On behalf of: The Claimant
Witness: Ayodele Adele Vaughan
Seventh Witness statement
Exhibit: AAV1
Statement dated: 14 November 2013
Claim No. HQ12D05474

IN THE HIGH COURT OF JUSTICE

QUEENS BENCH DIVISION

Claim Form issued 19 December 2012

BETWEEN:

MS AYODELE ADELE VAUGHAN

Claimant

-and-

(1) LONDON BOROUGH OF LEWISHAM

(2) RALPH WILKINSON

(3) CHRISTINE GRICE

(4) ELAINE SMITH

(5) VALERIE GONSALVES

(6) ELAINE HATTAM

(7) KATE PARSLEY

Defendant

SEVENTH WITNESS STATEMENT OF

AYODELE ADELE VAUGHAN

FOR THE HEARING ON 28TH & 29TH NOVEMBER 2013

PREAMBLE

I exhibit various documents to this witness statement, marked AAV1, which is contained in 5 files, marked C1 – C5. The exhibit has been organised into sections/tabs. References are made to the exhibit as follows, (unless stated otherwise): **[AAV1/file/tab/page/para in exhibit]**.

Introduction

I, CENSORED, WILL SAY as follows:

1 I am the Claimant in this case and I am also a litigant in person. I was born on CENSORED. I am CENSORED years old. As a layperson I am clearly at a disadvantage and I still do not fully understand the Court rules[1]. I am the same Ayodele Adele Vaughan who made the statements dated 13 March 2013, 11 April 2013 and 14 May 2013, 2 and 16 July 2013, in these proceedings. The attached exhibits to those statements did not run consecutively.[2] In accordance with paragraph 25.2 of the Practice Direction 32, I requested permission from the Court to lodge a defective witness statement and exhibit for the main trial, the Defendants' were copied in and my request was later granted by Master Fountain[3]. I made the same request to Master Leslie on 2 October 2013 via e-mail at 8.09 in relation to my witness statements and exhibit for this hearing. Again the Defendants' were copied in and my request was granted on the same day.[4]

2 A list of the tabs/pages in the exhibit can be found at the beginning of my first bundle (C1) - the consolidated bundle index. I believe they are true copies. I make this statement without prejudice to contention that this action is not an attempt to litigate my previous Tribunal claims and that the Defendants' are not entitled to seek to justify meanings which are not complained of. In addition to the evidence contained in this witness

[1]My disability, (depression, and the impairments caused by this medical condition) plays a significant factor in this. I have formulated my bundle in the same manner that the D's previously did for their Application Notice for a 'stay', which was accepted by the Court in March 2013. I refer to exhibit AAV1/5/57, marked page 326.1576 - 326.1577: D's High Court hearing bundle index for the hearing on 25 March 2013.

[2]These statements and exhibits were accepted by the Court. In particular I refer to the Court orders issued by Master Leslie dated 9, 16 and 31 July 2013.

[3]I refer to exhibit AAV1/5/57, marked pages 326.1681 - 326.1684: Claimant's forward e-mail to the MSU on 23 August 2013 at 16.39.

[4]I refer to exhibit AAV1/5/60, marked pages 326.1802 – 326.1805: E-mail correspondence between Claimant's and MSU on 2 October 2013. I had contacted the Defendants' regarding the issue of my defective witness statement for the second time on 20 September 2013 via letter, I refer to exhibit AAV1/5/60, marked pages 326.1793 - 326.1794. This was sent be signed for post, I refer to exhibit AAV1/5/60, marked page 326.1795. I never received any response from the Defendants in relation to this matter.

statement (and its exhibit AAV1) I rely upon: a) all my previous witness statements and attached exhibits, b) my eighth witness statement and attached exhibit, c) the statements of case in this action, and d) my 2 skeleton arguments for this hearing. My case involves the controversial issue of covert recordings. The recent 'Plebgate' row involving the former MP Andrew Mitchell and the Met Police, demonstrates the increasing need for individuals to resort to such methods in order to protect themselves and expose injustice, in circumstances where they would otherwise be 'stitched up' and 'hung out to dry'.

3 In 2004, I was offered the post of Connexions Personal Adviser by the London East Connexions Partnership. By the time my employment transferred to D1, (London Borough of Lewisham), on 1 April 2011, I had been employed to work on the Connexions contract for 7 years[5]. At Lewisham Council I worked in a team consisting if approximately 15 people, 9 of whom were key workers like me. After just 4 months in D1's employment, (and without any warning), I was suspended from work on full pay. My suspension lasted 7 months, an investigation took place and my employer interviewed only managers, they included 2 managers that I had raised grievances about and named in legal proceedings just months prior. 2 of the statements given by the managers were unsigned. None of my 8 key worker colleagues were interviewed[6]. I was subsequently dismissed by D1 on 5 April 2012[7] and I have not worked since. This *is not* the subject of my complaint in this action. The current Chief Executive of Lewisham Council is Barry Quirk. I worked in the Children and Young People directorate, which is headed up by Frankie Sulke. My specific department was Youth Support Services (YSS).

[5]When my employment transferred to D1, so to did the liability for my three previous tribunal claims
[6]Cathy Robinson, Amma Bentil, Ahmed Abdi, Theresa Peters, Paul McDaniel, Leon Gidden, Neil Cox and Patrick Desouza. The Defendants' defence relies on their assertion that my unspecified alleged conduct had impacted detrimentally on my entire team, (yet they did not interview the whole team, just 6 managers).
[7]I would later lodge a tribunal claim for unfair dismissal.

4 My main role at Lewisham Council was to provide independent and unbiased information, advice guidance and intensive support to young people on personal, health, financial and emotional issues[8]. I was very good at my job and had not received any complaints about my work. I was doing what I really liked doing, which was working with young people. Prior to being transferred to Lewisham Council, my general work record was excellent. I had no disciplinary record and no one had ever made a formal complaint about me or raised a grievance against me. I have worked in the public sector, as a play worker, a mentor, a Connexions Personal Adviser for children young people and a Key worker for children and young people, performing public service for many years.

5 This action is about the defamation of my character, involving 7 Defendants' and the words complained of constitute libel, (approximately 34 statements) and slander, (approximately 50 statements). The serious theme throughout the publications complained of include the imputations that I am dishonest, incompetent and/or unfit for my job/office/post/purpose. The Defendants' made numerous statements which asserted that I had poor communication skills and they repeatedly questioned my ability to perform my role / work with young people, and implied that I was unable to. This constitutes a significant attack on my professionalism and serious smears on my reputation. The absurdity of all this of course is that I had been performing this role for several years without ever receiving any complaints about my work and I hold a BA Hons Degree in Communication Studies[9] and an NVQ4 in 'Learning, Development and Support Services for Children, Young People and Those who Care for Them (Supporting

[8] I also supported young people seeking jobs, training and educational opportunities. I worked with parents, carers, families, voluntary, statutory and community agencies and commercial bodies to help the young people that I worked with to overcome barriers to learning and employment.

[9] I refer to exhibit AAV1/4/46, marked page 326.1177a: Claimant's BA Hons Degree from East London University dated 5 July 1996.

Young People)'[10]. The Defendants' would have been aware of my qualifications/skills, because they undertook a skills audit of the team in June 2011[11].

6 In this case there was pre-existing ill-will and animosity from the Defendants' towards me and therefore some tangible benefit to them from defaming me. It is clear that the Defendants' knew that their statements were slanderous / libellous. On 17 February 2012, I contacted their most senior people (Barry Quirk- Chief Executive and Frankie Sulke- Executive Director) to advise them of this[12] During D1's internal hearing on 27 February 2012 I advised D2, D3 and D6 of this[13]. There was no reason for the Defendants' to believe that I wouldn't bring these proceedings. A person is more likely to sue on demonstrably false allegations than true ones. The reason for this action is to restore my reputation and vindicate myself. It is important to me to maintain my good name, as I and any honourable person would naturally wish to do so.

7 The defamatory statements in question are not trivial. Reputation in my field of work with young people and the vulnerable is important, as I need to persuade others that I will competently perform my duties. Reputation goes hand in hand with a person's dignity. My reputation affects who will employ me, who will do business with me and who will promote and support me etc. The Defendants' / Lewisham Council (D1) has refused to retract the words complained or and/or remove them from my employee file. D1 has also

[10]I refer to exhibit AAV1/4/46, marked pages 326.1177b - c: Claimant's NVQ4 certificate dated 30 August 2006. People who work with children and vulnerable people in my field are required to hold this qualification in order to demonstrate their competence.
[11]I refer to exhibit AAV1/4/47, marked pages 326.1218a - e: E-mail from Claimant to Nicolette Lawrence with the attached e-mail from D7 to the key work team dated 9 June 2011 at 19.40 and Claimant's attached skills audit form (3 pages). D7 also confirms that the skills audit was done during the team meeting on 13 July 2011- I refer to exhibit AAV1/3/30, marked page 326.724: Claimant's covert recording of team meeting on 13 July 2011, at sentence 605: '***Yeah. Okay CAF including the skills audit that was done***'.
[12]I refer to exhibit AAV1/4/52, marked pages 326.1383a - b: Claimant's e-mail to Barry Quirk & Frankie Sulke dated 17 February 2012 at 5.40.
[13]I refer to exhibit AAV1/3/40, marked page 326.1020, at sentences 1153 – 1160: Claimant's covert recording transcript of the SOSR hearing on 27 February 2012, after lunch.

indicated that it reserve its right to make a referral to the Independent Safeguarding Authority (ISA). So long as the words complained of remains on its files, there is a risk of republication to persons whose estimation of me is a matter of importance to them (i.e. potential employers and the ISA etc). There is ground for inferring that the Defendants' intend to repeat the slander / libel.

8 On 19 September 2012 at 20.03 I e-mailed D1, requesting an apology from its Chief Executive Barry Quirk and stated that I would not settle my Tribunal claims unless an apology was given and the false statements retracted[14]. The Defendants' did not comply. In March 2013, I withdrew my tribunal claims, which involved claims for discrimination and damages of more than £300,000.[15] This action is different, it is about my reputation, which has been severely damaged, (the Defendants' do not claim that I had a bad reputation). The Defendants' have maintained their false allegations for nearly 2 years and I have so far had to appear before this Court 4 times, during these public hearings, the words complained of and/or the meanings were repeated. The damage is therefore not transient or short-lived and there has been no retraction, clarification or apology.

9 I have been battling depression since 2009 and throughout these proceedings. I have been signed off by my GP with this condition since April 2012 and have been taken 2 sets of prescription medication the entire time, (including anti-depressants[16]). At paragraph 12 of my re-amended PoC, I state clearly that any delay in the issuing proceedings can be attributed to this fact and the fact that I have also been dealing with concurrent proceedings in the Employment Tribunal, Employment Appeal Tribunal (and the Senior Cost Office since the beginning of 2012), (which were still on-going at the time that I

[14] I refer to exhibit AAV1/5/53 marked pages 326.1524 - 326.1525.
[15] My claim for damages for discrimination was 'uncapped'- as referred to by Sharp J in her judgment dated 11 April 2013 at para 41.
[16] This is evidenced by my medical records which have been adduced for this hearing and which are also appendixed to my Reply to the Defence.

issued these proceedings).[17] Given the particular circumstances, neither the purpose of the proceedings, nor the manner in which they were delayed is an abuse of process, (by which the Court could conclude that this is not a genuine claim to vindicate reputation). In any event I did not exceed the limitation period (1 year), for issuing my claim.

10 I complain of the statements contained in several publications: a) Lewisham Council's (D1) 'Some other substantial reason' (SOSR) internal hearing bundle; b) the defamatory words uttered by the Defendants' during the SOSR hearings on 27 and 28 February 2012, 6 March 2012, (which I covertly recorded[18]), and which were uttered by D3 on 22 March 2012 and c) D3's SOSR presentation/report. The written publications complained of total more than 380 pages and comprise of more than 130 separate e-mails, letters and documents[19]. My own SOSR bundle was approximately 315 pages long, (I rely on this as evidence of malice[20]). The statements of case in this action cover events from early 2011 up to July 2013[21]. In this action there is also a claim pursuant to the Human Rights Act. The Defendant's failed to address this claim in their Defence. The Defendants' also attempt to bring within the scope of this action historic matters which are of no relevance (tribunal claims involving allegations against my previous employer Babcock and its employees). In June 2013, I withdrew my Court of Appeal claim in relation to this case.

11 On 16 July 2013, I withdrew my claim for special damages, because as a bankrupt, (which I would have become a month later) I would not have any standing to bring such a

[17]Further more, I also ensured that I adhered to pre-action protocol, which took around one month to complete.
[18]I refer to exhibits AAV1/3/39 - AAV1/4/43 - 45, marked pages 326.952 - 326.1177: Covert recording transcripts of SOSR hearings.
[19]Documenting events between April 2011 and February 2012.
[20]See para 11.1d of my re-amended PoC dated 31 July 2013.
[21]I have pleaded at para 215.66 of my Reply that I rely on these events and the related evidence in support of my plea of malice. Para 11d, 11h and 11o of my re-amended PoC also sets this out.

claim.[22] The fact that I am bankrupt is not in itself a reason why I should not be permitted to pursue a claim in defamation, if it is otherwise a proper claim to pursue.[23]

12 The material put before the Court for this hearing is just an example of some of the compelling evidence I have against the Defendants'. It has been adduced to support the fact that I will clearly be able to establish malice. On 17 October 2013, I e-mailed the Defendants' and the Queen's Bench listing office to request that the Court makes available facilities to enable me to play my covert recordings at this hearing[24], (this is important because my case includes on innuendo, which includes the tone of the publications[25]). On the same day the Defendants' e-mailed me objecting to this[26]. I responded by e-mail on the same day advising them that it was my right to do so.[27] The Court has a duty to give me the opportunity to correct or controvert any relevant statement brought forward to my prejudice. I am entitled to produce the evidence which support my case, unless it is patently inappropriate or irrelevant. The evidence is clearly crucial to enable the Court to dispose of parties applications fairly and justly.

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[22] As this would not constitute a 'personal' element of claim, but rather a 'property' element of a claim), and therefore result in the striking out of her entire defamation claim as an abuse of proceeding. I argued the legalities around this issue in my witness statement submitted to the Court which is dated 16 July 2013. 14 In order to avoid the striking out of my claim and the serious financial ramifications of this, (not to mention the severe effect that this would also have on my mental health condition) and in order to preserve my right to vindication, I had to make the amendments to my claim form and PoC on 16 July 2013 (and 17 July 2013), and a consequential amendment to my schedule of damages.

[23] During my interview with the Official Receiver (OR) on 22 August 2013, I declared ownership of the 'domain name', www.school-info4u.com. I refer to exhibit AAV1/2/19, marked page 326.404a: extract of Claimant's insolvency questionnaire. D1 is a creditor in the Bankruptcy estate and I was aware at the time that it and my other creditors would receive a report from the OR containing information about what I declared.

[24] I refer to exhibit AAV1/5/60, marked pages 326.1809 – 326.1810.

[25] See para 199 of C's Reply: '***It is reasonable to impute the Claimant's pleaded meanings from the context of the entire publications and the tone***' & para 42 of C's re-amended PoC: '***The Defendants' deliberately framed and expressed the words complained about so that their tone and language conveyed an even more harmful and sinister impression. They did this using emotive, extravagant, sensational and inflammatory language. This was designed to utterly destroy the Claimants' credibility and reputation…***'

[26] I refer to exhibit AAV1/5/60, marked pages 326.1808 – 326.1809.

[27] I refer to exhibit AAV1/5/60, marked page 326.1808.

The issues to be tried

13 The Defendants' have made no attempt to fairly propose any ways and means of reducing the areas of dispute. At paragraph 43 of the Defendants' in-house solicitor (Francis Millivojevic's) witness statement dated 15 October 2013, he falsely claim that the issues in the Tribunal case are fundamentally the same issues that are in dispute in this action. He even underlines this statement for added emphasis. The Defendants' tribunal list of issues,[28] which they sent to me on 24 July 2012 at 12.20[29] consisted of the following issues; Direct and indirect disability discrimination claims under the Equality Act 2010, (including the failure to make reasonable adjustments, victimisation, harassment), claims under the Public interest disclosure Act and Employment Rights Act 1996, unfair dismissal claim under Employment Rights Act 1996 and remedy/damages relating to these issues.

14 My list of issues[30] set out the issues in dispute in this action. They are clear and have been pleaded by me in my 2 statements of case, which is further amplified by my statements for this hearing. The issues include, the meaning of the words complained of, whether the words are defamatory, whether some of the words were spoken, whether the publishers failed to take reasonable care in relation to the publication?; the issue of justification and the questions of qualified privilege, malice, legitimate aim and the denial of my right of reply, my rights under HRA, the breach of my confidentiality/my rights under the Data Protection Act 1998, an injunction, damages for defamation and human rights breaches and the Defendants' pre-action protocol non-compliance. It is clear from this that the issues in dispute are not the same. The only clear admission that the Defendants' have made in relation to my claims/allegations, is that the words complained of at paragraphs 21.2 – 21.2y and 21.3 – 21.3l of my re-amended PoC did defame me. I

[28] I refer to exhibit AAV1/5/53 marked pages 326.1508b-e.
[29] I refer to exhibit AAV1/5/53 marked page 326.1508a.
[30] I refer to exhibit AAV1/1/11 marked pages 326.2 – 326.3.

wrote to the Defendants' on 20 September 2013, requesting that we try to agree the issues[31]. They failed to respond.

The Defendants' Applications for 'strike out', extended civil restraint order and Costs

Applications for 'strike out'and Extended civil restraint order

15 I believe that the Defendants' application is completely without merit and that it constitutes obstruction of justice. The Defendants' will not admit their contempt of Court, and they have continued their contempt by filing their Application Notice, which clearly demonstrates their intent to mislead the Court.

16 The material shows that the Defendants' have knowingly submitted false evidence to the Court, (the details of which are set out in my 2 statements of case, 2 witness statements and 2 skeleton arguments for this hearing), with the intent to mislead the Court by using fraudulent evidence and/or evidence unlawfully obtained against the European Convention to unlawfully make an application for a cost and extended civil restraint order against me.[32] On this basis they are committing fraud. This also constitutes a serious breach of the Barristers/Solicitors conduct rules and at a time when I am suffering from a serious mental health condition known to the Defendants'. The Defendant's conduct, in my judgment, amounts to a misuse of the privilege of legal process in order to vilify me, (a vulnerable, unrepresented and disabled Claimant), and paint me as a vexatious litigant. It also amounts to gratuitous insult to the Court. Those that have sworn to uphold the law are clearly reneging on that oath.

17 I am disabled. I am not a lawyer and I cannot get a lawyer, yet the Defendants' have requested a 2 day hearing for their application. I can't imagine why they would require 2

[31] I refer to exhibit AAV1/5/60 marked pages 326.1793 – 326.1794.

[32] The Defendants' rely on false evidence, including statements of case and disclosure statements, verified by a statement of truth, without an honest belief in its truth- see paragraphs 20 - 37 of Claimant's skeleton argument no. 2, in support of my Application Notice.

full days to advance arguments in support of their applications. I can only assume that they will spend this time trying to 'massacre' me in Court, (which is part of their smearing campaign). I do not believe that this is a good use of the Court's time and resources. Whether or not the Court will permit this, (allow the Defendants' Counsel to make detailed long speeches about previously litigated Tribunal claims, which are not the subject of this High Court claim) remains to be seen.

18 Just 2 weeks before parties were due to exchange witness statements for the main trial, the Defendants' asked for a postponement of the exchange witness statements and the Case management conference which was due to take place on 1 November 2013. I had been in the process of finalising my witness statement and exhibit, (which ran to several bundles). It is clear that this is all just part of the Defendants' strategy to 'wear me down'. I simply wish to be given the opportunity to clear my good name through this action. I don't have the funds, desire, strength or inclination, to bring any further claims against the Defendants'. I can think of nothing worse than to be locked in the judicial system and involved in further cases with the Defendants', which would only prolong my suffering at their hands.

19 On 23 May 2013, I withdrew my amendment application to add a claim for malicious falsehood and I have no intention of re-instating it. The Defendants' cost application in regard to my applications (i.e. to lift the 'stay' and the issue of the withdrawal of my malicious falsehood application), was rejected by Mr Justice Moloney. My previous Tribunal proceedings involved 9 claims, 4 of them are not relevant to this action. Of the 4 claims which are not relevant, 3 of those claims were dismissed, (on the ground that they were misconceived, *not vexatious*). In the 20 month period before that case was finally heard by the Tribunal, the Defendants' never took any steps during the proceedings to seek any preliminary hearings to canvass any allegation that my claims were

misconceived. They never applied to strike out my claim on this basis, nor did they request that the Tribunal make a deposit order for me to continue with my claim, (which is the normal procedure if the Tribunal or other party believes that a claim is weak or misconceived).

20 I won't go into the details of the case because there are no similarities between the Tribunal case involving Babcock and this action, except for the fact that in both cases, a) I had never been the subject of any disciplinary action and b) I suffered at the hands of my persecutors. I had worked for Connexions, (without incident) for 6 years, before the contract was taken over by the FTSE 100 company Babcock[33] and the problems began[34]. Lewisham Council inherited my Tribunal claims against Babcock when my contract of employment transferred to it in April 2011. I was 1 of 5 staff, (out of more than 30), who were recommended for transfer, based upon our work output / performance. The tribunal claims did not involve any allegations against D1 or any of its employees.

21 There was nothing to suggest that I proceeded with my Tribunal claim in the "clear knowledge" that it *allegedly* had no merit. This fact is supported by the Tribunal's own judgment dismissing my claims, which stated that it had no doubt that I had a genuine belief in my allegations. The Defendants' alleged cost warning letter made no reference at

[33] Babcock is also a leading provider of equipment support to the Armed Services.

[34] Babcock lost several employees CRB forms, (that it sent through standard post), and the loss of the forms did not come to light until several months later, and only because staff were asked to complete the forms again, without being told why. When I found out the forms had been lost, I asked Babcock to investigate what had happened and requested that they pay £6.99 a month for credit monitoring for 1 year, in order to protect me against identity fraud. Babcock refused to do so unless I took out a grievance and the grievance found them to be negligent in some way. I did not want to take out a grievance; I had never taken out a grievance against anyone before. When I eventually did take out the grievance, it resulted in the situation escalating, (which I told the tribunal included bullying, harassment and victimisation by managers and HR staff). After the grievance investigation, (which Babcock dragged out for nearly a year, and resulted in me becoming ill through all the stress, signed off sick by my GP and subsequently diagnosed with depression for the first time) it agreed to pay for the identity fraud protection, even though my grievance was not upheld. Babcock did not make the payment until nearly 3 years later- the amount paid was just £269. Babcock also prevented me from returning to work, despite the fact that I provided it with an Occupational Health report and a 'fit note' from my GP which both stated that I was fit to return to work. I was also only paid half my salary during this period.

all to the fact that it believed that my claims were weak or misconceived. The letter simply read as follows, (the alleged cost warning letter actually offered me money):

'We believe that this offer is significantly in excess of any sum that you would be awarded by the Employment Tribunal, even if you were successful in your claims. This settlement offer shall remain open until 4pm on Friday 11 November 2011 and shall then be withdrawn. If you should fail to accept this settlement offer, then we are instructed that no further settlement offers will be made. The Respondents will continue to defend your claims and it would be their intention to apply for a costs order against you at the full hearing in January 2012'.

22 The Defendants' letter represented a speculative costs threat, designed to do no more than frighten me, regardless of the actual merits of my case. The Defendants' made numerous settlement offers throughout the proceedings, for increased amounts; ranging from £10,000 in August 2010, £30,000 in November 2010, to £40,000 in August 2011 and then £60,000 and £95,000 in November 2011. The Defendants' had applied for a cost order at the Tribunal in April 2011, which was heard in June 2011 by Judge Baron, they did not use the 'misconceived' allegation as grounds for their application. Their application for costs was rejected. This is clear evidence that they did not believe that my claims were misconceived from the outset. The Tribunal was presented with all of the above evidence before the decision was taken to order me to pay a third of the Defendants' costs.

23 Although the Tribunal concluded that my claims were misconceived from the outset, Judge Balogun (the judge who presided over my case) did not advise me of this at any stage. I only became aware that this was her position when I received her judgment. During case management discussions and preliminary hearings for the case, (which took place at different stages over the course of more than a year), neither Judge Salter in August 2010, Judge McInnis' in November 2010 nor Judge Baron in June 2011, arrived at this conclusion. Judge Balogun also never reached this conclusion during the case management discussion which she chaired herself on 9 January 2012. Nor did she reach this conclusion and advise me of this, (before the main hearing itself), after having had the opportunity to read all of the evidence during the Tribunal panel's reading time,

(which lasted an entire week). If the Tribunal really believed that my case had no reasonable prospect of success from the outset it should have warned me, but it did not.

24 My case was allowed to continue for nearly 2 years before finally being thrown out *after* a 20 day hearing. The legal resource, '*IDS Employment Law Brief,* (the 975th June 2013 edition)', described the Tribunal's cost order against me as '*unprecedented*'. The foreword of the Law Brief featured an article about my case called '*Litigants in person- the risk of going it alone*', which focused on the way that my case was dealt with by the Tribunal and the Employment Appeal Tribunal and stated that the decision to make the order for the cost award against me had '*raised a few eyebrows*'.

25 Only 1 of my previous 9 tribunal claims against the Defendants' was struck out on the ground that it was determined to be vexatious. I withdrew my remaining 5 claims, (which involve facts and matters relevant to this case) in March 2013. It is important to note that the Defendants' did not try to strike out any of those claims on the grounds that they were even misconceived, let alone vexatious. Instead the Tribunal ordered that a hearing in excess of 25 days take place.

26 In these High Court proceedings, I had my application for an injunction dismissed Sharp J (in March 2013) and as I understand it, Nicol J, granted Dr Williams' summary judgment in April 2013[35], partly on the basis that he felt that I would not be able to prove malice. However, it is important to note that I was not actually given the opportunity to prove malice. Nicol J's draft judgement was not circulatedto parties, so the first time I had sight of it was when I received a copy contained in the Defendants' 5 hearing bundles, which I received on 18 October 2013. I have made 4 other applications during these proceedings

[35]I refer to exhibit AAV1/5/56, marked pages 326.1575a-b: E-mail from Dr Williams' legal representative to C, dated 18 April 2013 at 11.05, confirming that summary judgment was granted.

which have all been granted[36]. I believe that my current application, (for a preliminary hearing) is justified and in line with the current approach by the Court.[37] My application to strike out paragraphs of the Defence is also strong and supported by compelling evidence. My application regarding the issue of contempt is not formal at this stage (as I have not filed an Application Notice), but it is also strong and supported by compelling evidence[38]. This matter is not a matter for me personally; it is a matter for the Court and the Attorney General, should the Court decide to refer the matter.

Application for Costs

27 I do not believe that the Defendants' should be awarded any costs, however, in the event that the Court orders costs against me, I would like the following points to be taken into account. On 26 July 2012 at 14.35, D1 announced the departure of the D3 from its employment in a forward e-mail to staff. This e-mail was forwarded to me on 27 November 2012 at 14.55[39]. D1 continued to legally represent D3 after her departure from its employment. I am unclear as to whether or not D1 is entitled to use public funds to represent a former employee who left more than 14 months ago and then try to claim those costs back from me On 23 May 2013, (during the hearing for my application to lift the 'stay'), the Defendants' were granted extra time by Moloney J to file their Defence, on the basis of their Counsel's submission that his services had only just recently been

[36] I refer to exhibits AAV1/5/57, marked pages 326.1650 – 326.1651, AAV1/5/57 marked pages 326.1661 – 326.1662 & AAV1/5/57, marked pages 326.1672 – 326.1673, (3 amendment applications) and an application to lift the 'stay' of proceedings.

[37] It can only assist the parties to know now what the ambit and purpose of the factual exercise at trial will be.

[38] See C's skeleton argument for her Notice Application, in which she has submitted that it will be necessary to make a decision on her contempt application after the main trial. The D's credibility will also be in issue on the contempt application, and there is a potential overlap between the contempt application and the trial. Her request for the Court to strike out the entire Defence of its own motion is therefore equally justified. In these circumstances there is not a strong public interest case to grant a civil restraint order against C on the use of the court's resources.

[39] I refer to exhibit AAV1/5/54 marked pages 326.1533a-b.

retained.[40] Before this point they had been represented by Mr Brittenden (Counsel), his costs were covered by Sharp J's order made in March 2013.

28 D1's in-house solicitor, (Francis Millivojec) signed a statement of truth which claims that he has made 2 witness statements; in fact he has made 3. His first witness statement is dated 27 February 2013 and was submitted for the hearing which took place on 25 March 2013.[41] His 2nd witness statement was made on 1 October 2013[42] and submitted as part of the Defendants' application to Master Cook to postpone the exchange of witness statements and the Case Management conference. His 3rd witness statement is dated 15 October 2013, which has been submitted for this hearing. I am unsure why Francis Millivojevic is persistently submitting witness statements for hearings that he does not attend.[43] I strongly object to this state of affairs. I also strongly object to any costs claimed in relation to the preparation of 3 witness statements (and related exhibit), when the Defendants' solicitor is clearly claiming that he has written only 2. For the same reason, I also believe that his witness statement dated 1 October 2013, (and the related exhibit, which he falsely claims is his 1st witness statement,) is also inadmissible as evidence.

The former 8th Defendants' application for summary judgment

29 Dr Anthony Williams', (GMC number. 2831747), made the following statements about me, (which formed the basis of my previous claim for defamation against him):

'Her response was to ask why I needed to ask each question'
'She refused to give any details about her original absence'
'She nevertheless refused to provide any details of her original absence'

[40] In the event that any costs are awarded against me, the Defendants' could only claim from this time period (and excluding the costs which were refused by Mr Justice Moloney).
[41] I refer to exhibit AAV1/5/55, marked pages 326.1557 - 326.1558: Francis Millivojevic's first witness statement dated 27 February 2013
[42] I refer to exhibit AAV1/5/60, marked pages 326.1798 - 326.1799.
[43] He did not attend the hearing on 25 March 2013, and it is unlikely that he will attend this hearing, as the Defendants' have engaged the services of a Barrister.

30 I maintain that the above words complained of are false, and that they were motivated by malice. My friend, Tanya Davis attended my OH consultation with Dr Williams and I advised the Court that she would be giving oral evidence at trial corroborating my version of events, (which disproved Dr Williams's statements). I also advised the Court that I had a covert recording of my OH consultation with Dr Williams, which I intended to adduce as evidence. During the hearing before Mr Justice Nicol in April 2013, I also adduced Dr Daly's report, which she set out the details of my original absence[44], (which I submitted to Dr Williams, but he falsely claimed he didn't have the details of my original absence and that I refused to give him the details). In Dr Daly's report she included the date of my original absence, the name of and dosage of my medications, my symptoms and the causes, (including details of the bullying and harassment and who was involved).

31 Further details of my original absence were also set out in the Occupational health report from Dr Mason[45] dated 18 January 2011, which I also furnished Dr Williams with. Dr Williams also made reference to this in his own clinical notes, which he adduced for the hearing in April 2013.[46] Dr Mason's OH report included the date of my original absence, the name of and dosage of my medications, my symptoms and the causes. Dr Williams' legal representatives failed to undertake a reasonable investigation into this documentation, including Dr Williams' clinical notes, which they relied upon in support of their Application Notice for summary judgement. The Defendants' continue to rely on Dr Williams' false statements, particularly at paragraph 182.3h of the Defence, in support

[44]I refer to exhibit AAV1/4/51 marked pages 326.1327 - 326.1328: Dr Daly's report dated 14 December 2010. It is clear that the majority of Dr Daly's report focused on the details of my original absence from work. In addition, Dr William's is not qualified to diagnose mental health conditions and offer an informed and accurate prognosis. D1's OH referral did not ask him for the details of my original absence.
[45]I refer to exhibit AAV1/4/51 marked pages 326.1329 – 326.1333: Dr Mason's OH report dated 18 January 2011.
[46]I refer to exhibit AAV1/5/56 marked pages 326.1572 - 326.1575.

of their plea of justification, (but this statement clearly supports my own 2 pleaded meanings of the words complained of):

'***The Claimant would not cooperate and was positively obstructive when Dr Williams attempted to ascertain whether she was disabled and, if so, to what extent such disability would affect her ability to perform the role in which she was employed.***'

My alleged consent to publication to Unison

32 **On 14 February 2012** at 12.15, Helen Reynolds, (Unison's Regional Officer) confirmed that D1's SOSR bundle was received by Unison that morning.[47] At paragraph 215.59 of my Reply to the Defence I state that I asked that the SOSR bundle be sent to Unison *before* I was aware of the contents. I did not even receive a copy of the SOSR bundle until the evening of 13 February 2012, (after D1's offices were closed) and Unison confirmed that it had received the bundle by 11am on 14 February 2012. Clearly, I had requested that the SOSR bundle be sent to Unison *before* I had received it, and was aware of the content of the 358 page bundle, (which obviously took me a long time to read). I did not lodge my complaint regarding the fabrication of evidence until 17 February 2012[48]. There is no evidence which contradicts these facts. This cannot constitute consent to publication, if I didn't even know what was contained in the publication at the time I advised that Unison could have a copy.

Amendment to PoC on 2 July 2013

33 The reasons for my amendment application on 2 July 2013 are as follows:

33.1 There is no longer an 8th Defendant making some of the particulars unnecessary[49]; and

[47] I refer to exhibit AAV1/4/52 marked page 326.1379: Helen Reynolds e-mail to Claimant.

[48] I refer to exhibit AAV1/4/52 marked pages 326.1383a-b: Claimant's e-mail to Barry Quirk & Frankie Sulke dated 17 February 2012 at 5.40

[49] i.e. references to Dr Williams as the eighth Defendant and the words complained of in relation to him as constituting libel. In light of the summary judgment granted by the Court to Dr Williams, the paragraphs giving the current amount of detail relating to that complaint are not required). Most of the

33.2 Additional details regarding covert recordings and transcripts: I set out in my original particulars of claim that I rely on covert recordings and transcripts. I needed to set out the specific details of the covert recordings and transcripts;

33.3 I set out in paragraph 11.1L and 60 of my PoC that I intend to rely on pre-action correspondence- which was amended to included reference to the Defendants' e-mail to me dated 14 December 2013 at 15.00; and

33.4 At paragraph 45 of my PoC, I refer to the breach of my confidentiality/privacy and my consent being neither sought or given. The clarification of this was very important with regards to the Data Protection issue; and

33.5 At paragraphs 31, 62b and 74b of my PoC I state that D1's conduct was not in pursuit of a legitimate aim. I needed to clarify this; and

33.6 At paragraphs 62d and 86 of my PoC I refer to the risk of republication/ further utterances relating to the words complained- this needed to be clarified as it relates to the significant issue of obtaining an injunction, which is one of the remedies that I am seeking; and

33.7 At paragraphs 37 and 60 of my PoC, I make references to procedural abuses and my reliance on other documentary evidence. The amendment set out the details of this, which specifically relates to my plea of malice.

There was a lack of detail in my PoC relating the above issues and the amendment clearly relates to how my case was put.[50] The amendment was therefore not disproportionate.

Examples of Malice

34 I have pleaded that there was vindictiveness against me and improper motive on the part of the Defendants'[51]:

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paragraphs I wish to replace relate to details regarding the former 8th Defendant's alleged defamation of my character- which the Court granted summary judgment on 17 April 2013

[50] The Court has a wide power to allow an amendment to correct the problem.

[51] see paras 33, 35a-i, 36 - 40, 42 - 43, 67 - 68, 70, 91 – 92 of my re-amended PoC and paras 81 & 241 of my Reply.

34.1 ***'Against the background of the events detailed in this claim, the mindset and attitude of the Defendants is clear. The third Defendant (Christine Grice) played a key role in co-ordinating the defamation. The other Defendants' were an integral part in a process that involved making the malicious, spiteful, damaging, hurtful and unfounded defamatory statements against the Claimant with a view to bullying her out of the council, destroying her reputation and career and causing severe damage to her health.'***[52]

34.2 ***'The Claimant believes that the Defendants' manipulated and engineered the situation leading to the Claimant's suspension and subsequent dismissal, and the second, third, fourth, fifth, sixth and seventh Defendants' and individuals more senior to them ignored indications that the allegations against the Claimant were un-provable. The Defendants' abused the SOSR/grievance process for the purpose of relaying untrue defamatory statements which were motivated by malice.'***[53]

34.3 ***'The Claimant believes that the Defendants' adopted a monstrous strategy against her with such enthusiasm knowing precisely why it was that the strategy had been put in place.'***[54]

34.4 ***'It is submitted that the Defendants' were not defending themselves at all. They were complicit in a plot to fabricate the allegations.'***[55]

34.5 ***'the allegations were untrue and the makers of the statement knew them to be untrue (which the recordings prove), the individuals were wilfully and maliciously fabricating/falsifying evidence against her and publicly defaming her in the clear knowledge of the severe consequences for her of their actions.'***[56]

34.6 ***The Defendants' were intent on getting rid of the Claimant and sought to destroy her reputation and future job prospects and cause severe harm to her health.'***[57]

34.7 ***'The Defendants' acted in this manner in order to punish and vilify the Claimant'***[58]

34.8 ***'It was far easier to just 'get rid' of the Claimant, the victim with truth on her side, rather than to confront and deal with the concerns that she had raised'.***[59]

35 At paragraph 44 of my re-amended PoC I state that the Defendants' '***made the whole thing up***'. I also state that they did this to try to conceal things, (including systemic issues), which was an improper motive and therefore malice. At paragraph 241 of my

[52] At para 36 of my re-amended PoC.
[53] At para 37 of my re-amended PoC.
[54] At para 39 of my re-amended PoC.
[55] At para 43 of my re-amended PoC.
[56] At para 62a of my re-amended PoC.
[57] At para 70 of my re-amended PoC.
[58] At para 92 of my re-amended PoC.
[59] At para 92 of my re-amended PoC.

Reply I state, '***The Claimant contends that the Defendants' were aware that these issues had nothing to do with the Claimant's alleged conduct/behaviour and relies on this as evidence of malice.'*** I then set out examples of the systemic issues at paragraphs 242 – 242.11. The Defendants' persistently failed to deal with issues, which contradicts and undermines their particulars of justification[60] and also demonstrates the Defendants knowledge of the falsity of the words complained of.

36 At paragraph 67 of my re-amended PoC I state that the Defendants' are '***corrupt and malicious***' and that these practices were aimed squarely at me in order to defame me, cause me professional damage and severely injure my health. I highlight the fact that covert recordings and transcripts will assist me in proving this. At paragraph 81 of my Reply I state the following:

'On 8 November 2011 at 16.42, D1's legal representative, (Paris Smith) sent an e-mail to the Claimant on 8 November 2011 at 16.42, which stated the following: 'I understand that Ms Vaughan does not wish to consider any settlement which involves the termination of her employment. I will need to obtain my client's instructions, as clearly the offer we put forward was conditional upon a termination of employment'.

This evidence supports my contention that there was a plan to get rid of me. At paragraph 91 of my re-amended PoC I state that there was a course of action consistent with a plan to get rid of me, because I dared to tell the truth thereby embarrass management and a medical professional who were involved in lying and cover ups.

37 At paragraph 268 of my Reply I state, ***'In support of her opposition to the Defendants' particulars of qualified privilege, the Claimant relies on all the facts and matters set out in this reply and her re-amended PoC'***. At paragraph 159 of my Reply I state, '***The above chronology consists of facts and matters that were before the Defendants' at the time they made their defamatory statements'***. The facts and matters relied on are also

[60] See paras 12 – 19, 21 – 26, 29 – 30, 34, 36 – 49, 51, 61 – 62 & 241 of my Reply and paras 11.1d of my re-amended PoC

contained in the publications complained of, (including the covert recordings and transcripts which document my dealings with the Defendants').

38 My pleadings demonstrate bad faith on the part of Defendants' and/or the dishonest scheme/conspiracy, (including the publications being made with malevolence and the Defendants' sustained and aggressive plea of justification). They Defendants' remain conspirators and their conspiracy continues until either the criminal purpose has been achieved or their conspiratorial agreement has been brought to an end:

'She was not going to be diverted from her and the other Defendants' predetermined plan and the first and second Defendants' were not going to do anything to prevent this.'[61]

'The Defendants' contributed to and/or made and/or caused and/or permitted each of the falsities complained about to be said and published maliciously.'[62]

'The Claimant believes that the Defendants' have denied the allegations where they ought to have admitted them and issued a formal denial by way of their defence of the Claimant's claims, when it is clear that they are true…'[63]

'The aforementioned, (notwithstanding the fact that the Defendants' have denied all the Claimant's allegations and issued a formal denial by way of their Defence, despite the Claimant adducing audio productions, for the hearing which took place at the High Court on 25 March 2013- see paragraph 154 of this reply), constitutes submitting a false statement of case to this Court and engaging in criminal conduct, including the publication of matters calculated to prejudice a fair trial…'[64]

39 I also rely on the following examples of malice:

a) **The Defendants' knowledge of the falsity of the words complained of:**[65] The evidence I rely on are the facts and matters set out in my covert recordings and transcripts, and the background paragraphs of my Reply to the Defence. As required, these are very specific and not generalised statements. They are pleaded with scrupulous care and support my charge that the Defendants' made statements which they knew/must have known were untrue. The facts set out are more consistent with

[61] At para 39 of my re-amended PoC.
[62] At para 33 of my re-amended PoC.
[63] At para 9 of my summary of my Reply,
[64] At para 252 of my Reply.
[65] See paras 217, 245 & 263 of my Reply.

malice than with its absence.[66] This example also includes documentary evidence exchanged between parties and my notifications to the Defendants' of the said falsities, (including my spoken words, which are contained in my covert recordings). Their knowledge of the falsities is also evidenced by D1's SOSR bundle, my SOSR bundle, (which all the Defendants' had access to both before and during the SOSR hearings) and correspondences[67];

b) **The Defendants' knowledge of my disability, (which they refute in their Defence):** I had specifically consented to senior managers and the hearing officer, (D2) having access to my full medical records (this included D3 and D4)[68]. D4[69] and D5 admitted knowledge of my disability in during her investigation interview with D3[70] and I discussed my disability with her on several occasions (via e-mail and face-to-face). D7 arranged my advanced workstation assessment, which recommended that a specific assessment be done for my depression. D7 made reference to this, (and it being done to support employees with a disability) in her investigation interview with D3[71]. D1's equality form response indicates the reason that it did not approach OH consultant Dr Giagoundinis for further clarification was because his OH report was 'clear,'[72] which in turn implies that I had made sufficient disclosure, otherwise his recommendations would not have been clear. Neither of D1's equality form responses asserts that the Defendants did not have enough information about my disability. Instead they describe all the reasonable adjustments they claim to have made, based

[66] See para 6 of my Reply and paras 11.1h, 11.1k, 23, 34, 41, 44, 45.5 a – ee, 58, 62a, 64 & 68 – 69 of my re-amended PoC.
[67] see paras 9, 32, 51 - 56, 60, 63, 68, 72, 74 – 75, 80, 84 - 85, 88 – 90, 92 – 93, 96 – 97, 103, 108, 112 – 114, 125, 128 &140 of my Reply.
[68] I refer to exhibit AAV1/4/51 marked page 326.1360a: E-mail correspondence between Rita Lee and Claimant re-consent to share medical information.
[69] I refer to exhibit AAV1/4/52 marked pages 326.1376 -326. 1377: Extract of D1's SOSR bundle- D3's investigation interview with D4 on 10 November 2011, signed 10 February 2012.
[70] I refer to exhibit AAV1/4/52 marked page 326.1378b: Extract of D1's SOSR bundle: D3's investigation interview with D5 on 10 October 2011, signed 2 February 2012.
[71] I refer to exhibit AAV1/4/52 marked pages 326.1374b – c: Extract of D1's SOSR bundle- D3's investigation interview with D7 on 31 October 2011, signed 8 February 2012.
[72] I refer to exhibit AAV1/4/50 marked page 326.1296, at para 8.11b: D1's equality form response.

on what OH consultants had recommended following my meetings with them and my own requests made to the Defendants' themselves. This contradicts the words complained of. Despite the aforementioned, the Defendants' all asserted and/or implied, in way or another, that I had prevented them from making reasonable adjustments, I had been obstructive in relation to this and/or not made sufficient disclosure about my disability / medical condition. D6 suppressed the fact that D1 had knowledge of my disability[73] and she remained silent on this issue during the SOSR hearings whilst the issue was being discussed. D6 had access to my full medical records and she received information about my disability from my previous employer's legal representatives on 1 April 2011;[74]

c) **The Defendants' intention to harm and post-publication conduct**: (the continuing reckless disregard for the truth- particularly following the issuing of statements of case and disclosure): This is capable of establishing directly or by inference the Defendants' state of mind;[75]

d) **The Defendants' reliance of their equality form responses**: (as set out in their Letter of response to my letter of claim) which they all had input in and which is remarkable for its absence of the words complained of, or indeed their alternative pleaded meanings and particulars of justification, this undermines their Defence, see 73 – 74 and 84 – 85 & 239 of my Reply;

e) **The Defendants' persistent failure to take receipt of the covert recordings and transcripts (including during pre-action protocol) and/or the persistent failure to examine the covert recordings and transcripts**: see paragraphs 11.1f & 60 of my re-amended PoC and paragraphs 130, 152 & 154 of my Reply;

[73] See para 36 of my re-amended PoC.
[74] I refer to exhibit AAV1/4/52 marked pages 326.1397 - 326.1406: E-mail from Babcock's legal representative to D6 dated 1 April 2011 at 17.04 & attached employee information spreadsheets.
[75] See paras 3, 204 – 208 & 228 of my Reply and paras 42, 47, 67, 70, 72, 77 – 80, 83 – 85, 88 – 88.3, 89 & 91 - 92 of my re-amended PoC.

f) **The number and pattern of the false claims/allegations that the D's had known to be untrue**: These include both the words complained of and other statements made in the publications;[76]

g) **Conflicting, contradictory statements and unsubstantiated allegations**: made by the Defendants' during the SOSR process[77]:

'…the Defendant's failed to provide corroboratory documentary evidence, (Who, What, Where, When, How, Why?) in support of their allegations against her.'[78]

'The allegations were uncorroborated and based on the subjective verbal word of the Defendants'.[79]

A clear example of contradictory statements made about me, (which was also highly personal), is D4 and D5's statements regarding my alleged demeanour[80]:***'VG: Her demeanour – she glares into your face.'***[81] This contradicts D5's statement made during her investigation interview with D3 on 17 November 2011: ***'She was very defensive- right from the start. She made no eye contact…..'***[82] It also contradicts the statement made by D4's during her investigation interview with D3 on 11 October 2012: ***'ES: Yes AV would not make eye contact with you'.***[83] In the same response D4 states that I have an ***'abrasive demeanour'***. This was in response to D3's question, (which is clearly biased and inappropriate for an alleged 'fair and impartial' investigating officer to put to an interviewee):

'I believe that there was a level of hostility to the arrangements from the start, including questioning VG's competence as a manager. How did this manifest itself?'

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[76] See para 218 of my Reply
[77] See paras 225 – 226 & 245 of my Reply
[78] At para 225 of my Reply.
[79] At para 245 of my Reply.
[80] Also see para 52 of my eighth witness statement for further examples; (there are many more examples which have been set out in my 2 statements of case).
[81] I refer to exhibit AAV1/2/15 marked page 326.183: page 69 of D1's SOSR notes.
[82] I refer to exhibit AAV1/4/52 marked page 326.1378f: extract of D1's SOSR hearing bundle, D3's investigation interview with D5, signed 2 February 2012)
[83] I refer to exhibit AAV1/4/52 marked page 326.1374d: extract of D1's SOSR hearing bundle, D3's investigation interview with D4 on 11 October 2011, signed 2 February 2012)

D5 contradicts her own statement during the very same interview with D3 on 17 November 2011 where she stated that I *did not* make eye contact:

'CG: How about AV's behaviour in team meetings? VG: She would sit back in her chair taking notes. She would not be involved in discussions. She would look up and stare at me disdainfully, right in the eyes'.[84]

h) **Reliance on the alleged impact of my alleged conduct on the entire team: The Defendants' failures to speak to and/or interview the other 7 key workers in the team**: (either before or as part of the SOSR investigation process[85]), despite the fact that the Defendants' rely on allegation in their pleaded meanings. None of the managers state that they spoke to other my key work colleagues; they make false and unsubstantiated assertions about what my key worker colleagues thought and felt;[86]

i) **The Defendants' conscious and deliberate decisions not to alert me to alleged conduct and or competency issues**:

39.1 ***'The Claimant had never been informed formally under the disciplinary procedure, (verbally or in writing – as is her right under law and natural justice regards the right of reply), of any concerns regards her conduct or performance.'***[87]

39.2 ***'It can not be proportionate to make such extensive allegations in circumstances where no formal warnings and/or complaints had previously been given / made about the Claimant, and the allegations made were false and had never even been brought to her attention before.'***[88]

39.3 ***'D3 complained about the alleged 'tone' of the Claimant's e-mails and their alleged affect on management, however, prior to the Claimant's suspension, this had never been raised with her by the Defendants' via e-mail/letter or face-to-face in meetings and the Defendants' produced no evidence during the SOSR hearings to demonstrate that it was raised with her.***[89]

39.4 ***'During this day of the hearing the Defendants' maintained that the Claimant's alleged conduct/behaviour did not warrant any complaints being made***

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[84] I refer to exhibit AAV1/4/52 marked page 326.1378g: extract of D1's SOSR hearing bundle, D3's investigation interview with D5 on 17 November 2011, signed 2 February 2012)

[85] See para 263 of my Reply.

[86] See para 178 of my Reply.

[87] See para 51 of my re-amended PoC.

[88] See para 264.8 of my Reply.

[89] See para 120 of my Reply. D6 and D7 were aware that the other D's produced no evidence to support this allegation.

about her and indeed, no formal complaints had been made about the Claimant. D4 also stated that she did not receive any formal complaints about the Claimant.'[90]

39.5 **'*…the Defendants' made it clear during the SOSR hearings that they did not feel sufficiently strongly about the Claimant's alleged behaviour/conduct to either speak to the her about it at the relevant times or report her…*'**[91]

j) **The false and/or inconsistent and untenable evidence given/relied on during these proceedings by the Defendants'**[92], i.e.

'alternatively, the Claimant's reply clearly sets out the fact that the Defendants' case discloses antecedent dishonesty.'[93]

k) **The Defendants' use of spiteful, grossly exaggerated language**: (the tone and language conveyed an even more harmful and sinister impression/the use of emotive, extravagant, sensational and inflammatory language)[94], for example during the SOSR hearing the following statements were made:

39.6 '***VG: ….I would not feel comfortable working on the same floor with Adele – probably not even in the same building.'***[95]

39.7 ***'VG: As soon as Lillian started speaking AV went into attack mode'.***[96]

39.8 ***'CG: …there was a culture of fear and they were afraid of managing you'***[97] and ***'A culture developed where managers felt powerless and fearful of dealing with Adele'***[98]

39.9 (VG's allegation that 85% of her time was spent seeking advice about me): ***'AV: When Valarie said 85% of her time was taken up with seeking advice about me …CG: Elaine confirmed it.'***[99]

39.10 (Comparison made): ***'CG: Have you had staff who were difficult to manage? ES: Yes. For example, a member of staff who was working with young people – she went down on all fours under a table, after not having taken her medication. We tried to re-deploy her'***.[100]

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[90] See para 121 of my Reply.

[91] See para 165 of my Reply.

[92] See paras 8 - 9, 49, 51, 57, 63, 73, 78, 80, 84, 120, 131, 138, 148, 180, 215.32 – 215.33, 215.61, 215.64 – 215.65, 224 – 225, 228, 251 – 252, 257.3 & 276 of my Reply and paras 11.1i- j of my re-amended PoC

[93] At 257.3 of my Reply.

[94] See para 42 of Claimant's re-amended PoC & 199 of Claimant's Reply.

[95] I refer to exhibit AAV1/2/15 marked pages 326.185: page 71 of D1's SOSR hearing notes.

[96] At para 20.2j of my re-amended PoC.

[97] At para 21.2a of my re-amended PoC.

[98] At para 21.1g of my re-amended PoC.

[99] I refer to exhibit AAV1/2/15 marked page 326.154: page 40 of D1's SOSR hearing notes.

[100] I refer to exhibit AAV1/2/15 marked page 326.165: page 51 of D1's SOSR hearing notes.

The following statements are set out in another publication complained of, (D1's SOSR bundle):

39.11 ***'VG: Other team members seemed to see AV as having lost the plot'***[101]

39.12 ***'VG: Yes, but Adele was different. I needed someone else to deal with her for my own health and safety'***.[102]

39.13 ***'And when she said the word management, she might as well have been swearing'***.[103]

l) **The inclusion of extraneous defamatory material during the SOSR process**: (regarding my work output/capability etc);[104]

m) **The allegation that there was no one else in the team to manage me**: D3 stated during the SOSR hearing that the investigation arose out of the fact that principally she didn't have anybody to manage me. All of the Defendants' were aware that this was not the case. Mervyn King was not considered[105];

n) **D1's previous response, (pre-action correspondence and tribunal pleadings) which denies that defamatory statements were made**: this contradicts their Defence which admits that some of the words complained of defamed me;[106]

o) **The statements made by Unison reps**[107]: these statements are contained in the recordings and transcripts which support my allegations of there being a plan to 'get rid' of me. Unison was involved with the dispute between me and the Defendants', (right up to the internal investigations stage) and they had been copied into e-mail correspondence throughout my employment with D1.

The Defendants' equality form responses

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[101] I refer to exhibit AAV1/4/52 marked page 326.1378c: extract of D1's SOSR hearing bundle, D3's investigation interview with D5 on 10 October 2011, signed 2 February 2012)

[102] I refer to exhibit AAV1/2/15 marked page 326.184: page 70 of D1's SOSR hearing notes: I was the one who requested that she be removed as my line manager, (which the Defendants' were against).

[103] See page 302 of my appendix to my Reply, **[C1/10/320]**.

[104] See paras 43 of my re-amended PoC and paras 264.7 - 264.8 of my Reply.

[105] See para 114 of my Reply and para 43 of my eighth witness statement.

[106] See paras 20.2 l, m and p and 21.3d, g, k and l of my re-amended PoC and at paras 131, 135 & 227 of my Reply.

[107] See para 11.1m of my re-amended PoC and para 79 of my Reply.

40 The Defendants' state in their response to the my Letter of Claim[108] that in defence of the claim it intends to in rely on the equality form questionnaires and pleadings in connection to my employment tribunal claims. The equality form responses contain the following:

a) In question 8.12[109], I clearly state in my Equality form questions that D1 was aware of my psychiatric condition (depression, anxiety and panic attacks). In response to this question the Defendants' do not deny that this is the case[110];

b) The Defendants' who gave evidence during the internal SOSR process referred to my alleged inappropriate conduct during team meetings. However, the Defendants' failed to make reference to this alleged conduct anywhere in its equality form responses, even though it made references to all these meetings in the equality form responses;

c) At paragraph 8.12c of the Defendants' initial equality form response[111], they make reference to my telephone conversation with D3 on 29 June 2011, stating that she thought that I was rude and spoke very loudly. However, in the equality form response the Defendants' failed to make reference to any other alleged inappropriate conduct that its claims occurred between April and 16 November 2011.[112] D1 stated that the equality form response was approved by D3[113], (the individual who suspended me and investigated me). D1 confirmed that the equality form responses had input from everyone I had named in my Tribunal claim, (which included all the Defendants')[114].

Statements made by Unison Representatives

41 I rely on the following comments made by Unison reps:

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[108] I refer to exhibit AAV1/5/54 marked page 326.1535.
[109] I refer to exhibit AAV1/2/19 marked page 326.406.
[110] I refer to exhibit AAV1/4/50 marked pages 326.1273 - 326.1274: D1 equality form response.
[111] I refer to exhibit AAV1/3/40 marked pages 326.1273 -326.1274: D1 equality form response.
[112] This point is significant, as the equality form questionnaire and response covers events between 1 April and 5 August 2011, just 5 days before my suspension.
[113] I refer to exhibit AAV1/4/50 marked page 326.1289: the e-mail from D1's in-house solicitor Francis Millivojevic to Claimant dated 11 November at 16.49
[114] I refer to exhibit AAV1/4/50 marked page 326.1287: the e-mail from Francis Millivojevic to Claimant dated 4 November 2011 at 16.29

a) Comment made by Jackie Lynham- Unison rep (and Lewisham employee for 20 years) to me, about D1 and D3 during the investigation interview break on 1 November 2011[115]: She stated that the Defendants' had *'done lots of things wrong'* and that D1's managers had '*absolutely fucked up big time*' and that *'D3 was answerable to it all'*;

b) Conversation between myself, Delroy Bent (also a Unison rep) and Jackie Lynham before the investigation interview on 25 October 2011 regarding my suspension, Jackie Lynham stated that the suspension wasn't a reflection on anything that I might have done wrong, but the fact that the Defendants' keep doing things wrong.[116] During the investigation interview, in relation to the allegations made against me, Jackie Lynham stated that the Defendants' are going to '*produce out of the hat*' some complaints.[117] Delroy Bent stated that D1 were '*trying to cover it*' and that the good thing is that I was '*onto their game*'. Jackie Lynham then stated, 'b*ut it's not a game because its peoples' lives that they're dealing with'*. Jackie Lynham then stated that if she spoke to D3, D3 would say *'what have my management been up to? You know, Jesus Christ you know…'*[118];

c) Comments made by Jackie Lynham to me before the investigation interview on 25 October 2011 regarding my suspension[119]: She stated D1's staff were '*inadequate*' and they had *'caused the situation'* with my health '*through all their wrong-doing*'.

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[115]I refer to exhibit AAV1/3/36 marked page 326.868, at sentences 368 – 371. The extracts of this transcript was set out at paragraph 23a of my witness statement for my interim injunction application dated 13 March 2013 and the covert recording and transcript was adduced as evidence.

[116]I refer to exhibit AAV1/3/35 marked page 326.814, at sentences 85 – 90 and 92 – 94. The extracts of this transcript was set out at paragraph 23b of my witness statement for my interim injunction application dated 13 March 2013 and the covert recording and transcript was adduced as evidence.

[117]I refer to exhibit AAV1/3/35 marked page 326.836, at sentences 914 – 916. The extracts of this transcript was set out at paragraph 23d of my witness statement for my interim injunction application dated 13 March 2013 and the covert recording and transcript was adduced as evidence.

[118]I refer to exhibit AAV1/3/35 marked page 326.837, at sentences 922 – 930. The extracts of this transcript was set out at paragraph 23e of my witness statement for my interim injunction application dated 13 March 2013 and the covert recording and transcript was adduced as evidence.

[119]I refer to exhibit AAV1/3/35 marked page 326.816, at sentences 144 – 148 and 151- 156. The extracts of this transcript was set out at paragraph 23c of my witness statement for my interim

42 There will not be any actual evidence of secret meetings/telephone calls being held by management to develop the strategy to 'get rid' of me, save for the fact that the pattern of events suggests that they must have took place. One would not, of course, expect such a process to be documented. Just a month before the decision was taken to progress to an SOSR hearing, D1 had tried to intimidate me into leaving my job voluntarily. I believe that the e-mail sent by D1's legal representative's to me on 24 November 2011 at 12.10 (a settlement offer), constituted an indirect threat to refer me to the Independent Safeguarding Authority (ISA). I rejected the settlement offer, because amongst other things, there was a clause in it regarding D1 wishing to reserve its right to make a safeguarding referral about me[120].

'I have removed the words "save for any claim relating to any breach of statutory duty and/or claim relating to safeguarding". However the London Borough of Lewisham cannot contract out of its obligation to make a safeguarding referral should it become aware of facts or circumstances which would require a referral.'[121]

All of the settlement agreements that were offered to me included 'gagging' clauses in them. They wanted me to keep my mouth shut about what had gone on.

It is important to note that the previously drafted agreements did not include this clause[122]. When I challenged D1's legal representatives about this, D1 took the clause

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injunction application dated 13 March 2013 and the covert recording and transcript was adduced as evidence.

[120] I refer to exhibit AAV1/4/50 marked page 326.1303: D1's legal representative's e-mail to Claimant dated 24 November 2011 at 12.10.

[121] See para 86 of C's Reply. Also see para 94 of C's PoC.

[122] I refer to exhibit AAV1/4/50 marked pages 326.1287a- d: D1's legal representatives e-mail and letter to Claimant dated 8 November 2011, exhibit AAV1/4/50 marked pages 326.1287e-i: Draft settlement agreement attached to D1's legal representatives e-mail to Claimant dated 8 November 2011 at 11.01, exhibit AAV1/4/50, marked pages 326.1289b- h: Draft settlement agreement attached to D1's legal representatives e-mail to Claimant dated 16 November 2011 at 16.08, AAV1/4/50 marked pages 326.1301a- b: D1's legal representatives e-mail to Claimant dated 22 November 2011 at 11.27 & exhibit AAV1/4/50 marked pages 326.1301c- i: Draft settlement agreement attached to D1's legal representatives e-mail to Claimant dated 22 November 2011 at 11.27.

out. D1's legal department later e-mailed me on 14 December 2011 at 14.41 stating it was unaware of any risks.[123]

43 I have to live with the real risk that D1 may one day follow through with its indirect threat to put my name on the 'barred list'. This would prevent me from working with children and vulnerable people. In the publication complained of the Defendants' question my ability/fitness to work with vulnerable young people. For example:

'ES:..If she could not manage communication with her adult colleagues I do not see how she would be able to communicate with a vulnerable young person.'[124]

'Please comment on Adele's ability to carry out the usual activities of her role and the ease by which Adele can carry out these functions. In particular please comment on Adele's ability to provide face to face advice to young people, (including those who fall into the 'high risk' groups referred to above) especially given that Adele has stated that she prefers written communication rather than face to face meetings'[125]

'I wanted to ensure that if she returned to work, that she would be able to meet face to face with young people, in order to carry out her role as a personal adviser'[126]

44 D1 inserted the statement regarding a referral to the ISA for the clear purpose of causing distress, scaring and intimidating me into believing that my future career would be at stake if I didn't accept the offer. To me, the e-mails were an indication, (a warning sign) of what was to come[127]. The Defendants' clearly had reprisal in mind. The 'without prejudice' communication set out at paragraphs 81 – 82 of my Reply has been referred to in open correspondence between myself and D1's legal representative and submitted as evidence for Tribunal and employment appeal tribunal hearings in 2012 and 2013. D1 also included references to settlement discussions in the publication complained of, (D1's SOSR hearing bundle). These references, including another reference to settlement

[123] I refer to exhibit AAV1/4/50 marked page 326.1311.
[124] See page 92 of Claimant's appendix to her reply: Extract of D1's SOSR bundle- D3's interview with D4 on 10 November 2011.
[125] At para 117 of Claimant's Reply: Extract from D3's referral to OH consultant Dr Williams'.
[126] At para 118 of Claimant's Reply: Statement made by D3 during her SOSR presentation (at the SOSR hearing)
[127] Which involved the defamation of my character.

discussions at paragraph 139 of my Reply, all relate to the issue of the Tribunal's cost order against me, which the Defendants' raise as an issue at paragraph 98 of the Defence. The references also relate to the issue of an injunction and the threat of further publication.

The allegation that my grievances/complaints were vexatious

45 The Defendants' assert in their Defence that my grievances/complaints were vexatious and/or unwarranted. However, it is important to note that Chris Threlfall and Rita Lee both suggested that raising a grievance would be the appropriate course of action for me to take and prior to the SOSR hearings[128], and on 1 July 2011 via letter, I was advised by Alan Docksey, a senior manager, to take out a grievance regarding my whistleblowing allegations[129]. I would have/should have been disciplined if my complaints/allegations were really vexatious, as this is required by D1's own policies; (Whistleblowing policy[130]) and (grievance policy[131]). My colleagues had also made/were raising the same and/or similar concerns as me. Examples of this are set out in this witness statement and at paragraphs 50 - 51 of my eighth witness statement and they are also contained in the publications complained of, D1's SOSR bundle, my SOSR bundle and my covert recordings and transcripts of team meetings.

46 The minutes to the Full-Time workers meeting on 10 March 2011 show that Nick French stated that D1 cannot replicate what Connexions has been doing: it cannot afford to take on Babcock's staff either to employ or make redundant and that while legal challenges

[128]I refer to exhibit AAV1/4/46 marked page 326.1188: D1's notes to Claimant' meeting with Chris Threlfall, last paragraph: '***Chris advised her that she could take out a grievance…***'
[129]I refer to exhibit AAV1/4/47 marked pages 326.1228 - 326.1229.
[130]I refer to exhibit AAV1/2/19 marked page 326.412: extract of D1's Whistleblowing policy (at page 7).
[131]I refer to exhibit AAV1/2/19 marked page 326.414: extract of D1's Grievance policy (at page 11).

exist it cannot confirm what its NEET Reduction will comprise,[132](he was basically saying he was unable to say what type of service we would be delivering at Lewisham Council until the legal dispute with Babcock was resolved). It is clear that the confusion and/or difficulties were not caused by me, but because of systemic issues[133] and as a direct result of D1's efforts to try to avoid liability for failure to consult the TUPE'd staff and not having also TUPE'd all my other former Connexions colleagues, (hence my compensation from D1 for failure to consult[134] and my former colleagues' successful Tribunal claim for unfair dismissal and compensation for failure to consult).

The Defendants' pleaded meanings: Alleged unspecified behaviour

47 The Defendants' have pleaded that the words complained of meant or was understood to mean that: '***The Claimant's behaviour was such as to entitle an employer to conclude that she could not continue to be employed by it'*** and/or, ***'The Claimant's behaviour (whether it was in good or bad faith) had an extremely damaging effect upon her fellow employees, particularly her managers. The harm caused to her fellow employees, whether the Claimant intended it or not, was such that an employer could not permit her to continue to be employed.'***

48 I was not disciplined for behaviour or conduct issues, (misconduct). In the Publication complained of, (D3's SOSR presentation/report), D3 clearly states that she and D1 were not looking at my conduct and/or attributing any blame to me and repeated the statement several times[135]. D3 repeats this again in the second paragraph at page 7 of D1's SOSR

[132]I refer to exhibit AAV1/4/46 marked pages 326.1179, no. 6: My team worked on NEET reduction, this statement demostrates why D1 persistently failed to set out our role and responsibilities and address TUPE issues.
[133]D4 even asked staff to develop their own induction pack, I refer to exhibit AAV1/4/47, marked page 326.1242: D4's e-mail to key workers dated 20 July 2011 at 10.04.
[134]I refer to exhibit AAV1/4/50 marked page 326.1532: Unison's letter to Claimant dated 12 November 2012 regarding compensation from D1.
[135]I refer to exhibit AAV1/2/15 marked page 326.120, 3rd para: page 6 of D1's SOSR notes.

notes[136]. At the bottom of page 35 of D1's SOSR notes, D3 states this again[137]. The assertion that no blame is being attributed to me is also documented in my covert recording.[138] During my supervision meeting with D4 on 20 July 2011 (just weeks before my suspension) she asked me whether I had thought about 'getting into management' and she was quite keen for me to consider future opportunities of this nature in relation to my personal development within the council. In my view D4's question was, at the very least, a tacit consent to my relationship with D1 continuing. During the SOSR hearing on 28 February 2012, D4 admitted that she had asked me about getting into management during my supervision.[139] D4 claimed that she asked all her staff this question, (apparently this includes staff that she goes on to make serious allegations about just weeks later, without ever having brought it to their attention, in relation to issues that have allegedly been going on throughout their employment).

49 A substantial portion of the words complained of were made during the investigation stage of the SOSR, so I do not understand how they can be connected to the general charge advanced by the Defendants', as the words complained of were made before D3 recommended my dismissal, when there was only allegedly 'cause for suspicion' that 'relationships had broken down'. Her investigation interviews with managers document the fact that she makes it clear at the outset of the interviews that it is only a fact-finding exercise.[140] The Defendants' pleaded general charge is therefore impermissible in this context. This is supported by the statement made by D3's during my investigation interview with her on 1 November 2011,

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[136]I refer to exhibit AAV1/2/15 marked page 326.121, 2nd para: page 7 of SOSR notes.
[137]I refer to exhibit AAV1/2/15 marked page 326.149: bottom of page 35 of SOSR notes.
[138]This is in response to my question to her, where I try to ascertain that my conduct is not being looked at, at all) and in response D3 states 'no', that she is not looking at my conduct.
[139]I refer to exhibit AAV1/2/15 marked page 326.168, (last paragraph). D1's SOSR notes.
[140]I refer to exhibits AAV1/4/52 marked pages 326.1374a &326.1378a: Extracts from D1's SOSR bundle: D3's investigation interviews with D7 on 31 October 2011, signed 8 February 2012 and with D5 on 10 October 2011, signed 2 February 2012.

'Could I just be very clear, there is no case against you. At the moment, the purpose of this meeting is for me to gather evidence of events and circumstances and based on that evidence, to conclusion. So there is absolutely no case against you'.[141]

50 In addition to the above, D2's role was supposed to be that of a neutral adjudicator, (with D6 assisting him in this capacity), again rendering the Defendants' general charge impermissible[142]. The Defendants' made it clear during the SOSR hearings that they did not feel sufficiently strongly about any alleged behaviour/conduct to either speak to the me about it at the relevant times or report me. I am at a loss as to why anybody could reasonably think the worse of me for acting '*in good faith*', (which is what the Defendants' second pleaded meanings accept that I may have been doing)[143] and in circumstances, where the Defendants' had stated that my alleged conduct/behaviour did not warrant any complaints being made (and indeed, no formal complaints had been made about me)[144]. In their particulars of justification at paragraph 182.3i, the Defendants' accept again, the possibility that I was acting in good faith, however, in the Defendants' Tribunal pleadings, (which they rely on in support of their plea of justification); they assert that I *did not* act in good faith[145]. This is yet another example of the Defendants' reliance on inconsistent evidence.

51 My complaints were justified and proportionate and I followed my complaints through and engaged with them. The Defendants' defence relies on the fact that I sent numerous e-mails setting out my complaints' and that they felt that this was unacceptable, however,

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[141] I refer to exhibit AAV1/3/36 marked page 326.864: Claimant's covert recording of her investigation interview with D3 on 1 November 2011, at sentences 228 – 231.
[142] I set this out at paras 171 – 172 of my Reply to the Defence.
[143] The concept of good faith being taken to mean: having sincere and honest intentions and beliefs/ motive without any malice / compliance with and accordance with standards of honesty, trust, sincerity / an absence of intent to harm other individuals or parties.
[144] I had received no formal warnings and the words complained of at paras 20.1 – 20.2q, 20.4 - 20.5b, 20.7 – 20.7l and 21.1- 21.3l of Claimant's re-amended PoC.
[145] I refer to exhibits AAV1/5/53 marked page 326.1502: D1's amended tribunal pleadings for claim number 2390531/2011A, at paragraph 19 and exhibit AAV1/5/53 marked page 326.1460, at para 112: D1's amended tribunal pleadings for claim no. 2375023/2011.

confusingly, the Defendants' defence of justification asserts that I *did not* follow through with my complaints and/or engage with them. Other key workers in my team were also raising the same concerns as I was, and were supportive of me in raising those concerns, yet they were not investigated or even interviewed as part of the SOSR hearing. I was singled out by the Defendants'.[146]

52 The Defendants' falsely claim at paragraph 66 of their Defence that D3 was *appointed* as the investigating officer. During the SOSR hearing, when I asked her who assigned her to the role of investigating officer and when this happened, D3 stated that she took the decision to investigate when she took the decision to suspend me[147]. This interchange between us was omitted from D1's SOSR minutes/notes. In the publication complained of, (in response to my specific question about why D3 only interviewed managers that I had made complaints about and failed to interview other key workers), D3 stated that there was no reason to interview key workers[148]. Why would the Defendants' not interview individuals that they claim my alleged behaviour had a detrimental impact on? D1's SOSR notes also record the following:

'AV: My alleged conduct during meetings – it would have been useful for you to obtain the opinions of my peers?
CG: The account of that meeting was triangulated by the three people I spoke with'

The above statement[149] shows that D1 and D3 only felt it necessary to talk to 3 people about my alleged conduct during team meetings and the alleged affects of the unspecified

[146]The Defendants' reference to key workers who had not been interviewed and/or called to provide evidence during the SOSR process, provides an obviously unsatisfactory evidential basis on which to base their alternative meanings on and on which to rely on in support of their claim that my alleged 'unspecified' behaviour impacted detrimentally on those key workers.
[147]I refer to exhibit AAV1/3/40 marked page 326.1001: Claimant's covert recording transcript of the SOSR hearing on 27 February 2012 at sentences 467 – 468: ***'um...I took the decision to investigate when I took the decision to suspend you'***.
[148]I refer to exhibit AAV1/2/15 marked page 326.152: page 38 of D1's SOSR notes, D3's second statement.
[149]I refer to exhibit AAV1/2/15, marked page 326.152: 2 of those people were managers and I had previously made complaints about (D4 and D5) and I had named 3 of them in legal proceedings brought in September 2011, which was before they were interviewed by D3.

conduct on that group of more than 10 people. The covert recordings and transcripts will assist me in disproving the Defendants' allegations regarding my alleged conduct, (as they are the only accurate record of the events in dispute) and they will therefore need to be examined at trial. My covert recordings and transcripts disprove all of the statements made by the Defendants', (see paragraphs 65 – 69 of my eighth witness statement).

My pleaded meanings: innuendo and imputations

53 My re-amended PoC makes it clear that third parties attended all the SOSR hearings, (where some of the words complained of were spoken and had indeed heard all of the relevant words in their context,) and that the written publications complained of were made available to third-parties, (they were given copies- the reader must be assumed to have read the article as a whole. The Defendants' assert in their Defence that the note-takers were given copies in order to aid them with their notes). My 2 statements of case make it clear that the words complained of convey the imputations pleaded by way of natural and ordinary and/or inferential meaning and/or by way of innuendo.

54 Some of the extraneous particulars pleaded in support of this are as follows:

54.1 **'*The complaints also include their implied meanings*.'**[150]

54.2 ***'The defamatory 'stings' complained of arise indirectly, being derived from inferences that supposedly the hypothetical reasonable listener/reader would have drawn from the statements that were made about the Claimant.'***[151]

54.3 ***'The Claimant's case had been in opposition with the Defendants' allegations, therefore the imputation was that she was dishonest in relation to the allegations made against her which led to her dismissal.'***[152]

54.4 ***'From the natural and ordinary meaning of the statements complained of and other things taken as a whole, the implications and innuendoes are clear, to the***

[150] At para 20 & 21 of my re-amended PoC.
[151] At para 28 of my re-amended PoC.
[152] At para 22 of my re-amended PoC.

effect that the Claimant is 'obstructive' 'intimidating' 'dishonest', 'incompetent', 'unruly', and 'lazy'.'[153]

54.5 **'*The inferences, implied meanings, imputations and innuendo's of dishonesty connote a degree of moral failure on the part of the Claimant and that she lied in her denials of the Defendants' allegations, which the Claimant submitted in the form of both written and oral statements. The meaning conveyed by the publications was one of actual guilt of dishonesty, deficiencies with her personal character and unfitness for her office/job/post/purpose'*.'**[154]

54.6 **'*The Claimant has pleaded that the facts giving rise to the inferences, implied meanings, imputations and innuendos are facts that were known to the listeners/readers. In taking into account the context, including the facts relied on by Claimant; the reasonable reader/listener could also understand this. It has long been held that it is defamatory of an individual to impute incompetence in their profession, see for example, what is said in Gatley at para 2.27, which cites Hackenschmidt v Odhams Press, The Times, October 23, 24 1950.*'**[155]

54.7 **'*The Claimant has pleaded that the third-parties receiving the publications had special/requisite knowledge of the facts required. The third party note-takers were present throughout the SOSR hearings and they were given copies of/access to, the publications, (as is admitted by the Defendants' in their Defence).*'**[156]

54.8 *'**The Defendants' made dozens of false statements about the Claimant which was intended to mean that she was dishonest in relation to her denials of the allegations made against her and her SOSR case/defence. It is reasonable to impute the Claimant's pleaded meanings from the context of the entire publications and the tone. The meanings pleaded by the Claimant are meanings within the range of meanings which reasonable readers/listeners could understand the words complained of to bear, in the context of the entire publications*.'**[157]

54.9 **'*The publications complained of, (including her covert recordings and transcripts) contain the Claimant's denials of the words complained of, which she expressed in firm and convincing terms and the words complained of, in context, is couched in terms which clearly cause the ordinary reasonable reader/listener to conclude that the Claimant's denials are untrue. The words complained of cast doubt on the truth of the Claimant's case that she offered to the Defendants'*.**[158]

54.10 **'*The ordinary, reasonable and sensible person would and did think less of the Claimant as a result of what was published and the words adversely reflected on the professional reputation of the Claimant in the eyes of reasonable people. The determination of meaning does not depend solely on the documents, but on an evaluation of those words in their context. The words complained of contain strongly worded criticisms of the Claimant, (which are factual in nature), involving*

[153] At para 24 of my re-amended PoC.
[154] At para 185 of my Reply.
[155] At para 186 of my Reply.
[156] At para 187 of my Reply.
[157] At para 199 of my Reply.
[158] At para 200 of my Reply.

repetition of the allegations and assertions that those allegations were true. They were in fact false and therefore unsupportable.'[159]

54.11 ***'…in paragraph 164 the Defendants' admit that Susan Funnel read the SOSR presentation…'***[160]

54.12 ***'The Defendants' asserted that the Claimant had generally prevented reasonable adjustments being made, and the Claimant clearly denied the Defendants' allegations in relation to this. The Defendants accused her of dishonesty in relation to her denials, which is set out at 21.3b of the Claimant's re-amended PoC. The meaning conveyed by them was one of actual guilt of dishonesty in relation to the words complained of.'***[161]

54.13 ***'Adele takes detailed notes during meetings with managers and communicates with management frequently through long e-mails'***[162]

54.14 ***'When answering some of the questions during the investigation meetings Adele began to speak very quickly. When asked to slow down, Adele stated that because of her impairment she has to speak very quickly because otherwise she is unable to remember the information which she wishes to share'***[163]

54.15 ***'the potential effect of her diagnosis, if any, on her ability to form and maintain relationships with customers, colleagues, managers and others she comes into contact with in order to undertake her duties of her job role'***[164]

54.16 ***'Please comment on Adele's ability to carry out the usual activities of her role and the ease by which Adele can carry out these functions. In particular please comment on Adele's ability to provide face to face advice to young people, (including those who fall into the 'high risk' groups referred to above) especially given that Adele has stated that she prefers written communication rather than face to face meetings'***[165]

54.17 ***'What is the effect of her symptoms/medication and how might this affect Adele's ability to carry out her job?'***[166]

54.18 ***'I have heard that she would not engage in a dialogue, but was over focused on writing detailed notes'; 'However, when I interviewed Adele (pages 333-4) she stated that she preferred to have face to face meetings to receive "work instructions". This unconventional and literal interpretation has caused problems'***[167]

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[159] At para 204 of my Reply.
[160] At para 215.61 of my Reply.
[161] At para 223 of my Reply.
[162] At para 116 of my Reply.
[163] At para 116 of my Reply.
[164] At para 117 of my Reply.
[165] At para 117 of my Reply.
[166] At para 117 of my Reply
[167] At para 118 of my Reply

54.19 ***'Officers were of the view that Adele avoided face to face meetings preferring to communicate in long emails'***[168]

54.20 ***'When I returned I asked her a supplementary question (page 346) which was about her ability to carry out her job, which required 70% of her time in face to face meetings with young people'***[169]

54.21 ***'A further example of Adele's unconventional communication is that when I met with Adele on 28th June, which I have already referred to, and confirmed in my letter…'***[170]

54.22 ***'I wanted to ensure that if she returned to work, that she would be able to meet face to face with young people, in order to carry out her role as a personal adviser'***[171]

55 The Defendants accused me of dishonesty in relation to my denials of the words complained of, which is set out at 21.3b of my re-amended PoC and pages 36, 104, 107 and 108, of D1's SOSR notes[172] and my covert recording transcripts of the SOSR hearing on 6 March 2012, part 2 after lunch at sentences 113 – 119. The Defendants' accusation of my dishonesty in relation to my denials of the words complained of can be found at 19, 22, 24 – 25, 31, 41, 90 – 91, 103, and 123 of D1's SOSR notes and D3's SOSR presentation[173].

56 At paragraph 119 of my Reply to the Defence I set out numerous examples of this, (these also constitute extraneous particulars in support of my innuendo meaning):

56.1 (D3) ***'I would also ask you to consider whether Adele's complaints that the Council failed to implement reasonable adjustments are genuine…'*** [174]

[168] At para 118 of my Reply
[169] At para 118 of my Reply
[170] At para 118 of my Reply
[171] At para 118 of my Reply
[172] I refer to exhibit AAV1/2/15 marked pages 326.150, 326.218 & 326.221 - 326.222: D1's SOSR minutes/notes.
[173] I refer to exhibit AAV1/2/15 marked pages 326.133, 326.136, 326.138 – 326.139, 326.145, 326.155, 326.204 – 326.205, 326.217 & 326.237: D1's SOSR minutes/notes.
[174] I refer to exhibit AAV1/2/15 marked page 326.136: page 22 of D1's SOSR minutes/notes of D3's SOSR presentation & para 119 of Claimant's reply, (1st statement).

56.2 (D3) ***'…The question arises whether Adele was making a genuine request for an adjustment,…'*** [175]

56.3 (D3) ***'This fact coupled with Adele's refusal to share detailed information about her condition to the Council's OH service raises serious concerns about the trust we have in her'*** [176]

56.4 (D3) ***'….I think that this clearly demonstrates the breakdown in appropriate ways of working, and the trust and confidence in the relationship. On page 335 question 31, Adele denies that I asked her not to write to Barry and Frankie. I have also had sight of Adele's written presentation where at page 26 para aa she alleges that my comments in the investigation that I had asked her not to write to Barry and Frankie in my email of 30th June 2011, were false'*** [177]

56.5 (D3) ***'She states that Marina Waters (page 11), Ian Smith, Christine Bushell (14), Elaine (74,76), Valarie (75), Nicolette (67), Chris and myself have given false accounts. If this is the case, that very senior and middle managers are giving false testimony, Lewisham as an organisation is amoral. That is not the Lewisham that I know'*** [178]

56.6 (D3) ***'I would also point out that Adele on Page 67 of her bundle now accuses Nicolette of false statements. This further underlines that there is no one to manage Adele'*** [179]

56.7 (D3) ***'I looked at it from the other perspective. When we met, you claimed your productivity was the best in the team. I tried to substantiate this with Valarie etc., but it appears the opposite was true'*** [180]

56.8 (D3) ***'You have accused me and most of your colleagues of lying. This supports my case that relationships have irretrievably broken down'*** [181]

56.9 (D3) ***'You sighted the request for mediation with Elaine on 30 June but in the report you have submitted to the hearing officer and in your email to Barry Quirke about me, you say we are lying. Can you point to any aspect of your bundle where you are prepared to repair the relationships?'*** [182]

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[175] I refer to exhibit AAV1/2/15 marked page 326.237: page 123 of D1's SOSR minutes/notes of D3's SOSR presentation & para 119 of Claimant's reply, (2nd statement).

[176] see para 21.3g of the Claimant's re-amended PoC & & para 119 of Claimant's reply, (1st statement).

[177] I refer to exhibit AAV1/2/15 marked page 326.133: page 19 of D1's SOSR notes of D3's SOSR presentation & para 119 of Claimant's reply, (4th statement).

[178] I refer to exhibit AAV1/2/15 marked pages 326.138 - 326.139: pages 24 – 25 of D1's SOSR notes of D3's SOSR presentation & para 119 of Claimant's reply, (5th statement).

[179] I refer to exhibit AAV1/2/15 marked page 326.139: page 25 of D1's SOSR notes of D3's SOSR presentation.

[180] I refer to exhibit AAV1/2/15 marked page 326.155: page 41 of D1's SOSR notes of D3's SOSR presentation & para 119 of Claimant's reply, (8th statement).

[181] I refer to exhibit AAV1/2/15 marked page 326.204: page 90 of D1's SOSR notes of D3's SOSR presentation

[182] I refer to exhibit AAV1/2/15 marked page 326.204: page 90 of D1's SOSR notes

56.10 (D3 and me) ***'CG: Your managers have said you were reluctant to meet with them to discuss things. AV: I said I would meet. CG: So your managers were lying? Do you have trust and confidence in your employer?'*** [183]

56.11 (D3 and me) ***'CG: Are you referring to your last sentence – that you are prepared to repair the relationships – looking forward? AV: Yes. And I have trust and confidence. CG: I have heard in response to my questions that you still feel we were lying'*** [184]

56.12 (D2 and me) ***'RW: P.35 para 145 – evidence fabricated in your absence' AV: My analysis is on the witness statements p.66. False allegations were being made in the context of management statements and evidence given during the hearing. You would have to read it from start to finish (21 pages). I am expecting you to go away and read it to see all my allegations before you reach a decision. That is not the only support for my allegations – you will find them throughout my bundle and the additional information I have provided since the hearing started'***.[185]

57 On 28 February 2012, D1, D2, D3 and D6 asserted that an investigation report was not produced:

D2: ***'I was referring to the document that CG handed out, which she used to make her presentation. It was a courtesy. It was not an investigation report'***
Me: ***'I stand by what I said'***
D6: '***CG has said she did not do an investigation report.'*** [186]

58 In relation to this issue, D1's SOSR notes in relation to the hearing on 27 February 2013, (just the day before, reads as follows)

'AV: Did you provide anyone with a copy of your investigation report?
CG: No.
AV: Did you do an investigation report?
CG: Yes, it is contained in your bundle, and the written report is my presentation, which I have just read' [187]

'CG: The investigation report is in the bundle you have all been given. When we hear the case, we will know if there is anything more' [188]

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[183] I refer to exhibit AAV1/2/15 marked page 326.205: page 91 of D1's SOSR notes & para 119 of Claimant's reply, (11th statement).
[184] I refer to exhibit AAV1/2/15 marked page 326.205: page 91 of D1's SOSR notes & para 119 of Claimant's reply, (12th statement).
[185] I refer to exhibit AAV1/2/15 marked page 326.217: page 103 of D1's SOSR notes & para 119 of Claimant's reply, (13th statement).
[186] I refer to exhibit AAV1/2/15 marked page 326.164: page 50 of D1's SOSR notes.
[187] I refer to exhibit AAV1/2/15 marked page 326.144: page 30 of D1's SOSR notes.
[188] I refer to exhibit AAV1/2/15 marked page 326.119: page 5 of D1's SOSR notes.

59 I rely on my transcript of the SOSR hearing which is the true and complete account of what actually transpired in relation to the words complained of (at sentences 101 – 106 of the Claimant's transcript).

'AV: Erm…She said that this was her investigation report so I believe that what I stated in that email is correct
RW: Well…it isn't her investigation report…it is her script that's used for her presentation
CG: That's what I said' [189]
EH: She actually said that she didn't do a report

D2 (Ralph Wilkinson-the hearing officer) and D6 (Elaine Hattam-HR officer) were supposed to be neutral, yet the words complained of in relation to them impute the serious allegation of dishonesty. They materially injure my reputation, (having regard to all the defamatory statements). The meaning conveyed by them was one of actual guilt of dishonesty. This should be taken into account when considering their contribution in the context of the totality of the publications.

60 The Defendants' statements, (D3's, D4's, D5's and D7's) also included the imputation that I was dishonest in relation to my denials that I had generally prevented reasonable adjustments being made, (see for example page 6, 7, 20, 106, 113 - 114, 120 and 123 of D1's SOSR notes[190]) and my denials of the Defendants' allegations in relation to this:

Me: '***Where is the evidence in the bundle which shows I stopped management from making reasonable adjustments***? D2: ***'I have been through all the explanatory documents'***.[191]

Me: '***The assessment was undertaken, so how could there be a lack of co-operation. I believe it is in the bundle'***.[192]

Me: ***'I set out clearly what reasonable adjustments I would like, and the medical consultant set out what was required'***.[193]

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[189] I refer to exhibit AAV1/3/41 marked page 326.1048: Claimant's covert recording for the SOSR hearing on 28 February 2012, (morning), at sentences 101- 106.
[190] I refer to exhibit AAV1/2/15 marked pages 326.120 – 326.121, 326.134, 326.220, 326.227 – 326.228, 326.234 & 326.237: D1's SOSR notes.
[191] I refer to exhibit AAV1/2/15 marked page 326.150 - 326.151: pages 36 - 37 of D1's SOSR notes.
[192] I refer to exhibit AAV1/2/15 marked page 326.221: page 107 of D1's SOSR notes.
[193] I refer to exhibit AAV1/2/15 marked page 326.222: page 108 of D1's SOSR notes.

61 The words complained of at 21.2q of my re-amended PoC: statement made by D7, '…***And she told me that Adele had told her that she didn't need the assessment done***'[194], conveyed the imputation by D7 that I was dishonest in relation to my denials that I had generally prevented reasonable adjustments being made. D7's version of the words complained of is recorded inaccurately at page 63 of D1's SOSR notes[195]:

'….and she had been told by Adele that it wasn't necessary….'

62 For context, the words preceding the words complained of are[196]:

'Given the space that Adele was working in was both in-between the high street entrance which is where she was trying to get through and the Mercia Grove entrance which is round the corner, I suggested that she try to attempt accessing it through the Mercia Grove entrance because there was a receptionist there. I think I phoned her about half an hour later to check that she managed to find Adele and to meet there….'

63 D1's inaccurate version, contained in its SOSR notes reads as follows[197]:

'***Belinda from Mulligan & Hill rang to say she could not access the building where Adele was working. I suggested she attempt to access it through the Mercy Road entrance where there was a receptionist. I checked thirty minutes later and…'***.

64 The Defendants accused me of dishonesty in relation to my denials. D2's conversation with me, which was recorded at page 106 of the publication, (contained in D1's SOSR notes) reads as follows[198]:

'RW: It was suggested that there was no access to the Baseline building when an assessment had been requested. Tell me about that. AV: The assessment was undertaken, so how could there be a lack of co-operation. I believe it is in the bundle'.

My accurate version of the statement contained in my covert recording statement recorded the following[199]:

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[194]I refer to exhibit AAV1/3/41 marked page 326.1076: Claimant's covert recording for the SOSR hearing on 28 February 2012, (morning), at sentences 1126- 1127.
[195]I refer to exhibit AAV1/2/15 marked page 326.177: D1's SOSR notes
[196]I refer to exhibit AAV1/3/41 marked page 326.1076: Claimant's covert recording for the SOSR hearing on 28 February 2012, (morning), at sentences 1121- 1126: statement made by D7.
[197]I refer to exhibit AAV1/2/15 marked page 326.177: D1's SOSR notes, statement attributed to D7.
[198]I refer to exhibit AAV1/2/15 marked page 326.220 : page 106 of D1's SOSR notes

'RW: It was suggested that erm...one of the assessments which was at er...your er…baseline…Somebody couldn't get access. Tell me about that one cos it's been suggested that you weren't cooperating.' AV: erm...the assessment was undertaken so I don't know what level of unco-operation you'd be referring to. The assessment was undertaken and I think it's in the bundle.'

The words complained of in relation to D7, are not true and materially injure my reputation, (having regard to all the defamatory statements). The meaning conveyed by her was that I was obstructive and/or unruly.

65 The publications complained of clearly conveyed the meaning that I was unfit for my office/job/post/purpose and/or unfit to carry on my business in a proper and satisfactory manner. For example it stated that '*I would not engage in a dialogue, but was over focused on writing detailed notes*'[200], that my communication was 'unconventional'[201] and that D3 wanted to ensure that if I returned to work, that I would be able to meet face to face with young people, in order to carry out my role as a personal adviser.[202] It also stated that when I met with D3 I had claimed that my productivity was the best in the team and that she tried to substantiate this with Valerie but it appeared the opposite was true[203].

66 D3's OH referral to Dr Williams was included in the D1's SOSR hearing bundle[204] and D3 directed parties present at the hearing on 27 February 2012, to the OH referral in the publication[205]. D1/D3's OH referral stated that I take detailed notes during meetings with

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[199]I refer to exhibit AAV1/4/45 marked page 326.1159: Claimant's covert recording for the SOSR hearing on 6 March 2012, (part 2, after lunch), at sentences 113- 120.
[200]At para 20.7h of my re-amended PoC dated 31 July 2013.
[201] I refer to exhibit AAV1/2/15 marked page 326.133: page 19, 1st & 3rd paragraph of D1's SOSR notes to D3's SOSR prsentation
[202]I refer to exhibit AAV1/2/15 marked page 326.143: page 29, 3rd paragraph of D1's SOSR notes to D3's SOSR prsentation.
[203]I refer to exhibit AAV1/2/15 marked page 326.155: page 41, 1st paragraph of D1's written SOSR notes to D3's written presentation.
[204]See the appendix to my Reply to the Defence, (pages 207, 208 & 209-**[C1/10/313, - 315]**).
[205]See appendix 1 of my reply, pages 207 – 210

managers and I communicate with management frequently through long e-mails. It also stated that when answering some of the questions during the investigation meetings I 'began to speak very quickly' and when asked to slow down I stated that because of my impairment I have to speak very quickly because otherwise I am unable to remember the information which I wished to share. In the publication complained of, D3 asked Dr Williams for his opinion on and/or to comments on my fitness to and/or my ability to perform my role, which included a request for him to comment in particular on my ability to provide face to face advice to young people, (including those who fall into the 'high risk' groups) especially given that I had, stated that I prefer written communication rather than face to face meetings[206].

67 During the hearing on 28 February 2012, D3 asked D4 to confirm the standard of my output of work[207]. D3 questioned D4 about my standard of output of work D4 responded in great detail, (which is not reflected in D1's SOSR notes). Both external note-takers were given access to/given copies of D1's SOSR hearing bundle, which set out: a) D3's and D4's long discussion during their investigation, regarding my alleged work output[208]; b) my investigation interview on 4 November 2011 which detailed D3's questioning of me regarding my ability to do her job, (because it requires me to meet face to face with clients) and my response to D3's question, denying that I was incapable of performing my role[209]; c) the investigation interview with D5, which featured D5's comments and statements of fact regarding my communication skills i.e. my 'rambling' e-mails and her complaint that I would bring my 'internet searches' to meetings to back up my arguments; that I was doing research relating to work issues 'in work time'; that I found it difficult to

[206]See the appendix to my Reply to the Defence, (page 209 **[C1/10/315]**): no.6 of D1's SOSR bundle.
[207]I refer to exhibit AAV1/2/15 marked page 326.168: page 54 of D1's SOSR notes.
[208]See appendix 1 of Claimant's reply to the defence, pages 292
[209]See appendix 1 of my reply to the defence, pages 340 and 342.

work face-to-face and 'made no eye contact' and D3's and D5's long discussion regarding my alleged poor work output.[210]

The Defendants' breach of my rights under the Data Protection Act 1998 and the denial of my right of reply

68 I was not given the opportunity to respond before the words complained of were published, which is contrary to what D2 and 3 asserted at pages 30 and 31 of D1's SOSR notes[211] (and which is contrary to paragraph 163 of it's Defence which concedes that they had not been put to the Claimant prior to publication):

D3: 'All the allegations in the presentation had been advised to you by letter'.[212]

D2: 'Our letter of 13/2 outlined everything. You now have your opportunity. There is nothing that has been referred to by management here that was not advised to you in advance.' [213]

69 The above is yet another example of the Defendants' attempts to reinforce the allegation conveying/imputing dishonesty. I had specifically stated that all the allegations had not been put to me:

'Do you think it fair that there are a number of allegations made which I have not known about before, so am having to address on the spot? I have not had the opportunity to gather the necessary documentation to prove that they are all false'.[214]

'***I have not been afforded the opportunity to gather evidence to refute these allegations. I am not being given the opportunity to do so today.***'[215]

70 D1's notes inaccurately recorded/falsified my statement in relation to the denial of my right of reply, my full and accurate statements in relation to this, contained in my covert recording transcript reads as follows, (the interchange also includes D2 and D3's

[210] See appendix 1 of my reply to the defence, pages 301 - 302 and 304 – 305.
[211] I refer to exhibit AAV1/2/15 marked pages 326.144 - 326.145: D1's SOSR notes.
[212] I refer to exhibit AAV1/2/15 marked page 326.144: page 30 of D1's SOSR notes.
[213] I refer to exhibit AAV1/2/15 marked page 326.145: page 31 of D1's SOSR notes.
[214] I refer to exhibit AAV1/2/15 marked page 326.145: page 31 of D1's SOSR notes.
[215] I refer to exhibit AAV1/2/15 marked page 326.145: page 31 of D1's SOSR notes.

statements made on the issue of my right of reply, which was not recorded accurately and in full in D1's SOSR notes and/or falsified):

AV: Right, why did I not get a copy of this prior to the hearing?
CG: I think I've answered that question
AV: Okay...so um...basically I haven't been given the opportunity to um...address the allegations set out in this very lengthy document. Right, why did I not get a copy of this prior to the hearing?
CG: I think I've answered that question.
AV: Okay...so um...basically I haven't been given the opportunity to um...address the allegations set out in this very lengthy document.
CG: The allegations are set out in my letter to you on 13 February.
AV: um...Sorry, this is a very detailed document with very specific and numerous allegations. Now I hadn't seen, I hadn't known about any of these allegations prior to this hearing. So my question is, when was I afforded the opportunity to deal with any of these allegations and collate/gather evidence to support any defence that I might have?
RW: That's a procedure issue.
AV: Sorry?
RW: That's a procedural issue in terms of the submission of that whether that should be in advance or not. I think what's happened here is (muffled) management has provided you with a copy of that so that you can refer to that now. It would not be normal to ask for that document in advance
AV: Right. Do you think it's fair that there's a number of allegations made in this document that I have not had the opportunity um...to address before this hearing? I'm literally being asked to look at it/deal with it on the spot. All of them I can prove are false. However, because I haven't been given the opportunity prior to this meeting to know what the allegations are, I haven't had the opportunity to gather the necessary um...documentation to support the fact that they're false. Now how can that be fair?
RW: Well this is the council's process um...which has been tried and tested for many years. The allegations contained in the letter dated to you 13th February and what managers have done to go through and use the documentation that you had in advance to demonstrate those allegations. Its now your opportunity to question those…' [216]

71 I set out the details of the denial of my right of reply in my High Court witness statement dated 13 March 2013[217]). D1/D2's dismissal letter also states that on the first day of the hearing I complained that I had not been given a copy of the presentation in advance and were therefore not being given the opportunity to refute the allegations and in response D2 explained that normally management would not provide a written account of the presentation but had done so as a courtesy[218]. D2, D2 and D6 claimed that a report was

[216] I refer to exhibit AAV1/3/40 marked pages 326.997 - 326.998: Claimant's covert recording for the SOSR hearing on 27 February 2012, (part 2, after lunch), at sentences 319- 345: statement made by D7.
[217] At para 17 of my witness statement.
[218] I refer to exhibit AAV1/4/52 marked pages 326.1361 - 326.1362: D1's notification letter re SOSR hearing.

not even done. I should have received a copy of the SOSR presentation/report, in advance of the hearing. D1's notes to my investigation interview on 4 November 2011 depict D3 stating that she was going to prepare a report[219]. In her interviews with D4 she states the same.[220] During my telephone call with Jackie Lynham (prior to the SOSR hearing) she also confirms that D3 will do one[221]. D1's notes to the investigation interview also records D3's statement.[222]

72 D3 had informed me during the last investigation interview with me on 4 November 2011 that she may have to interview me again, (following interviews with the other Defendants')[223]. However, after interviewing the other Defendants', in November 2011[224], she failed to re-interview me. This was done in order to further deprive me of my right of reply. None of the specific statements complained of are set out in the D1's letter dated 13 February 2012, which was supposed to set out the specific allegation/charges against me[225]. The interchange which took place between I and D2, during the SOSR internal hearing on 27 February 2012, supports my contention that irrelevant statements were made[226]. When I asked D2 what purpose the statements served, D2 responded by saying, '*as regards to these allegations…none*'. This was omitted from D1's SOSR notes.

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[219]See the last page of my appendix to my Reply **[C1/10/326]**, bottom of page 342 in D1's SOSR bundle.
[220]I refer to exhibit AAV1/4/52 marked pages 326.1378: extract of D3's investigation interview with D4 on 10 November 2012, signed 10 February 2012, taken from D1's SOSR bundle.
[221]I refer to exhibit AAV1/2/20 marked page 326.421, at sentence 15 of the Claimant's covert recording transcript entitled 'Feedback from JL re her meeting with LBL over AV suspension'.
[222]See my appendix to my Reply at page 342, **[C1/10/326]**.
[223]See appendix to my Reply **[C1/10/326]**, last page, 342: extract of D1's SOSR bundle (investigation notes for 4 November 2011- middle of the page).
[224]Where many defamatory statements were made- which would later be published in D1's internal SOSR hearing bundle dated February 2012.
[225]I refer to exhibit AAV1/4/52 marked pages 326.1361 - 326.1362: D1's notification of SOSR hearing letter. The letter was sent to me just 2 weeks before the SOSR hearing and set out the following allegations/charges were vague and un-particularised.
[226]I refer to exhibit AAV1/3/40 marked pages 326.1014 – 326.1015: Claimant's covert recording transcript of the SOSR hearing on 27 February 2012 (after lunch), at sentences 952, 954 – 959 and 964 – 975], (from 1.36hr into the recording).

73 D1 and D2 claimed that the use of the third-party note-takers was to ensure that the notes taken were accurate[227]. However, D1's e-mail to me dated 14 December 2012 at 15.00, confirms that Susan Funnell did not take verbatim notes and states that when D4 read out her presentation, she handed D2 a copy, to avoid verbatim notes of the presentation needing to be taken during the hearing.[228]. Despite her sparkling credentials/qualifications[229] Susan Funnell and D1 felt that it was unnecessary for her to take verbatim notes. D1 withheld her limited notes, (which was only half a page long in relation to a 14 page presentation given by D4 to D2 and their related discussion on it) from me for more a year[230]. These circumstances support of my contention that the use of a note-takers from outside agencies was not in pursuit of a legitimate aim[231]. D1's in-house Solicitor admitted in an e-mail to me dated 7 December 2012 at 12.06, that they didn't even bother to check her notes before sending them out to me- he stated that D1 had not disclosed D4's presentation because it was assumed that it was contained in the main notes of the hearing.[232]

Covert recordings, abuse of process and real and substantial tort

74 I covertly recorded conversations as a precautionary measure[233]. The Defendants' did not serve any notice informing me that they wish the recordings and transcripts to be proved.

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[227] See para 132 of the Defence.

[228] I refer to exhibit AAV1/5/54 marked page 326.1551a: D1's e-mail to Claimant dated 14 December 2012.

[229] I refer to exhibit AAV1/5/55 marked page 326.1561. Her Tribunal witness statement dated 6 March 2013 states that her qualifications includes a Doris Teague qualification in shorthand (120 words per minute), the Royal Society of Arts qualification in shorthand at 80 words per minute and the Pitman Examinations Institute shorthand qualification at 90 words per minute.

[230] The notes/minutes should have been sent to me as part of D1's official SOSR notes/minutes that was sent to me on 5 April 2012. This was a breach of my right of access under the Data Protection Act 1998.

[231] I have also set this out at 28, 32, 45, 45.1, 45.2, 45.3, 45.4, 46 , 47- 48, 54 – 56, 62b, 63a-c, 67- 68, 71- 75, 77 – 78 of my re-amended PoC

[232] I refer to exhibit AAV1/5/54 marked page 326.1538: D1's e-mail to Claimant dated 7 December 2012.

[233] My covert recordings contained on a USB stick, (I refer to exhibit AAV1/11, marked page 326.1a (and 326.1b: the USB stick), and related transcripts, I refer to exhibit AAV1/ 2 - 4/20 – 45, marked

Therefore they are deemed to admit the authenticity of the covert recordings and transcripts disclosed to them.[234] Extensive references are made to the covert recordings and transcripts in my 2 statements of case. The Defendants' also make reference to all the covert recordings at paragraphs 174 and at 110.3 of their Defence[235]:

'She asserted that the covert recordings would prove her case, principally by exposing the Respondents as having fabricated evidence concerning her.'

The Defendants' have even included my covert recording transcripts in their bundle for this hearing.

75 In relation to the Defendants' plea of justification, at paragraph 182 of the Defence it states the following:

'Both the words published by the Defendants in the hearing bundle and the words published orally at the hearing were substantially true….'.

The evidence clearly disproves the words complained of. I rely on both my audio and documentary evidence, (including the facts and matters set out in my 2 statements of case), in opposition to the above statement, in support of my plea of malice and my allegation of contempt. The complete picture of my dealings with the Defendants', (in relation to the words complained of) is depicted in my covert recordings and transcripts.

76 Details of my dismissal and the existence of the covert recordings and transcripts are already in the public domain. The issue of my dismissal and covert recordings and transcripts has received massive publicity throughout the jurisdiction. In particular, the issue of the admissibility of my covert recordings and transcripts in relation to my previous tribunal claims was adjudicated by the Employment Appeal Tribunal in

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pages 326.415 - 326.1177, together with minutes, also ensure an accurate contemporaneous account of what was said on both sides (which written notes will actually fall down on), including the tone with which the words were spoken.

[234] See Part 32.19 Civil Rules & Practice Directions and Part 31.

[235] This is in relation to C's application to the Tribunal to adduce approximately 39 hours of her covert recordings (and transcripts) for the hearing which was due to take place in October 2013.

Vaughan v London Borough of Lewisham & Ors [2013] UKEAT/0534/12/SM.[236] It has also been referred to in ***Vaughan v London Borough of Lewisham & Ors*** [2013] EWHC 795 (QB) and been widely reported/commented on by law firms and legal resources. The publications complained of have exposed me to ridicule by the legal community, which has destroyed my dignity and sense of self and also affected my ability to secure legal assistance. An example of this ridicule is demonstrated in an online article published by a Trainee Solicitor named Sarah Wilkinson[237], at the law firm '**Squire Sanders'**, (in their 'blog'), that describes itself as an '***Employment Law Worldview Blog***' that:

'…aims to interest and educate, to stimulate discussion, to provoke and sometimes just to amuse HR and other practitioners around the world. Through contributions from our own Labor & Employment lawyers, along with occasional guest writers, it provides a unique global insight into practical and legal HR issues relevant to employers everywhere.'

77 The article they published on 3 July 2013[238], entitled '***The employment claim that keeps on giving – Vaughan v London Borough of Lewisham***' includes the following ridiculing passages, (which humiliate me and expose me to contempt):

'In the latest episode of this thrilling claim the EAT has upheld a rather hefty costs order against Ms Vaughan. For those of you who may have missed the first couple of episodes, let's go back to the beginning.'

'Ms Vaughan appealed against the Employment Tribunal's ruling that 39 hours' worth of covert recordings of her employer's meetings with her were inadmissible as evidence (see our post of 14 March). She was eventually allowed to submit only a 'Best of' as evidence, which was still around 5 hours long and, as the Tribunal had the grace not to say, probably sufficient to induce narcolepsy in horses.'

'Next Ms Vaughan, obviously developing a taste for litigation, claims at the High Court for libel under the Protection from Harassment Act 1997 on the alleged basis that her colleagues had made defamatory statements about her which amounted to harassment and had thereby caused her to be dismissed. The High Court held that that there were "cogent considerations in favour of the ET proceedings being dealt with first",

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[236] I refer to exhibit AAV1/5/55 marked page 326.1553 - 326.1556: extract of EAT judgment.

[237] I refer to exhibit AAV1/5/60 marked page 326.1813: Screen shot of Sarah Wilkinson's 'LinkedIn' (Social Networking) profile, dated 19 October 2013.

[238] I refer to exhibit AAV1/5/60 marked pages 326.1811 – 326.1812: Print out of the online article published by the law firm 'Squire Sanders' dated 3 July 2013: Author Sarah Wilkinson, (printed on 19 October 2013).

including that the Tribunal was the obvious place for the resolution of claims relating to employment and (more selfishly) that they didn't want Ms Vaughan to use the High Court as a means to circumvent the Tribunal's ruling and air her 39 hours' worth of covert recordings after all. One suspects that the Hon Mrs Justice Sharp was not unhappy to conclude that it would be "just and convenient" for the Tribunal to continue with the claim. Ms Vaughan also tried to obtain an injunction to prevent the Respondent's witnesses from making statements in the Tribunal that would amount to libel or harassment – this too was refused.'

'Ms Vaughan's rejection of a staggering £95,000 offer of settlement (for which she is probably now kicking herself) does rather hint at the fact that she was going to take it all the way, whatever the cost, or indeed the merits, of her claim. So what next for the beleaguered Ms Vaughan? She has some claims which remain outstanding although I suspect she might now more seriously consider any settlement offers which come her way. Rumours that John Grisham wants to write the screen play and Judi Dench has her eye on playing the Hon Mrs Justice Sharp are entirely untrue. Probably.'

78 Many people use Twitter as a safe haven to ridicule, humiliate, abuse, scandalise and defame. It is clear that Legal professionals use it for this purpose as well. On the same day Squire Sanders 'tweets' on the Social Network 'Twitter'. In response to the article which the Law firm posted on 'Twitter', an individual named Kelly Underwood tweeted: '***This is comedy gold***' and Squire Sanders replies, '***Thanks @kellyu!***'[239] Clearly, my name is now a 'punch line', but this isn't a comedy show, this is my life. The Law Firm is clearly inviting and encouraging the public to humiliate and ridicule me. This conduct is severely damaging to me and it also undermines public trust in the legal profession, bringing it into disrepute. Squire Sanders currently has a following of 2,188 on Twitter.[240] The potential exposure to ridicule, humiliation and contempt from an even wider audience through the original 'tweets' and 're-tweets' is unquantifiable and even more damaging to my reputation. A spiteful campaign like this will very quickly pick up pace and support online and cause further irreparable damage to my reputation, mental health and career prospects. The influence of Twitter is profound. The press rely heavily on Twitter for its stories, particularly in the tabloid environment, indeed a search for the

[239] I refer to exhibit AAV1/5/60 marked page 326.1814: Printout of 'Twitter' posts by Kelly Underwood and Squire Sanders dated 3 July 2013, relating to the online article published by the law firm 'Squire Sanders' dated 3 July 2013: Author Sarah Wilkinson, (printed on 23 October 2013).
[240] I refer to exhibit AAV1/5/60 marked page 326.1815: Printout of Squire Sanders profile page on 'Twitter'- (printed on 23 October 2013).

terms "Twitter" on the MailOnline (the world's most popular English language website) pulls up over 40901 results.

79 Twitter has more than 555,000,000 users, more than 135,000 sign up everyday and the website gets more than 190 million visits a month. In May 2012, Twitter was claiming 10 million active users in the UK. 17% of the world's Twitter users are in the UK. The posts on 'Twitter' have been live for over 4 months[241] and contain a link back to the original article on the Squire Sanders website. Squire Sanders has offices London, Birmigham, Manchester, Leeds, across the Americas, Asia and Europe, (37 offices in 18 countries). It has 1,300 lawyers, approximately 650 in Europe.[242] My case has been written about online in the IDS Employment Law brief in June 2013[243] and in the Law Society Gazette in May 2013[244]. For theses reasons and the public interest features of the case, it is also likely to receive extensive media coverage both locally and nationally.

80 I have been 'signed off' with depression since April 2012[245], and on ESA since that time. I am deemed unfit to work by my GP and the DWP. My current sick note for depression runs until 6 January 2014.[246] On 7 April 2011, during a staff meeting[247] for all full-time members of staff, (which I attended), D1's former head of service and Consultant (Nick

[241] I checked it again this month and they were still live. I printed copies for my own information.
[242] Their own website states that it is recognized as a Top 10 Global Law Firm by 'Law360' and that it has been ranked ninth in 'Law360's' list of international law firms for 2013.
[243] I refer to exhibit AAV1/5/57 marked pages 326.1648 - 326.1649: IDS Employment Law brief dated June 2013, (975th Edition). The article also mentions that it previously published an article in an earlier edition of the Brief, relating to the issue of my covert recordings and transcripts.
[244] I refer to exhibit AAV1/5/60 marked pages 326.1806 - 326.1807: 8 October 2013 printout of Law Society Gazette article dated 20 May 2013 by Nicholas Dobson.
[245] See pages 9, 11 – 14 of my 14 page appendix to my re-amended PoC dated 31 July 2013: Claimant's GP sick notes for depression dated 10 January 2013, 19 April 2013 & 17 July 2013 and I refer to exhibits AAV1/5/54, marked page 326.1525a; AAV1/5/55 marked page 326.1552; AAV1/5/57, marked page 326.1633; AAV1/5/57, marked page 326.1663 & AAV1/5/60 marked page 326.1796: Claimant's GP sick notes for depression dated 9 October 2012 - 30 September 2013, (covering her up until 6 January 2014).
[246] The words complained of were also minuted / documented by third-parties and the Defendants' and this factor is highly significant because documents are stored electronically where they may very easily be searched and distributed onwards.
[247] I refer to exhibit AAV1/4/46 marked page 326.1180b: D1's full-time staff meeting minutes.

French), described the working environment as '***a pit of malicious rumours' that is in serious jeopardy of ruining individuals' personal and family lives and career prospects***'. The loss of the opportunity to vindicate myself and obtain a permanent injunction at trial will have severe consequences for me.

Conclusion

81 My reputation continues to be destroyed by the Defendants'. Much is at stake and I have real and pressing fears that I will probably never be able to work again. I cannot recover from my illness or find employment until I have vindicated myself. My health and reputation are in tatters and I am pleading with the Court not to end my chances of being able to clear my name. My objection to the Defendants' applications are not based on a 'hope and a prayer', but on the principles of 'reason' and legal 'precedents', (the majority of which have been set by the Court of Appeal), and which support my arguments / rationale. We are told that this is how the law is upheld, or is this public misconception and are the Defendants' above the law? The Court should have due regard to the implication that the outcome will have for my life, i.e. irreparable damage to my reputation, mental health, future career prospects, and bankruptcy for the second time. The Court should not strike out a case involving serious complexity of this nature, (particularly in an area of developing jurisprudence, where it raises serious issues of fact that can only be determined by hearing oral evidence). *'Not only must Justice be done; it must also be seen to be done.'*

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Ayodele Adele Vaughan

14 November 2013

Claim No. HQ12D05474

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

B E T W E E N:

MS AYODELE ADELE VAUGHAN

Claimant

-and-

(1) LONDON BOROUGH OF LEWISHAM
(2) RALPH WILKINSON
(3) CHRISTINE GRICE
(4) ELAINE SMITH
(5) VALERIE GONSALVES
(6) ELAINE HATTAM
(7) KATE PARSLEY

Defendant

SEVENTH

WITNESS STATEMENT OF

AYODELE ADELE VAUGHAN

FOR THE HEARING ON

28TH & 29TH NOVEMBER 2013
