under pressure, I felt he was pushing me to see how much I can take, and I felt I was being tested (Kelsey Barnes – Appendix 28, Question 4).
- When I looked for guidance from Ian, he has made it difficult for me and I feel he may have given me misguided or wrong information to make me look like I was doing things wrong, this relates to work on charging client assessments (Kelsey Barnes – Appendix 28, Question 6).
- I get on well with everyone else in the team and others say it is Ian being Ian and others will say why do you let him speak and say things to you in the manner that he does but I don't challenge as I don't want the confrontation but to others it may look like I am backing down and being cowardly (Kelsey Barnes – Appendix 28, Question 8).

#### **4.9 Comments made by Ian in response to the allegations (Appendix 29):**

- I feel that what I say is misconstrued and that means I get frustrated, and it is perceived that I am not being engaging (Ian Barkley - Appendix 29, Question 2).
- During the restructure I did have a 1-2-1 with the Assistant Director at the time and I asked why I was moving to Client finance, and I was told that client finance and brokerage need to work together. I felt I did not have a voice I feel that what I say is misconstrued and that means I get frustrated, and it is perceived that I am not being engaging (Ian Barkley - Appendix 29, Question 2).
- Personally, I do not feel that I come across in a disrespectful way and I don't understand why no mediation is there, so I can understand what I have supposed to have said and how that

individual felt, surely this could help (Ian Barkley - Appendix 29, Question 3).

- My personality is outspoken, I do respect management, but I am opinionated. If any staff member was upset, if I had known, I could have been approachable and apologised if needed (Ian Barkley - Appendix 29, Question 3).
- It is about perception, and I think people don't really know me and what makes my brain tick. I have dedication in supporting clients we all have days when we feel stressed but if people think I am in a changeable mood, why have management not approached me to work and deal with each concern at the time (Ian Barkley - Appendix 29, Question 8).
- If my behaviour was construed in this way this was not my intention, nor did I have a realisation that this is how it was being perceived. I apologise if this is how people felt and would have been open to a discussion, facilitated conversation, mediation, if it had been discussed with me and offered (Ian Barkley - Appendix 29, Question 41).
- The past journey has been frustrating, and I now feel that there is a vendetta against me (Ian Barkley - Appendix 29, Question 6).

## 5. Findings

### Behavioural

- 5.1 From colleagues and management witness statements there is a theme of considered unacceptable behaviour and an underhanded manner that Ian presents, mainly due to Ian undermining decisions made by management, making him difficult to work with. This behaviour falls below the standards that is expected from each employee at the council.
- 5.2 It was identified by Kirsty Littlewood (Assistant Director, Community Business Services) that there have been past concerns that highlight a pattern of unacceptable behaviour, along with an inability to follow management requests or directives that has resulted in formal management instructions being issued and a disciplinary investigation in 2020. These concerns are around Ian's behaviour when speaking to colleagues and managers, including being disrespectful and dismissive to others, Kirsty declared that this has been long standing and goes back as far as 2017, with a letter of concern being issued not dissimilar to the allegations being presented today (**Appendix 31 - Chronology of Events Submitted by Kirsty Littlewood**). A further concern was addressed following a disciplinary investigation in February 2020 resulting in the issue of a management instruction (**Appendix 2 - Management Instruction 2020, Outcome Letter 17/03/2020**) again not dissimilar to the allegations presented today.
- 5.3 From Ian's witness statement it is clear that Ian is frustrated about being put in a team where he feels his strengths are not met. He also

feels that his new team (Client Finance) have not been trained adequately and as he is the most experienced, it is his duty to uphold being 'one council' by passing on knowledge and assisting colleagues. He does this in a manner this upsets colleagues, despite being told by Sophie Harland to address any concerns about colleagues and processes through her and not direct with colleagues (**Appendix 6 - Supervision Record 26/07/2022**).

5.4 Sophie and Ian met regularly for supervisions

- **Appendix 6 - Supervision Record 26/07/2022**
- **Appendix 32 - Supervision Record 20/09/2022**
- **Appendix 33 - Supervision Record 28/06/2022**
- **Appendix 34 - Supervision Record 31/05/2022**
- **Appendix 35 - Supervision Record 19/04/2022**

It is well documented that Ian has had a letter of concern and the reasons for this, it has also been made clear by Sophie Harland in each supervision, what duties are expected from Ian and what is required from Ian to maintain a high level of professionalism in his work by conducting himself in a courteous, respectful, and ethical manner at all times. Ian does not recall these conversations ever happening, even though the supervision meetings are very well documented by Sophie and Ian has had copies of the supervision notes.

5.5 It is also clearly recorded that Ian's behaviour was being monitored and that he was placed on a 4-week review (**Appendix 5 - Email 17/06/2022 – Subject: LOC Monitoring & Appendix 33 - Supervision Record 28/06/2022**). Again, Ian does not recall this arrangement.

5.6 Ian believes that he operates within the council's code of conduct and anyone in opposition to this, is mistaken, as it is the other persons perception and interpretation of his manner and if colleagues have concerns about the way he behaves towards them, they can talk to him about it.

5.7 Witnesses have specified that Ian causes disruption in team meetings with colleagues raising concerns that Ian can be rude and obstructive (**Wendy Whitehead - Appendix 21, Question 3**) and that Ian does not always comply with engaging constructively, spending time arguing against procedures in place rather than letting the meeting move forward (**Ben Simmons – Appendix 16, Question 5**). However, when asked to explain why colleagues may feel this way, Ian declared that rather than forcing ways that he knows would work better he remembers always supporting colleagues by going along with whatever is decided and suggesting other ideas about what he himself can work on instead, to make things easier for the team. Ian feels that he is very approachable and does not understand how he is perceived as not helping, especially as he feels that the team know the way in which he

works and know he gets the job done and that they should recognise that he has a good work ethic.

- 5.8 Ian believes that he always operates in line with the Councils Code of Conduct, as his military background of 22 years saw a much stricter Code of Conduct that never had concerns raised (**Ian Barkley - Appendix 29, Question 19**).
- 5.9 Incidences raised of Ian's behaviour in the office by a colleague were reported to Management in an email dated 29/07/2022 (Appendix 36 - Email 29/07/2022 – Subject: Concerns in Office) this email was written following disruptive behaviour from Ian in a team meeting where staff were made to feel small and dumb.

### **Procedural**

- 5.10 Regarding the noncompliance of registering for the DBS update service, Ian states that the link was broken so he was therefore unable to register for the service. He passed this information back to Sophie Harland and believes it is not his responsibility to chase this up with HR, it is his managers responsibility. This has been discussed at supervisions between Sophie and Ian and it has been made clear by Sophie that the expectation is for Ian to resolve this himself with guidance given by Sophie to Ian, on how to do this (**Appendix 6 - Supervision Record 26/07/2022, Appendix 32 - Supervision Record 20/09/2022, Appendix 33 - Supervision Record 28/06/2022 & Appendix 34 - Supervision Record 31/05/2022**). To date Ian has not registered for this service and is therefore operating outside of the council policy. This behaviour falls below the standards of accountability that is expected from each employee at the council.
- 5.11 Regarding the noncompliance of completing mandatory online training (Cyber Security), Ian states that again the link was broken so he was therefore unable to complete the training. He passed this information back to Sophie Harland and believes it is not his responsibility to chase this up with operational compliance, it is his managers responsibility. This has been discussed at supervisions between Sophie and Ian and it has been made clear by Sophie that the expectation is for Ian to resolve this himself with guidance given by Sophie to Ian, on how to do this (**Appendix 6 - Supervision Record 26/07/2022, Appendix 32 - Supervision Record 20/09/2022, Appendix 33 - Supervision Record 28/06/2022 & Appendix 34 - Supervision Record 31/05/2022**). To date Ian has not completed this training and is therefore operating outside of the council policy. This behaviour falls below the standards of accountability that is expected from each employee at the council.
- 5.12 In regard to the noncompliance of keeping his own outlook calendar updated to reflect work that has been or is being undertaken, as instructed by his line manager. Ian believes that this is a form of micromanagement, so it can be seen what you are doing. Ian refuses

to do this despite colleagues fulfilling this duty and it being a reasonable management request (**Ian Barkley - Appendix 29, Question 23**). This behaviour falls below the standards that is expected from each employee at the council.

- 5.13 Regarding the noncompliance of requested tasks. Ian states that if a work-related request is missed it is because of the work overload. During the transition from the Brokerage Team and the Client Finance Team, Ian said he was fulfilling two roles and feels that this may have led to some things being missed. In particular, the issue of not raising a credit note as requested on the 16 June 2022 by his line manager, was after the move to the client finance team and there is no evidence to show that work overload was raised as a concern by Ian to Sophie and it is clearly documented in supervisions what reasonable work priorities and duties are expected of Ian and the duties that are not (**Appendix 6 - Supervision Record 26/07/2022, Appendix 32 - Supervision Record 20/09/2022, Appendix 33 - Supervision Record 28/06/2022, Appendix 34 - Supervision Record 31/05/2022 & Appendix 35 - Supervision Record 19/04/2022**).
- 5.14 Ian has no recollection relating to the nonattendance of departmental meetings.
- 5.14 Ian feels that not enough time is given to prepare requested information. For example, the completed CCG debtors' spreadsheet. Ian stated that he would rather do something once and do it right with the accurate information. On this occasion, when verbally requesting more time, Ian felt that his voice was heard but not understood by Sophie.
- 5.15 Ian has no recollection of ever closing a case on the tracker without any actions on the case taking place.
- 5.16 Ian navigates more towards working on duties that relate to the brokerage team and does not always complete duties relating to the client finance work. Instead, Ian feels that it is okay to continue supporting the brokerage team as he does not have access to Searchlight, which is what is needed for client finance work, therefore Ian deems he has more time to complete other work. He does this despite Sophie verbally relaying and reaffirming in his supervisions what duties are expected from Ian and what duties are (**Appendix 6 - Supervision Record 26/07/2022, Appendix 32 - Supervision Record 20/09/2022, Appendix 33 - Supervision Record 28/06/2022, Appendix 34 - Supervision Record 31/05/2022 & Appendix 35 - Supervision Record 19/04/2022**). When questioned in his witness interview about this, Ian stated that he feels that he is being helpful, as he knows what he is doing with regards to the workload in brokerage. Ian feels that the brokerage team need support and strongly believes that he should operate as one team and one council like it says on his

lanyard (**Ian Barkley - Appendix 29, Question 37**). Doing this causes frustrations for the manager of the brokerage team (Angela Barnes) and for Sophie, it also causes frustrations for colleagues within each team. Regardless of Ian's intentions, the non-compliance of management instructions, falls below the standards that is expected from each employee at the council.

## Grievances

- 5.17 Sophie feels bullied by the continued disrespectful and dismissive behaviour of Ian, along with the lack of accountability that Ian demonstrates.
- 5.18 Sophie has addressed behavioural and procedural issues on numerous occasions with Ian and he does not engage appropriately to remedy anything that is brought to his attention. For example, denying he is in a 4-week monitoring period although this is well discussed and documented in supervisions.
- 5.19 Ian feels that he is micromanaged by Sophie and feels there is no need for everything he says to be written down unless the working relationship is becoming a personal issue.
- 5.20 Sophie writes things down and documents activities so there is a record of what is occurring in meetings and within the team.
- 5.21 Sophie does not believe Ian will ever change his behaviour and he will always continue to not listen to Sophie or follow any instructions.
- 5.22 Ian does not believe he is ever offensive to Sophie, it is how he has been perceived. Ian considers that if Sophie has felt he was offensive why was mediation not put in place to address such issues.
- 5.23 Sophie does not feel that any level of mediation will resolve the concerning behaviour that Ian is displaying, as she has prior, countless experiences, of Ian not engaging appropriately to remedy anything that is brought to his attention.
- 5.24 Colleagues have noted that there is disruption towards Sophie caused by Ian and Ben Simmons states that although Sophie stays calm, Ian just does things his way and it is always about the procedural ways that we work (**Ben Simmons – Appendix 16, Question 2**). This is corroborated by Keith Miah who stated that he observes tension (**Keith Miah – Appendix 15, Question 3**).
- 5.25 Kelsey feels that Ian is singling her out as he is not sending work to Ben, Wendy or others in the team and Kelsey states that on multiple occasions Ian has belittled her or made her look stupid on purpose in front of other people in the team and office. Kelsey feels that she is

unable to provide support to other colleagues without Ian giving his input and saying that her advice is incorrect.

- 5.26 Ian believes that this is not the case and the grievance submitted by Kelsey is a personal issue being driven by someone else and he feels there is a vendetta. However, when asked to elaborate on this, Ian had no further comment.
- 5.27 Kelsey thinks that Ian does not like that she is 25 years old, younger than Ian and working at the same Grade as Ian.
- 5.28 Ian agrees that he is probably set in his ways, that he is old school, and thinks that the younger workforce does not have experience.
- 5.29 Kelsey feels that every action in the team or piece of advice that Kelsey gives to residents, is being scrutinised by Ian, although Ian is a colleague of the same grade as Kelsey.
- 5.30 Ian comments that in an open plan office you can hear everything, if he has jumped in to help, it is about a better deliverance. Ian states that 'young staff, new roles, need proper training', Ian does not trust that the team have the skill set to do the job, so they need his help, advice and guidance.
- 5.31 Colleagues have noted that Ian's demeanour is unnecessary and is mostly targeted at women (**Kirsty Littlewood - Appendix 24, Question 6 & Gill Lill - Appendix 20, Question 3**) and that the whole floor can hear him (**Wendy Whitehead - Appendix 21, Question 7**). Claire Andrew confirmed that derogatory references towards colleagues can be heard that are unnecessary (**Claire Andrew – Appendix 19, Question 4**) and Clair stated that on one occasion in the last 6 months she can recall that Ian appeared to be pernickety with Kelsey, it was over a plural in an email, and it was unnecessary to be pushing that point (**Claire Andrew – Appendix 19, Question 4**).
- 5.32 Ian believes that anything said against him are the other persons perception. That he speaks confidently, and his voice is loud, and it has never been his intention by what he says to cause any malice or disrespect.

## **6. Conclusion**

- 6.1 Ian does not see his behaviour as inappropriate. He feels that he is acting accordingly to fully support the council, to protect residents and for the good of the service. He understands that his personality is outspoken, and states that he does respect management, but he is opinionated at times.
- 6.2 Ian does not agree with management's assessment of his behaviour. He believes that the way he interacts with colleagues and management

is okay and it is the interpretation and perception about him from colleagues that is inaccurate. He also feels that management do not understand him.

- 6.3 Ian believes that he is the most knowledgeable and experienced in the Client Finance Team regarding the working processes and therefore admits he finds himself jumping into conversations with colleagues to correct when he believes something is wrong, this he feels is due to their lack of experience.
- 6.4 Ian ignores any management instructions regarding what duties are required from Ian and he pursues his own agenda most of the time.
- 6.5 Ian is resistant to change; he feels that he is 'old school' and has always behaved this way so therefore he does not believe that he needs to change.
- 6.6 Ian feels he is approachable and does not believe that his comments or actions could be seen as disrespectful or offensive to his colleagues, as no colleagues have spoken to him about it. Colleagues feel that Ian is rude, dismissive and intimidating.
- 6.7 Ian is frustrated with the re-structure and his positioning within the Client Finance Team, and he does not agree with the decision that he was the only person to be moved, Ian felt that he did not have a voice.
- 6.8 Ian requested a Stress Risk Assessment upon his return to work, however, Ian was sent the stress risk assessment checklist, and this was not returned by Ian. Ian has stated that the Stress Risk Assessment was not actioned by himself due to feeling it would not help alter anything.
- 6.9 Ian is avoiding taking responsibility for tasks that are his own obligation. Specifically mandatory requirements such as registering for the DBS update service or not completing the Cyber Security training. By blaming the council or his manager for his failure to complete mandatory requirements, Ian is not taking ownership of his own work and is instead deflecting responsibility onto others. It is important for individuals to take ownership of their work and to be accountable for their actions in order to be successful in their roles. This behaviour falls below the standards of accountability that is expected from each employee at the council. This also means that Ian is operating outside of council policy.
- 6.10 Ian denies that he was in a 4-week monitoring period and has stated this was not communicated although there is written evidence of this.
- 6.11 Witnesses have indicated that during team meetings Ian can be rude, obstructive and uncooperative with the team, this behaviour undermines the trust and confidence that the team have for Ian.

- 6.12 Ian denies anything that he does not want to believe, like his behaviour being inappropriate, Ian has been repeatedly spoken to and has had communications in writing about this and yet he is still not willing to acknowledge that his behaviour needs to change.
- 6.13 Ian rejects claims that he has ever been spoken to about his behaviour being an issue. Ian states that he does not recall a conversation around his behaviour towards management or team members as being unacceptable, despite evidence that management have repeatedly spoken to Ian and have communicated concerns in writing or with investigations, over a number of years.
- 6.14 Ian ignores anything he does not want to do, he either does not complete the task or instead of adhering to the policies and processes, Ian does things the way he thinks it should be done (as evidenced in this report).
- 6.15 I believe it can be evidenced that Ian's behaviour falls below the expected standard of the Council and that this hugely affects his team and colleagues in the wider service. Witnesses have noted that team morale can be low at times and that this has been lifted since Ian has been moved out of the vicinity.
- 6.16 It is evidenced that Ian ignores management instructions and in doing so, Ian is not using his time and resources effectively leading to reduced productivity, which in turn has a negative impact on the team's performance and overall success.
- 6.17 Ian's history of continual unacceptable behaviour does have a serious impact on the council's potential ability to carry out services, as colleagues have indicated they would leave the council due to Ian's daily behaviour if they have to work with him again in the future.
- 6.18 Although it has been acknowledged that Ian can be helpful occasionally and that he is knowledgeable, Ian's unpredictable behaviour coupled with his failure to admit that at times his conduct can cause upset, along with his ignorance of management, gives concerns about any future working relationships in the Client Finance Team.
- 6.19 Ian has a history of exhibiting unacceptable behaviour and for disregarding management instructions and procedures. Ian has been the subject of a previous disciplinary investigation and at least one prior letter of concern has been issued to him. The situation of the last few months, which has led to a new letter of concern and this disciplinary investigation, shows similar contributing factors as the past incidents. This historic and present behaviour is deemed unacceptable for a council employee and suggests that Ian is not meeting and not willing to achieve the expected standards of conduct and professionalism.

- 6.20 Both Sophie Harland and Kelsey Barnes have experienced what they consider to be bullying and harassment by Ian in the workplace and this serious issue has brought significant negative effects on their mental health and job satisfaction. Evidence in this report, specifically Ian's disregard of management instruction and the continuous challenging of colleagues in an overpowering manner, corroborated by witness statements of the team, demonstrates that the allegations submitted in the grievances are substantiated.
- 6.21 Ian's unacceptable behaviour cannot continue and needs to be effectively addressed, the report and evidence provided shows that Ian has created an improper work environment for his manager and colleagues, which has led to decreased morale.
- 6.22 Regarding the allegations made and the evidence presented within this investigation, I ask the panel to consider a suitable sanction for Gross Misconduct in accordance with the Disciplinary Policy.

## **7. Appendices**

- Appendix 1 Job Description
- Appendix 2 Management Instruction 2020, Outcome Letter 17/03/2020
- Appendix 3 Email 08/03/2022 – Subject: Discussion Today
- Appendix 4 Letter 09/06/2022 – Subject: Letter of Concern
- Appendix 5 Email 17/06/2022 – Subject: LOC Monitoring
- Appendix 6 Supervision Record 26/07/2022
- Appendix 7 Letter 09/08/2022 – Subject: Confirmation of Disciplinary Investigation
- Appendix 8 Occupational Health Report 19/09/2022
- Appendix 9 Grievance 06/11/2022 Sophie Harland
- Appendix 10 Email 07/11/2022 – Subject: Notes from Today's Meeting
- Appendix 11 Grievance 17/11/2022 Kelsey Barnes
- Appendix 12a Witness Statement 16/08/2022 – Sophie Harland
- Appendix 12b Chronology of events - timeline
- Appendix 13 Witness Statement 21/09/2022 – Kelsey Barnes
- Appendix 14 Witness Statement 21/09/2022 – Lynsey Marsh
- Appendix 15 Witness Statement 21/09/2022 – Keith Miah
- Appendix 16 Witness Statement 21/09/2022 – Ben Simmons
- Appendix 17 Witness Statement 21/09/2022 – Rachel Skinner
- Appendix 18 Witness Statement 21/09/2022 – Michelle Thornhill
- Appendix 19 Witness Statement 21/09/2022 – Claire Andrew
- Appendix 20 Witness Statement 23/09/2022 – Gill Lill
- Appendix 21 Witness Statement 23/09/2022 – Wendy Whitehead
- Appendix 22 Witness Statement 04/11/2022 – Kim Simister
- Appendix 23 Witness Statement 04/11/2022 – Liz Taylor
- Appendix 24 Witness Statement 04/11/2022 – Kirsty Littlewood
- Appendix 25 Witness Statement 09/11/2022 – Angela Barnes
- Appendix 26 Witness Statement 14/11/2022 – Lisa Entwistle
- Appendix 27 Witness Statement 08/11/2022 – Sophie Harland
- Appendix 28 Witness Statement 24/11/2022 – Kelsey Barnes
- Appendix 29 Witness Statement 10/02/2023 – Ian Barkley
- Appendix 30 Managerial Reporting Structure
- Appendix 31 Chronology of Events Submitted by Kirsty Littlewood
- Appendix 32 Supervision Record 20/09/2022

- Appendix 33 Supervision Record 28/06/2022
- Appendix 34 Supervision Record 31/05/2022
- Appendix 35 Supervision Record 19/04/2022
- Appendix 36 Email 29/07/2022 – Subject: Concerns in Office
- Appendix 37 Disciplinary Policy and Procedure
- Appendix 38 Code of Conduct
- Appendix 39 Invite Letter to Disciplinary Hearing