

On behalf of: The Claimant
Witness: Ayodele Adele Vaughan
Eighth 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

EIGHTH 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. References are made to the exhibit as follows, (unless stated otherwise): [AAV1/file/tab/page/paragraph in exhibit].

Introduction

I, Ayodele Adele Vaughan of 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 rules¹. 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 Fountain³. I made the same request to Master Leslie on 3 October 2013 via e-mail at 8.09 in relation to this witness statement and exhibit. Again the Defendants' were copied in and my request was granted on 2 October 2013 and this was granted on the same day⁴.
- 2 The Court received my consolidated 5 hearing bundles, (including skeleton arguments, witness statements) on 14 November 2013⁵. The Defendants' would have received my 5 bundles on 15 November 2013. 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

¹My 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.

²These 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.

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

⁴I refer to exhibit AAV1/5/60, marked page 326.1802 - 326.1805: E-mail correspondence between Claimant's and MSU on 2 October 2013.

⁵I also filed my 2 consolidated authorities' bundles at the Court on the same day. The Defendants' legal representatives were sent a list/index of these authorities along with my 5 hearing bundles.

to seek to justify meanings which are not complained of. In addition to the evidence contained in this witness statement (and its exhibit) I rely upon: a) my previous witness statements and attached exhibits, b) my seventh witness statement and attached exhibit, c) the statements of case in this action, and d) my 2 skeleton arguments for this hearing. I requested a 2 hour hearing for the Court to consider my Application Notice.

Introduction

3 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 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. At paragraph 175 and 179 of the Defence, the Defendants' deny that some of the words were spoken⁶, (despite evidence of this having been disclosed to them by me in the form of covert recordings and transcripts)⁷.

4 On 31 July 2013 I saw Master Leslie in his chambers. I was accompanied by 2 friends. On this day Master Leslie issued the Order permitting me to amend my PoC⁸. I filed my PoC on the same day, (I would not be permitted to file it before the Order was made). The Court incorrectly stamped my PoC as having been received on 30 July 2013.⁹ On 13 August 2013 I re-filed page 92 of my Reply to the Defence because I had forgotten to include a statement of truth. The statement of truth is also dated 13 August 2013. The

⁶In relation to the words complained of at paras 21.2 – 21.2y and 21.3 – 21.3l of my re-amended PoC.

⁷See paras 11.1f, 11.1h, 20.3, 20.4, 20.4a, 21.2a-y, 23, 26, 45.1, 45.5a – ee, 46 and 64 – 70 of my re-amended PoC. The Defendants' state that if the words complained of are proven to have been spoken, that it admits that Ms Heyford heard them.

⁸I refer to exhibit AAV1/5/57, marked pages 326.1672 – 326.1673. In their bundle, the Defendants' have included all the other Orders made by Master Leslie, but not this Order.

⁹My 2 friends, who accompanied me to file my PoC on 31 July 2013, intend to provide witness statements for the main trial which will confirm that I filed my PoC on 31 July 2013.

Court stamped my copy of my statement of truth as having been received on this date¹⁰ and I sent a copy of the statement of truth to the Defendants' by fax¹¹ and signed for post¹² on the same day. I also sent a copy of the top page of my Reply to the Defence dated 13 August 2013 by fax and a cover letter.¹³ The Defendants' have not included the correct version of my Reply in their bundle.

5 The Defendants' in-house Solicitor (Francis Milivojevic) witness statement dated 15 October 2013, (at paragraph 50) states that I did not disclose an e-mail which I sent to D1's legal department on 21 February 2012. Presumably, if I sent this e-mail to the Defendants' legal department, this suggests that D1 already has the e-mail in its possession. In the event that it did not, for whatever reason, presumably D1 would have requested a copy of this document during the disclosure process, (along with the other documents the Defendants requested copies of), which I promptly sent to it in response, (within an hour of receiving D1's request¹⁴), but it did not. I would have been happy to send D1 a copy, had the document been requested. As it was not, it is clear that the e-mail is not significant to the issues in dispute.

6 In the Defence the Defendants' admitted that some of the statements made were defamatory¹⁵. At paragraph 175 and 179 of the Defence, the Defendants' deny that some

¹⁰I refer to exhibit AAV1/1/10, marked page 307.

¹¹I refer to exhibit AAV1/5/57, marked page 326.1676: Receipt and cover letter for Claimant's fax to D1 dated 13 August 2013 at 14.58.

¹²I refer to exhibit AAV1/5/57, marked page 326.1678: Copy of Claimant's receipt for signed for post dated 13 August 2013.

¹³I refer to exhibit AAV1/5/57, marked page 326.1677: Claimant's fax cover letter to D1 dated 13 August 2013

¹⁴I refer to exhibit AAV1/5/60, marked page 326.1791: E-mail correspondence dated 9 September 2013 at 13.46 & 13.10, between Claimant and D1: D1's confirmation of Claimant's disclosed documents, as per D1's request.

¹⁵see paragraph 179 of the Defence and 215.65 of my reply. In their tribunal pleadings the Defendants' denied that they defamed me, I refer to exhibit AAV1/5/53, marked page 326.1504 at para 21h, for claim number 2390531/2011A. They also denied it in their response to my Letter of Claim, I refer to exhibit AAV1/5/54, marked page 326.1534.

of the words were spoken¹⁶, (despite evidence of this having been disclosed to them by me in the form of covert recordings and transcripts)¹⁷, which they now include in their bundle.

Abuse of Process and Criminal Conduct by the Defendant's

7 In support of this contention, I rely on my Application Notice dated 16 October 2013 and my related skeleton argument (no.2). The Defendants have been aware of the existence of the covert recordings¹⁸ since 20 April 2012¹⁹ and have been in possession of copies of my transcripts and covert recordings since 14 February 2013²⁰. I adduced my covert recordings and transcripts as evidence for my High Court interim application hearing on 25 March 2013 (making detailed reference to them)²¹ and I also made detailed reference to them at another interim application hearing which took place on 23 May 2013 (to lift the 'stay')²². Since taking receipt of the recordings they have never alleged that they have been tampered with in any way. Despite the aforementioned, the Defendants' proceeded to instruct their legal representatives to deny my allegations, (where they ought to have admitted them) by issuing a formal denial by way of their defence of my claims.

Examples of significant events

April – August 2011

¹⁶In relation to the words complained of at paras 21.2 – 21.2y and 21.3 – 21.3l of my re-amended PoC.

¹⁷See paras 11.1f, 11.1h, 20.3, 20.4, 20.4a, 21.2a-y, 23, 26, 45.1, 45.5a – ee, 46 and 64 – 70 of my re-amended PoC. The Defendants' state that if the words complained of are proven to have been spoken, that it admits that Ms Heyford heard them.

¹⁸I refer to exhibit AAV1/1/11, marked page 326.1a: Page in bundle referencing USB stick containing the covert recordings and the covert recordings on a USB stick, (marked 326.1b).

¹⁹I refer to exhibit AAV1/4/52, marked pages 326.1416 - 326.1417: Claimant's e-mail to the tribunal and D1 requesting permission to rely on covert recordings and transcripts.

²⁰They did not dispute the content of the recordings or allege that they had been tampered with in any way.

²¹I refer to exhibits AAV1/5/55, marked pages 326.1564 - 326.1568: Claimant's witness statement dated 13 March 2013 and I refer to exhibits AAV1/1/11, marked pages 326.4- 326.14: Claimant's bundle index for the hearing on 25 March 2013.

²²I refer to exhibit AAV1/5/57, marked pages 326.1634 - 326.1643: Claimant's High Court witness statement dated 14 May 2013. The transcripts adduced were the highlighted versions, but they contained the same content.

- 8 Many of the following facts and matters were also included in D1's SOSR bundle and/or my SOSR bundle²³. There were systemic issues with the service before I arrived at Lewisham.²⁴ **On 26 April 2011**, I met with Rita Lee and Chris Threlfall. I covertly recorded this meeting and I was accompanied by my friend Tanya Davis. It is clear from the covert recording and transcript of this meeting that the words complained of (D3's statement): *'I was very clear in my presentation that the only delay was caused by yourself'*, is false. During my meeting with Chris Threlfall on 26 April 2011, he apologised for the delays²⁵, this was also heard by Tanya Davis. The apology is also recorded in D1's SOSR bundle D1's.²⁶
- 9 **On 16 May 2011** Rita Lee, (the Defendants' HR officer), sent me the Defendants' (Lewisham Council's) OH referral dated 16 May 2011²⁷, (which set out it's acceptance that I was disabled). Bizarrely and contemptuously, the Defendants' state at paragraph 11 of the Defence that it denies that I was disabled during the period of my employment with D1.
- 10 **On 31 May 2011** Frankie Sulke wrote to me.²⁸ Her letter stated that I had raised a number of concerns about the way I had been treated, which were clarified at a meeting attended by Chris Threlfall and Rita Lee on 26 April 2011 and that I had alleged that my

²³I refer to exhibits AAV1/4/52, marked pages 326.1363 - 326.1370: D1's SOSR bundle index and AAV1/1/12, marked pages 326.15 - 326.20: Claimant's SOSR bundle index.

²⁴In June 2011, Manager Nicolette Lawrence sent an outlook invite to D4, D5 & D7 to arrange a meeting to discuss 'unresolved operational issues': I refer to exhibit AAV1/4/47, marked page 326.1202. In May 2011, Chris Threlfall also sent an e-mail to managers and HR about staffing issues and called a meeting: I refer to exhibit AAV1/4/46, marked page 326.1190: Outlook invite from Suzette Nicol on behalf of Chris Threlfall to- 'staffing issue' meeting on 13 May 2011.

²⁵I refer to exhibit AAV1/2/21, marked page 326.431: Claimant's covert recording transcript of her meeting with Chris Threlfall on 26 April 2011, at sentences 376 - 377.

²⁶I refer to exhibit AAV1/4/46, marked page 326.1186: D1's notes to Claimant's meeting with Chris Threlfall on 26 April 2011, last paragraph.

²⁷I refer to exhibits AAV1/4/46, marked page 326.1195: E-mail from D1's HR officer Rita Lee dated 16 May 2011 at 14.05 & AAV1/4/51, marked pages 326.1335 - 326.1336: D1's OH referral.

²⁸I refer to exhibit AAV1/4/46, marked page 326.1200.

concerns were public interest disclosures and requested them to specifically to be considered under the Council's whistleblowing procedure. She went on to state that the matter was referred to Kath Nicholson. She incorrectly stated that I had objected to my concerns being investigated by her. I responded by e-mail on the same day, at 13.15.²⁹ The Defendants' imply that I failed to set out my concerns/allegations in my e-mail response to Kath Nicholson³⁰. It is clear from my e-mail to her³¹ that my 'allegations' (I prefer to call them concerns), were clearly set out. The attachments³² to my e-mail to her include my own notes to my meeting with Chris Threlfall on 26 April 2011 (where my concerns were discussed) and D1's own notes to the meeting, which referred to the points raised in my notes.

11 **On 21 June 2011** at 15.27, I sent an e-mail to D4 requesting that I be excused from attending People's day. (a Lewisham Borough community event) and in the context of my e-mail I clearly explained the reasons for my request³³:

'Please be advised that due to reasons related to my condition I will not be able to work at People's Day. Some of my symptoms include panic attacks, insomnia and fatigue. Attending People's day would put me at a disadvantage as a disabled employee and my symptoms would be exacerbated...'

During my meeting with D3 and D4 on 30 June 2011³⁴, I asked them to consider this issue and D3 said, (without even seeking any further clarification from me at all), that it

²⁹I refer to exhibit AAV1/4/46, marked page 326.1201: Claimant's e-mail. I advised her I would shortly be receiving treatment at Maudsley Hospital as a result of the treatment I was being subjected to.

³⁰At paras 49 – 50 of the Defence.

³¹I refer to exhibits AAV1/4/46, marked pages 326.1194: Claimant's e-mail dated 6 May 2011 at 8.37.

³²I refer to exhibits AAV1/5/57, marked pages 326.1679 – 326.1680: Screen shots x2 of Claimant's e-mail to Kath Nicholson showing the Claimant's attached notes to meeting with Chris Threlfall & D1's minutes to the meeting at 7.47 & 7.55 and exhibit AAV1/4/46 marked pages 326.1181 – 326.1189- D1's notes to Claimant's meeting with Chris Threlfall on 26 April 2011.

³³I refer to exhibit AAV1/4/47, marked page 326.1219.

³⁴D3 and D4 harassed me the day before in a series of 4 phone calls, putting pressure on me to meet with them both without being accompanied, when it was my right to be accompanied: I refer to exhibits AAV1/3/26, marked pages 326.644 - 326.650: Claimant's telephone calls with D4 x3 on 29 June 2011, (the 1st conversation is incorrectly entitled 29 July 2011, this should read 29 June 2011) & with D3 on 29 June 2011.

would be treated as a reasonable adjustment³⁵. Now the D's are unreasonably seeking to make an issue of this in their Defence, (but did not make an issue of it at the time).

12 **On 30 June 2011**, I attended a meeting with D3 and D4, which I covertly recorded. It is clear from the recording and transcript that the words complained of, (D4's response to D2's question about whether D5 had regular face to face one to ones with me: *'With Adele yes...yeah'*³⁶, are false. During my meeting with D4 and D3, I informed them that D5 had failed to hold regular face to face meetings with me. I asked D3 why I had not received supervision from D5 for over a month³⁷, D3 informed me, *'I am not here to answer your questions'*³⁸. Jackie Lynham's notes to the meeting also record this³⁹. I also provided D3 with copies of e-mails that I had sent to management regarding their failures to hold regular supervision⁴⁰. During the meeting, I requested mediation for myself and D4, who in response stated that she did not know why I felt that mediation was required and D3 also questioned why we needed it.⁴¹ D1 had this information at its disposal during the SOSR process, because the D4 admitted that she had made the statement⁴².

13 **On 1 July 2011**, I had an advanced workstation risk assessment⁴³ undertaken by Belinda Whippey, which I covertly recorded, (**I refer to exhibit AAV1/3/28 marked pages 326.675 - 326.690**). During the assessment, I did not make any objections to the assessment being done. During the assessment Belinda Whippey and D7 spoke on the

³⁵I was not required to explain why I could not work on a Saturday. D3 simply informed me that my request would be treated as part of reasonable adjustments: AAV1/3/27 marked page 326.666, at sentences 576 - 578 of Claimant's covert recording of the meeting with D3 & D4 on 30 June 1011.

³⁶At paragraph 21.2p of Claimant's re-amended PoC.

³⁷I refer to exhibit AAV1/3/27, marked page 326.663, at sentences 445 - 447.

³⁸I refer to exhibit AAV1/3/27, marked page 326.663, at sentences 459.

³⁹I refer to exhibit AAV1/4/47, marked page 326.1225.

⁴⁰This was in my SOSR bundle, which will be adduced for the main trial.

⁴¹I refer to exhibit AAV1/3/27, marked page 326.657: Claimant's covert recording transcript of hr meeting with D3 and D4 on 30 June 2011, at sentences 222 - 223.

⁴²I refer to exhibit AAV1/2/15, marked page 326.168: D1's SOSR notes, (middle of the page).

⁴³Belinda Whippey's subsequent report recommended that a risk assessment be undertaken for my 'depression' and it suggested a number of other 'reasonable adjustments'.

telephone in my presence. During the course of that telephone call, Belinda Whippey merely stated that there was a slight problem over whether what she was doing was the right thing for me, because her company just does the workstation assessments, rather than my other issues. She then confirmed with D7 that it was okay to proceed⁴⁴. D7 falsely claims that Belinda Whippey told her that I told her that I didn't need the assessment done. The words complained of at paragraph 21.2d of my re-amended PoC: D3's statement asserting that a male external consultant couldn't get in to see me at Baseline (my office), is completely false, a 'figment of her imagination'. The gentleman D3 refers to only contacted me by telephone. The only external consultant that came to see me at Baseline was Belinda Whippey.

14 The Defendants' corresponded with me regarding the disclosure of the covert recording and transcript relating to D7⁴⁵, requesting to know why it had not been disclosed earlier. I promptly reminded them that they had refused to exchange evidence in line with pre-action protocol and had attempted to suppress the evidence and also refused to take receipt of the covert recordings and transcripts⁴⁶.

15 **In July 2011**, I covertly recorded a telephone call with D4⁴⁷, during this call she suggested that we have a 1-2-1 meeting to discuss team issues. As this was only a suggestion I advised her that I felt that this was inappropriate as my colleagues also had a right to be privy to such a discussion. A few days later, (on 1 June 2011) D4 e-mailed D3 and Chris Threlfall asking for policies and procedures and clear guidance on key workers

⁴⁴I refer to exhibit AAV1/3/28, marked page 326.676, at sentences 49 - 55.

⁴⁵I refer to exhibit AAV1/5/57, marked pages 326.1669 - 326.1670: E-mail correspondence between D1 & Claimant dated 19 July 2013 at 6.12, 15 July 2013 at 16.50, 16.41 & 11 July 2013 at 9.25.

⁴⁶They failed to do so until the Employment Appeal Tribunal directed them to do so in February 2013.

⁴⁷I refer to exhibit AAV1/4/47, marked page 326.1205: E-mail correspondence between D4 & D3 & Chris Threlfall dated 1 June 2011 at 16.43 & 17.08, 17.20 & 17.31. My colleague Cathy Robinson was also there when I spoke to D4. She also spoke to D4 and advised her that she wished to attend the meeting with me. D4 refused this request.

roles and responsibilities. So even if I had met with me prior to this, she would not have been able to address these issues, which formed the basis of my concerns. **On 5 July 2011**, I attended my induction meeting with D4, where we discussed reasonable adjustments at length. I covertly recorded this meeting; **I refer to exhibit AAV1/3/29 marked pages 326.691 - 326.706**. Contrary to the words complained of, I did not refuse to discuss reasonable adjustments during this meeting⁴⁸.

16 **On 13 July 2011** I attended a team meeting, (which I covertly recorded, **I refer to exhibit AAV1/3/30 marked pages 326.707 - 326.771**). I hardly spoke during this meeting and Paul McDaniel and Cathy Robinson both addressed the guest speaker before I did⁴⁹. D5 falsely claimed in the words complained of that as soon as the guest speaker started her presentation I '*jumped all over it*'⁵⁰. During this meeting D7 stated that the new service manager job description went up on the internal job site yesterday, so she believed that a new person will be in post within a week⁵¹. This is contrary to D1/D3's assertion that there was no one else in the team to manage me. The Defendants' did not consider the possibility of this person managing me. The individual who eventually got the job, (Mervyn Kaye) was put in post during D1's internal investigation and hearings.

⁴⁸ In the words complained of, D3 stated that I refused to discuss them. At paragraph 76 of D1's tribunal pleadings for claim 2375023/2011, which were sent to me by D1 via e-mail on 4 May 2012, (I refer to exhibit AAV1/5/53, marked pages 326.1418), D1 admits that I discussed reasonable adjustments. (I refer to exhibit AAV1/5/53 marked pages 326.1439 - 326.1440).

⁴⁹ I refer to exhibit AAV1/3/30, marked page 326.710, at sentences 106 and 115 – 129.

⁵⁰ see paragraph 21.2t of Claimant's re-amended PoC

⁵¹ I refer to exhibit AAV1/3/30, marked page 326.722, at sentences 536 - 538 of Claimant's covert recording transcript of this meeting. This position was given to Mervyn King- whom D1/D3 failed to consider appointing as an alternative line manager for me. Several months *after* his appointment in October 2011, D3 claimed that there was no one else in the service to manage me. His tribunal witness statement confirms his appointment in October 2011; I refer to exhibit AAV1/1/14, marked page 326.110, para 1.

17 **On 14 July 2011**, I received a letter from Frankie Sulke regarding my appeal⁵². She informed me that she would treat my e-mail response to D3's outcome as an appeal and forward it to Ian Smith to investigate. In the words complained of and in their Defence, the Defendants' assert that I failed to engage with the grievance process (and/or follow my complaints through to conclusion), despite the fact that during my employment my complaints went through D1's grievance procedure right up to the appeal stage. Once I was dismissed, D1 was no longer obliged to carry out an appeal in relation to the grievances raised during the SOSR process, as I had ceased being an employee. Once I withdrew my appeal on my dismissal, this further made the process futile⁵³.

18 In any event, I had previously attended meetings where I discussed my grievances and D1 had agreed that I didn't have to attend the grievance hearing which took place on 22 March 2012⁵⁴. The Defendants' produced no evidence during the SOSR process to indicate that any other grievance hearings took place, (aside from the one on 22 March 2012). It follows that I could not have attended grievance hearings which never took place⁵⁵. I attended meetings on 28th⁵⁶ and 30th June 2011⁵⁷ to discuss my grievances in great detail. I also discussed my grievances during my meeting with D4 on 5 July 2011⁵⁸,

⁵²I refer to exhibit AAV1/4/52, marked page 326.1366: 4th page of D1's SOSR bundle index, indicating letter at page 112 of their bundle.

⁵³The SOSR hearing dealt with my potential dismissal and grievances together. The outcomes were issued at the same time and my withdrawal if my appeal on the grievances was also withdrawn at the same time as my appeal on my dismissal. The withdrawal came after I revealed that I had made covert recordings.

⁵⁴I refer to exhibit AAV1/4/52, marked page 326.1380, para 2- D2's letter to Claimant dated 17 February 2012.

⁵⁵Such grievances would have required D1 to convene panels, advise me of the names of the panel members and any witnesses (in advance of the hearing) and the dates of the hearing. There would also be a record of the hearing (minutes). It is clear that this did not happen, as is evidenced by D1's grievance and appeal outcomes and equality form responses.

⁵⁶I refer to exhibit AAV1/4/47, marked page 326.1220: 1st page of Jackie Lynham's notes to this meeting, which indicates that this issue was on the agenda for discussion and the recording and transcript shows that the issue was indeed discussed.

⁵⁷I refer to exhibit AAV1/3/27, marked pages 326.651 - 326.674: Claimant's covert recording transcript of her meeting with D3 & D4, (also attended by Jackie Lynham)

⁵⁸This fact is also supported by paragraph 76 of D1's tribunal pleadings for the claim, 2375023/2011, (I refer to exhibit AAV1/5/53, marked pages 326.1439 - 326.1440).

during my investigation interviews and during parts of the SOSR hearing. There was goodwill and cooperation on my part.

19 The words complained of, (D3's statements) are simply false:

'Adele was not willing to attend any investigations and have her allegations investigated and put to scrutiny where appropriate'⁵⁹

'In addition, Adele has raised a number of serious complaints against her managers, yet she has refused to participate in any process seeking to investigate and resolve these issues'.⁶⁰

'...she is unwilling to participate in any process which seeks to resolve her complaints'⁶¹

20 It is clear from my evidence that a) I met with Chris Threfall on 26 April 2011 and discussed my concerns sent him evidence; b) I met with D3 and D4 on 28 and 30 June 2011 to discuss my concerns; c) I attempted to meet with D5 on numerous occasions, but she avoided those meetings and I only had one supervision with her; d) I met with the D4 on three occasions (30 June 2011, 5 and 20 July 2011) and with Team managers (including D3, D5 and D7) at team meetings, where I contributed and offered solutions; e) I contacted Frankie Sulke and Barry Quirk on numerous occasions; f) I met with two Occupational health consultants, and provided them all with ample evidence that D1 delayed and/or failed to implement; g) I sent e-mails to managers regarding issues, attaching evidence and offering solutions; h) I met with Nicolle Lawrence and Cathy Robinson in order to try and address issues⁶² and; i) I also attended three SOSR hearings and sent over 300 pages of evidence.

21 In addition to the above, D1's own Equality form response states the following:

⁵⁹ At para 20.7d of Claimant's re-amended PoC.

⁶⁰ At paras 21.1d and 21.3d of Claimant's re-amended PoC.

⁶¹ At para 21.3e of Claimant's re-amended PoC.

⁶² This evidence will be adduced for the main trial.

*Christine Grice agreed to discuss all of your outstanding concerns, including the alleged breach of Data Protection, at your meetings on 28th and 30th June 2011. At the meetings you explained the details of your allegations. Christine Grice agreed to investigate your concerns and report to you.*⁶³

- 22 My covert recordings and transcripts of my meetings with D3 and D4 on 30 June 2011 and D3's notes to that meeting and my meeting with D4 on 5 and 20 July 2011 also clearly shows that the words complained of are false. On 14 July 2011, D4 also e-mailed me to advise me that she had booked an appointment for me to have a risk assessment undertaken for 'my depression' on 20 July 2011⁶⁴.
- 23 **On 20 July 2011**, I attended supervision with D4, (which I covertly recorded, **I refer to exhibit AAV1/3/31 marked pages 326.772 - 326.800**). My covert recording is the only accurate record of what transpired. It is clear from the recording and transcript that the words complained of, (D4's response to D3's question about D4's supervision meeting with me on 20 July 2011⁶⁵) is false. During my meeting with D4, I fully engaged with her, so much so, that D4 raised it as an issue with the hearing officer that I had asked her to stay longer at the supervision meeting so that we could continue the discussion and that she felt that this was unreasonable of me to expect this⁶⁶.
- 24 D4 gave a conflicting account of the circumstances surrounding her contact with Marina Waters⁶⁷. D4 advised that Marina Waters had specifically requested a meeting with her to

⁶³ I refer to exhibit AAV1/4/50, marked page 326.1272: D1's Equality form response dated 16 November 2011- answer to question 8.9b

⁶⁴ I refer to exhibit AAV1/4/47, marked page 326.1234. I naturally assumed that this meant that my individual risk assessment would be reviewed, as this had been put in place by my previous employer to support me with my psychiatric vulnerability and this is what Dr Giagoundinis had also recommended.

⁶⁵ *'...she wouldn't really expand on her responses to any of the questions I was giving her. If we asked her for additional information then she could often be obstructive in providing that information.'*

⁶⁶ I refer to exhibit AAV1/5/54, marked pages 326.1543 - 326.1544: D1's grievance presentation, (from last paragraph to the top of the next page). D1's SOSR notes also supports this fact, I refer to exhibit AAV1/2/15 marked page 326.167, (top of the page 53).

⁶⁷ Marina Waters' tribunal pleadings, (I refer to exhibit AAV1/4/49, marked pages 326.1253 - 326.1256) contradict D4's version of events and D1's Equality form questionnaire response in relation

discuss my case- because Marina Waters' allegedly had concerns about the stress risk assessment that she was going to do on me⁶⁸. Marina Waters stated in her witness statement to D1 dated 10 August 2011⁶⁹, that she was unsure why D4 stated that she had requested a meeting with her (and informed me that this was the case) and that this was clearly incorrect and unhelpful. She adds that she can advise that she did not ask anyone to arrange the meeting and she was unsure prior to meeting D4, who or what she would be discussing. I was misled about the reason for the OH referral to Marina Waters. In paragraph 73 of D1's tribunal pleadings for the claim, 2375023/2011, it states that I was informed that the purpose of the referral was to review my 'stress risk assessment'⁷⁰. D4 sent me an e-mail stating that it was for my depression⁷¹.

25 **On 9 August 2011**, at around 14:24pm, I spoke with D4, (Elaine Smith), she advised me that Tanya Edwards was 'sitting next to her' and that she had spoken to her about the events that had transpired. During the telephone call, which I covertly recorded, (**I refer to exhibit AAV1/3/32, marked pages 326.801 – 326.803**), neither Tanya Edwards nor D4 refuted my assertion that Tanya Edwards had sent me home. However, D4 unreasonably, kept insisting that I should have waited for instruction from her. In her grievance presentation, D4 stated that Tanya Edwards could not remember what instruction she had given to me on this day⁷². The Defendants' rely on this set of circumstances in support of their plea of justification. However, on the very same

to this issue. Her tribunal pleadings and witness statement to D1 are contradictory and support my allegation that she and D4 lied to me about the circumstances surrounding D3, D4 and Rita Lee's meetings with her on and around 20 July 2011.

⁶⁸I refer to exhibit AAV1/4/47, marked page 326.1241: D4's supervision notes (this was included in D1's SOSR bundle) and I refer to exhibit AAV1/3/31, marked page 326.798, at sentences 979 - 988.

⁶⁹I refer to exhibit AAV1/4/47 marked page 326.1237 (2nd to last para, on page 3). Marina Waters' statement to D1 was attached to D1's supplementary response to my equality form questionnaire that it sent to me on 16 November 2011.

⁷⁰There was no stress risk assessment in place by this stage to review.

⁷¹I refer to exhibit AAV1/4/47, marked page 326.1234: D4's e-mail to Claimant dated 14 July 2011.

⁷²I refer to exhibit AAV1/5/55, marked page 326.1560: Susan Funnell's notes for D4's SOSR grievance presentation.

morning D4 had e-mailed me stating she pleased that I followed an instruction from a manager in another service, to leave the office, on the previous day.⁷³ The words complained of, (D4's statement⁷⁴: '***I did not instruct her not to work from home***', (which is set out in D4's e-mail to D3, the day I was suspended and contained in D1's SOSR bundle and which was contrary to what I had advised D1, D2 and D3), is easily disproved, just from D4's own SOSR grievance presentation, where she asserts that that she rejected my request to work from home⁷⁵.

26 **On 10 August 2011**, at around 9.30am I met with D4. This event is in dispute and the Defendants' claim that this is the event that triggered my suspension from duty. I recorded the meeting⁷⁶. D4 spoke to me in an intimidating, hostile and aggressive manner, not allowing me to speak and refusing to answer basic questions that I was asking her. It was obvious to me that she was trying to provoke me. The meeting was very brief, (no more than ten minutes). I advised her that I was going to report her. Within an hour or so of e-mailing the Chief Executive (Barry Quirk), at 12.37pm to complain about her, I was suspended from duty.

27 **On 11 August 2011**, D3 wrote to me citing her and D1's concerns for my health and indicating that this was part of the reason for my suspension⁷⁷. **On 19 August 2011** I

⁷³I refer to exhibit AAV1/4/48, marked page 326.1243: D4's e-mail to Claimant dated 9 August 2011.

⁷⁴At para 20.1 of my re-amended PoC.

⁷⁵I refer to exhibit AAV1/5/54, marked pages 326.1546- 326.1547. During my telephone conversation with D4, (which I covertly recorded), she did not refute my assertion that I had been unable to contact her. She also did not make any reference to having had a telephone conversation with me, (after my e-mail to her at 11.41am), as no such call took place. Instead she states very clearly during the conversation, '***I would have thought that you would have waited for your direct instructions from line management?***' In response I stated that I was waiting and that Tanya Edwards came in and gave her direction and we were asked to leave the building, which is why I was at home.

⁷⁶I refer to exhibit AAV1/3/33, marked page 326.804 – 326.807.

⁷⁷I refer to exhibit AAV1/4/48, marked page 326.1244.

received a letter of response from D3 to my letter dated 11 August 2011⁷⁸. D3 stated that the suspension was not a disciplinary action, nor a punishment / sanction. She reiterated the fact that D1 was concerned about my health and would have seriously considered suspending me on medical grounds, given the potential risks to my health. This shows that the Defendants' were fully aware of the risk to my health, yet they continued to deny having any knowledge of this or knowing what steps needed to be taken by them.

September 2011

28 **On 8 September 2011**, I received D1' Tribunal pleadings, it admitted that I was disabled. I also received my former employer's (Babcock's) tribunal pleadings, which confirmed that it had sent D1 information advising it of my disability and the reasonable adjustments made. At paragraph 12 of its pleadings it stated the following:

*'...The information sent by e-mail on 1 April 2011 disclosed details such as the Claimant's salary, pay date, annual leave entitlement and continuous employment start date. It also included information about the fact that the Claimant was disabled, that she suffered from depression...'*⁷⁹

The Defendants' omitted this evidence from the disclosure process in this action, despite the fact that they are under a duty to disclose it.

29 This above information was submitted to the Tribunal by Babcock and discussed during a public hearing at the Tribunal on 19 and 20 April 2012. I set this out in my tribunal skeleton argument dated 16 April 2012.⁸⁰ D1 refers to this Tribunal hearing in its Defence at paragraph 104. The Defendants' state at paragraph 11 of the Defence that it denies that I was disabled during the period of my employment with D1, despite

⁷⁸I refer to exhibit AAV1/4/48, marked pages 326.1246 - 326.1247.

⁷⁹I refer to exhibit AAV1/4/49, marked pages 326.1250 - 326.1251: Babcock's tribunal pleadings for claim number 2375023/2011 dated 8 September 2011, at paragraph 12. This document was also disclosed during the tribunal disclosure process, (as listed in my draft tribunal bundle index, I refer to exhibit AAV1/2/16, marked page 326.262, no. 334.

⁸⁰I refer to exhibit AAV1/4/52, marked pages 326.1412 - 326.1415: Claimant's e-mail to tribunal and D1 dated 16 April 2012 attaching her skeleton & an extract of Claimant's tribunal skeleton argument dated 16 April 2012 containing the relevant passages.

Babcock's pleadings and its own pleadings 4 May 2012⁸¹, in which D1 accepts that I was disabled during this period of time. I received the D1's Tribunal pleadings via e-mail at 16.19⁸². At paragraph 103 of its pleadings D1 admits that I am disabled. Its response also states that it proposed and/or made 'reasonable adjustments' and it makes reference to 'addressing a disability situation'⁸³.

30 D1's pleadings are dated 8 September 2011 and it re-amended the pleadings on 4 May 2012, still admitting that I was disabled. My employment was terminated in April 2012 and the pleadings cover the start of my employment with D1 (from 1 April 2011) and up until after my dismissal in April 2012.

31 **On 28 September 2011**, I sent D1's external legal representatives (Paris Smith LLP) all the evidence that I intended to rely on at the hearing in January 2012, including my full medical records. D1 would have had access to this information from that point on.

25 October 2011- 1st Investigation Interview

32 **On 25 October 2011** at 2pm, I attended my interview with D3, Cynthia Maxwell (HR), Carl Harry (note taker) and Unison reps Jackie Lynham and Delroy Bent. I covertly recorded this interview, (**I refer to exhibit AAV1/3/35 marked pages 326.812 - 326.857**) and all the investigation interviews that I attended. The 3 interviews that I attended lasted a total of around 8 hours⁸⁴. D1's minutes do not accurately record what transpired during the interviews. The investigations interviews were unreasonably long,

⁸¹I refer to exhibit AAV1/5/53, marked page 326.1449, para 3: D1's amended Tribunal pleadings for claim number 2375023/2011.

⁸²I refer to exhibit AAV1/5/53, marked pages 326.1418: D1's e-mail to Claimant dated 4 May 2012 attaching tribunal pleadings of the same date.

⁸³I refer to exhibit AAV1/5/53, marked page 326.1449, at paras 51, 60, 64, 76, 106c, 106d, 106j, 106n, 106p, 107 and 109 of D1's amended Tribunal pleadings for claim number 2375023/2011.

⁸⁴I refer to exhibits AAV1/3/35 - 37, marked pages 326.812 - 326.948: Claimant's covert recordings transcripts of 3 interviews held on 25 October 2011 and 1 & 4 November 2011, contained on her USB stick (exhibit 326.1b). The Defendants' have pleaded that the interviews were unreasonably long.

(as were the SOSR hearings, which lasted approximately 15 hours in total). It is clear from the recording and transcript of the investigation interviews that I attended that the words complained of, (D3's statement): '*I have heard that she would not engage in dialogue but was over focused upon writing detailed notes. I saw this behaviour in my interviews with Adele*', is false.

November 2011- 2nd and 3rd Investigation Interview

33 **On 1 November 2011** I attended the second part of my suspension interview at 9.30 with D3, Cynthia Maxwell (HR), Karl Harry (LBL note taker) and Unison rep Jackie Lynham, again. I covertly recorded the interview, (**I refer to exhibit AAV1/3/36 marked pages 326.858 -326. 917**). The recording shows that the interview lasted two and a half hours. It became apparent during the interview that accurate notes were not being taken. I was informed by D3 that particular statements that I made during the interview would not be recorded by the note-taker⁸⁵:

*AV: Okay. But I'd like that on record that I said that
CG: It's not a matter for today and I don't think we need to record that*

34 **On 4 November 2011**, I attended my third interview at 9.30 am. I covertly recorded the investigation interview, (**I refer to exhibit AAV1/3/37 marked pages 326.918 - 326.948**). At paragraph 78 of my reply to the Defence, I make reference to all of the investigation interviews that I attended and D3's denial in relation to them- i.e. that my disclosures/concerns regarding the endangerment of my health and safety and my legal action regarding the Defendants' failures to comply with legal obligations had anything to do with the reasons for my suspension and general treatment by the Defendants'. The interaction between myself and D3 set at at sentences 1193 – 1214 of my covert recording

⁸⁵I refer to exhibit AAV1/3/36, marked page 326.897, at sentences 1445 – 1446 of Claimant's covert recording.

transcript for the investigation hearing on 25 October 2011 fully demonstrate this⁸⁶. I assert that I was being subjected to detrimental treatment because I have taken and/or threaten to take legal action and/or made protected disclosures. In response to this D3 states ‘no’ several times.

35 In addition to this, D3’s statements at sentences 129 – 131 and 145 - 146 of my covert recording transcript for the investigation interview on 1 November 2011⁸⁷ also support my assertion that she continued to deny this. As do sentences 1072 – 1077 of the covert recording transcript for the investigation hearing on 4 November 2011⁸⁸. These passages of the covert recordings depict D3 making reference to her letters to me dated 11 August 2011⁸⁹ and 17 October 2011⁹⁰. Neither letter makes reference to me being blameworthy or a case for me to answer⁹¹. The letter dated 17 October, specifically states that the decision to suspend me was to ‘*protect me*’⁹².

36 At paragraph 98 of their Defence, the Defendants’ raise the issue of Tribunal’s cost order against me. I have pleaded that the Defendants’ were trying to ‘get rid’ of me⁹³ and that I asked I had asked the Defendants’ to apologise and retract their false statements on more than one occasion⁹⁴. These factors formed part of parties’ discussions, which related to

⁸⁶I refer to exhibit AAV1/3/35, marked page 326.844, at sentences 1193 – 1214 of Claimant’s covert recording transcript for the investigation hearing on 25 October 2011.

⁸⁷I refer to exhibit AAV1/3/36, marked pages 326.861 - 326.862.

⁸⁸I refer to exhibit AAV1/3/37, marked page 326.947.

⁸⁹I refer to exhibit AAV1/4/48, marked pages 326.1244 - 326.1245.

⁹⁰I refer to exhibit AAV1/4/50, marked pages 326.1283 - 326.1286.

⁹¹With regards to the extract of the covert recording and transcript of the investigation hearing on 4 November 2011, D3 would later write to me by way of follow-up, relying again on the reasons set out in her letter dated 11 August 2011- (I refer to exhibit AAV1/4/50, marked page 326.1288a: D3’s letter to Claimant dated 9 November 2011).

⁹²I refer to exhibit AAV1/4/50, marked page 326.1284, para 3: D3’s letter to Claimant dated 17 October 2011.

⁹³See para 91 of Claimant’s re-amended PoC.

⁹⁴See para 18 of Claimant’s re-amended PoC and paras 3 and 207 of Claimant’s reply to the Defence.

the issue of the cost order and the Defendants' made reference to settlement negotiations in their SOSR hearing bundle⁹⁵.

37 **On 8 November 2011 at 16.42**, D1's legal representative, (Paris Smith) sent an e-mail to me at 16.42, stating that D1's settlement offer was conditional upon a termination of my employment⁹⁶. **On 16 November 2011 at 16.08**, a forward e-mail was sent to me by the same legal representative, regarding D1's offer of £95,000 and stated it was a final offer, far in excess of any sum I would get at the tribunal and if I didn't accept it D1 would apply for costs against me⁹⁷.

38 **On 24 November 2011** at 12.10, D1's legal representative's sent a forward e-mail to me attaching an e-mail dated 22 November 2011 at 11.28 regarding D1's indirect threat to refer me to the Independent Safeguarding Authority (ISA)⁹⁸, despite D1 stating in a later e-mail that it D1 no reason to do so⁹⁹, because it had no reason to believe that I had ever put a child at risk of harm. In the e-mail dated 24 November 2011, D1 also refused to remove false data on me from its files¹⁰⁰.

December 2011

39 **On 13 December 2011** at 21.02, 10.07 and 8.07, I and D1 exchanged e-mail correspondence regarding my assertion that D1 was using settlement negotiations to intimidate me and my concerns that D1 was using the SOSR process as a preliminary to

⁹⁵I refer to exhibit AAV1/4/52, marked pages 326.1371 – 326.1374: 4 page extract of D1's SOSR bundle: e-mail correspondence between Claimant, D1, Frankie Sulke and Barry Quirk on 13 December 2011 at 8.07, 21.05, 10.07 & 14 December 2011 at 14.42 (pages 249 – 252).

⁹⁶I refer to exhibit AAV1/4/50, marked page 326.1288.

⁹⁷I refer to exhibit AAV1/4/50, marked page 326.1289a.

⁹⁸I refer to exhibit AAV1/4/50, marked pages 326.1302 - 326.1305.

⁹⁹I refer to exhibit AAV1/4/50, marked page 326.1311: D1's e-mail to Claimant dated 14 December 2011 at 14.41.

¹⁰⁰I refer to exhibit AAV1/4/50, marked page 326.1305.

placing my name on a 'barred list' with the ISA¹⁰¹. I e-mailed Frankie Sulke and Barry Quirk at 12.34 regarding this.

40 **On 20 December 2011** at 9.37, I received Rita Lee cover letter via e-mail¹⁰². This cover letter was also sent to me via post, with a package containing D1's copy of my medical records index to all of my attached full medical records¹⁰³ (over 70 pages), which was also included. This was sent on the same day. The envelope was postmarked 20 December 2011¹⁰⁴. I was asked to confirm that my full medical records could be disclosed to D3 and other managers. At 9.54 on the same day I responded via e-mail, consenting to this and Rita Lee replied via e-mail to me on 4 January 2012 at 12.54¹⁰⁵. Paragraph 8.22a of D1's initial equality form response¹⁰⁶ states that:

'a case conference between the relevant OH professional and a manager is standard practice in appropriate cases, with the aim of providing the Occupational health professional with relevant background information prior to meeting with the employee'.

D1's makes this statement in order to explain the reasons for the meetings which took place between D3, D4, D1's HR staff and Marina Waters. I am unsure how the Defendants' could provide information if it allegedly did not have enough information on my condition, which is what the words complained of state and/or imply, and what the Defendants' assert in their Defence.

41 The statement made in D1's equality form response clearly contradicts the words complained of, (D3 statement):

¹⁰¹I refer to exhibit AAV1/4/50, marked pages 326.1309- 326.1310.

¹⁰²I refer to exhibit AAV1/4/51, marked page 326.1313.

¹⁰³I refer to exhibit AAV1/4/51, marked page 326.1313 - 326.1317

¹⁰⁴I refer to exhibit AAV1/4/51, marked page 326.1312.

¹⁰⁵I refer to exhibit AAV1/4/51, marked page 326.1360a

¹⁰⁶I refer to exhibit AAV1/4/50, marked page 326.1278: D1's equality form response dated 16 November 2011.

*‘Adele has not provided sufficient disclosure to her managers or occupational health to enable managers to understand her condition and to decide what level of reasonable adjustment may be made.’*¹⁰⁷

I also complied with 3 OH consultations and sent numerous e-mails setting out information relating to my condition and advising what adjustments needed to be made.

The Defendants’ took exception to these e-mails and rely on this as part of their Defence.

February 2012

42 **On 17 February 2012**, D2 contacted me via letter, (which was also sent attached to an e-mail) advising me that I would not now be permitted to be accompanied by my friend to the SOSR hearing and that D1/D2 had decided to use the services of external note-takers at for the SOSR hearings and that I was not to contact him regarding the matter¹⁰⁸. At 10.15, I sent Dave Prentis and Helen Reynolds a forward e-mail to complain about this. At 11.32, I e-mailed Barry Quirk and Frankie Sulke as well to complain about the decision¹⁰⁹. At 12.21, I e-mailed Helen Reynolds regarding the use of external/third-party note-takers, setting out my objections to this and requested that Unison intervene and communicate my objections to D1¹¹⁰. They failed to do so.

43 The Defendants’ did not seek my consent for the use of external note-takers/third-parties and I had clearly not consented to this. D1 had previously used in-house note-takers. The external note-takers were agency workers from Brook Street and REED. I contacted Brook Street via e-mail after I was dismissed by D1. In response to my complaint about Susan Funnell and her grossly inaccurate note-taking, Brook Streets’ Legal Director Ron Napper stated that they were totally confident that her skill matched up to the role required, they are not prepared to discuss my comments in relation to how she acted, as

¹⁰⁷ Para 21.3h of Claimant’s re-amended PoC.

¹⁰⁸ I refer to exhibit AAV1/4/52, marked pages 326.1380 - 326.1381.

¹⁰⁹ I refer to exhibit AAV1/4/52, marked page 326.1382.

¹¹⁰ I refer to exhibit AAV1/4/52, marked page 326.1383.

they were not privy to it and they are not in a position to comment on any of the information produced by her during my hearing, as this would have been read and signed off by an appropriate officer of the Council.¹¹¹ The evidence shows that the notes were not checked by D1, (which contradicts D1's alleged reason for hiring the external notetakers- to ensure accurate notes were taken) and even if they had been checked, they were deliberately falsified. These factors demonstrate that the use of the note-takers was not in pursuit of a legitimate aim.

44 **On 23 February 2012** at 14.29, Unison's Solicitors, (Thompson's), e-mailed me a copy of Mervyn Kaye's 5 page Tribunal witness statement¹¹². The statement confirms that Mervyn King took over Nick French's position in October 2011. D1 deliberately failed to consider Mervyn Kaye line managing me. D3 would later state on 27 February 2012, (during the SOSR hearing), that the investigation arose out of the fact that principally she didn't have anybody to manage me¹¹³. I rely on this as evidence of malice¹¹⁴.

45 On this day I also sent my SOSR bundle to D1, including Barry Quirk and Frankie Sulke. I rely on the content of my entire SOSR bundle as evidence of malice. Part of the words complained of involve D3's statement: *'That Adele herself has stated that she has no trust and confidence in the Council or her managers'*¹¹⁵: I had in fact I demonstrated the opposite. I stated that I had trust during the SOSR hearing on 27 February 2012, (which recorded at page 91 of D1's minutes to the hearing¹¹⁶) and that the mere fact that I

¹¹¹I refer to exhibit AAV1/5/53, marked pages 326.1495 - 326.1496: E-mail from 'Brook Street's' Legal Director Ron Napper to Claimant dated 11 July 2012)

¹¹²I refer to exhibit AAV1/4/52, marked page 326.1384: Thompsons solicitors e-mail and I refer to exhibit AAV1/1/14 marked pages 326.110 - 326.114: Mervyn King's witness statement. This was submitted by D1 in relation to the Union's collective claims against D1 regarding TUPE.

¹¹³I refer to exhibit AAV1/3/39, marked page 326.1001, at sentences 472 - 473 of Claimant's covert recording transcript of the SOSR hearing on 27 February 2012, (after lunch).

¹¹⁴See para 114 of C's Reply to the Defence.

¹¹⁵At para 20.7b of Claimant's re-amended PoC.

¹¹⁶I refer to exhibit AAV1/2/15, marked page 326.205: D1's SOSR minutes at page 91, Claimant's 2nd to last statement.

engaging with D1's internal SOSR process was evidence of this. I also set out the ways in which I trusted D1, in my SOSR witness statement, (under 'Resulting outcomes')¹¹⁷.

The SOSR Hearing 27 - 28 February and 6 March 2012

46 I was accompanied to the SOSR hearings by my friend Tanya Davis, who took notes on my behalf.¹¹⁸ Once the hearing started D3 proceeded to read her lengthy document, (the publication complained of- D3's SOSR presentation/report- 34 pages long). D3 refused to give me a copy of her presentation until she had finished reading it, (presumably to put me at an even greater disadvantage). I objected to this unjust state of affairs. I requested that the hearing be adjourned to consider my complaint. However, D2 and HR officer Elaine Hattam refused to do this. This left me with no alternative but to lodge a formal complaint to D1's Head of Law Kath Nicholson and its Executive Director Frankie Sulke. I lodged this complaint via 2 e-mails on 28 February 2012, stating that D3's actions constituted further gross misconduct, disability discrimination, PIDA detriment, defamation of character, libel and slander.

47 During the SOSR hearing on 27 February 2012, D3 stated in her written SOSR presentation/report, that she and D1 were not looking at my conduct and/or attributing any blame to me and she repeated this numerous times during her SOSR presentation.¹¹⁹ D3 complained about the alleged 'tone' of my e-mails and their alleged affect on management, however, prior to my suspension, this had never been raised with me 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 me before my

¹¹⁷ I refer to exhibit AAV1/1/12, marked pages 326.65 - 326.66: Claimant's SOSR witness statement.

¹¹⁸ My 8 pages of notes for the hearing on 28 February 2012 included my questioning of D5. The notes were disclosed to D1 by me, on 13 October 2012 via e-mail. These notes were submitted because my Dictaphone ran out of power approximately 5 minutes before the end of the hearing.

¹¹⁹ I refer to exhibits AAV1/2/15, marked page 326.120, (3rd para, page 6 of the SOSR notes), exhibit AAV1/2/15 marked page 326.121, 2nd para, page 7 of SOSR notes and exhibit AAV1/2/15 marked page 326.149, (bottom of page 35 of SOSR notes).

suspension. It is important to note that D3 conducted a grievance investigation into the issue of my e-mail correspondence and made no reference to the alleged 'tone' of my e-mails in her outcome statement¹²⁰, which she sent to me on 12 July 2012, (less than a month before my suspension).

48 D3, D4, D5 and D6 referred to my alleged inappropriate conduct during team meetings, which I covertly recorded.¹²¹ The recordings *do not* depict me acting in the manner described by them. D2, (the hearing officer- D2) was not been presented with any documentary and/or objective evidence supporting their allegations¹²². It is important to note that the Defendants' maintained during the SOSR hearing that my alleged conduct/behaviour did not warrant any complaints being made about me¹²³ and indeed, that no formal complaints had been made about me, as confirmed by D4.

49 In their Defence the Defendants' complain about my alleged unspecified behaviour, yet the Defendants' did not even feel sufficiently strongly enough to either speak to me at relevant times regarding this, or to report me. The Defendants made conscious decisions not to follow their own policies and nobody thought it appropriate to advise that there were any alleged concerns. D2 also made it clear during the hearing that I was not being investigated for capability¹²⁴. I covertly recorded this day of the hearing¹²⁵.

¹²⁰I refer to exhibit AAV1/4/47, marked pages 326.1230 - 326.1233: D3's letter to Claimant. Para 60 of D1's tribunal pleadings for claim number 237502311 also makes reference to this letter and D3's investigation (into my complaints set out in my e-mails) and mentions no issue regarding the alleged tone of my e-mails, I refer to exhibit AAV1/5/53, marked page 326.1434.

¹²¹I refer to exhibits AAV1/2 - 3/23 - 25, marked pages, 326.472 – 326.643 & exhibit AAV1/3/30, marked pages 326.707 - 326.771: D1's team meetings on 8 June 2011, 21 June 2011 & 13 July 2011.

¹²²Several other Key workers also these attended team meetings, yet they were not interviewed and witness statements were not taken from them.

¹²³I refer to exhibit AAV1/2/15, marked pages 326.170, 326.192 - 326.193: pages 56, 78 – 79 of D1's SOSR notes and I refer to exhibit AAV1/3/41, marked page 326.1058, at sentences 460 – 462 & 467 - 475 of Claimant's covert recording of the SOSR hearing on 28 February 2012, (morning).

¹²⁴I refer to exhibit AAV1/2/15, marked page 326.155: page 41 of D1's SOSR notes: D2 states, '*We are not looking at performance Adele.*'

50 On the second day of the hearing (28 February 2012), I presented clear evidence that D5 was persistently unable to form appropriate relationships with staff and more than one individual including myself had made complaints about her in that respect. D1 even disclosed evidence supporting this contention, (as part of the disclosure process in this action in the first week of September 2013). The evidence included e-mail complaints from Cathy Robinson to Chris Threlfall, Nick French, D4, D3 and Alvan Wright on 4 & 10 May 2011, 25 May 2011, 1 June 2011 and 9 June 2011¹²⁶. Nzekwue Nduka, Rita Lee, Carol Lewis and D5 herself were aware of Cathy Robinson's concerns/complaints, as she Nick French forwarded her an e-mail of complaint from Cathy Robinson on 1 June 2011¹²⁷. This evidence also disproves the words complained of (D3 statement):

'Adele has raised that Cathy Robinson made a complaint about Valerie. In my presentation, and confirmed by Valerie's testimony, both Cathy and Valerie agreed to mediation to resolve any tensions between them. There was no formal complaint'.¹²⁸

51 Cathy Robinson wrote several e-mails in relation to her complaint¹²⁹ requesting more than once for D5 to be removed as her line-manager and a meeting was held with Cathy

¹²⁵I refer to exhibit AAV1/3/41, marked pages 326.1046 - 326.1089: covert recording transcript of SOSR hearing on 28 February 2012- part 1, morning & exhibit AAV1/4/42, marked pages 326.1090 - 326.1114: covert recording transcript of SOSR hearing on 28 February 2012- part 2, after lunch.

¹²⁶I refer to exhibits AAV1/4/46, marked pages 326.1196 - 326.1197: Cathy Robinson's forward e-mail to D4 on 25 May 2011 at 22.27, (attaching her e-mail of 10 May 2011 at 15.08), exhibit AAV1/4/46 marked pages 326.1198 - 326.1199: Cathy Robinson's forward e-mail to D4 on 25 May 2011 at 22.35, (attaching Chris Threlfall's e-mail to Cathy Robinson on 10 May 2011 at 15.16, (advising he has forwarded her e-mail dated 10 May 2011 at 15.08 to D3), exhibit AAV1/4/46, marked page 326.1204: Cathy Robinson's and D4's e-mail correspondence on 1 June 2011 at 16.31 & 15.22 regarding Cathy Robinson's complaint about D5 and lack of confidentiality in the service, exhibit AAV1/4/46, marked pages 326.1191 - 326.1193: Nick French's e-mail to D5, (copying in D4 and Chris Threlfall) dated 4 May 2011 at 14.59, attaching Cathy Robinson's e-mail correspondence on 4 May 2011 at 14.49 regarding Cathy Robinson's complaint about D5 and issues with TUPE and the service and exhibit AAV1/4/46, marked page 326.1218: Cathy Robinson's and D3's e-mail correspondence on 9 June 2011 at 17.26 and 4.13 regarding Cathy Robinson's complaint about D5.

¹²⁷In which Cathy Robinson asked for D5 to be removed as her line manager and cited her lack of skill and ability and her failings as a manager.

¹²⁸Para 21.3f of Claimant's re-amended PoC.

¹²⁹I refer to exhibit AAV1/4/46, marked pages 326.1198 - 1199: Disclosure evidence produced by D1 in September 2013, (Cathy Robinson's e-mails of complaint) and D3 was copied into the e-mail correspondence.

Robinson, D3 and HR to discuss the issue¹³⁰. Cathy Robinson's e-mails to senior management raised all the issue and concerns that I had been raising regarding TUPE issues (including the late and incomplete payment of our salary), breaches law/legislation, lack of resources, guidance and clarification in relation to our role, D5's lack of disability awareness, failures to make reasonable adjustment in relation to her disability and her concerns about the effect of all of this on her health.

52 There were inconsistencies with the SOSR evidence given by D3, D4, D5 and D7, and obvious fabrications. D3 stated that she was not aware of the alleged 'fear' D5 had of me and that this had not come out until her investigation¹³¹. D1 omitted this statement from its SOSR notes. However, contrary to this, D5 advised me that she had informed D3 before I was suspended. This was recorded in D1's SOSR notes¹³². During the course of the same hearing, D5 then contradicted herself by stating that she had never made complaints about me¹³³.

53 **On 6 March 2012** I attended the last day of the SOSR hearing. I covertly recorded the hearing¹³⁴. During this day of the hearing D2 and D3 extensively questioned me regarding my ability to perform my role and my performance¹³⁵. The Defendants' failed to properly inform, educate, equip and support me to do the role/task expected of me, which I advised them left me at a disadvantage as a disabled employee. During the SOSR

¹³⁰I refer to exhibit AAV1/4/47, marked pages 326.1219a- d: D1's notes to meeting between Cathy Robinson, D3 and Rita Lee.

¹³¹I refer to exhibit AAV1/3/40, marked page 326.1003: Claimant's covert recording of the SOSR hearing on 27 February 2012 (after lunch) at sentences 523 – 537.

¹³²I refer to exhibit AAV1/2/15, marked pages 326.191 - 326.192: pages 77 & 78 of D1's SOSR minutes.

¹³³I refer to exhibit AAV1/2/15, marked pages 326.192 - 326.193: pages 78 & 79 of D1's SOSR minutes.

¹³⁴I refer to exhibit AAV1/4/43 – 45, marked pages 326.1115 – 326.1177.

¹³⁵I refer to exhibits AAV1/4/43, marked pages 326.1119- 326.1120, sentences 149 – 217: Claimant's covert recording transcript of the SOSR hearing on 6 March 2012, part 1 and AAV1/4/44 marked pages 326.1135- 326.1136, sentences 342 – 368 of C's covert recording and transcript of the SOSR hearing on 6 March 2012, part 2, before lunch.

hearing I made this clear to D2, (in response to his question regarding what type of reasonable adjustments I required)¹³⁶:

*'And it would have helped to have erm...had clarification on my role and responsibilities and adequate resources, erm...to undertake my role, all those types of things would have been a reasonable adjustment as well I believe'*¹³⁷

April 2012 - December 2012

54 **On 5 April 2012**, at 8.21, I received an e-mail from Babcocks' legal representative, (Paris Smith) which copied into Marina Waters' legal representative and D1's legal department). The attached documents were the evidence that Babcock relied on for the tribunal hearing due to take place on 19 and 20 April 2012¹³⁸, which included my individual risk assessment done by Babcock¹³⁹, an e-mail from Babcock to D6 dated 31 March 2011 at 11.24¹⁴⁰, and employee information spreadsheets (which contained information about my disability¹⁴¹) and an e-mail from Babcock to D6 dated 1 April 2011 at 17.04¹⁴². D1 has denied knowledge of this information, (evidence of my disability), since April 2011 and continues to deny that I was disabled during my employment with it.

55 **On 24 July 2012** I received the Defendants' amended Employment Tribunal pleadings dated 24 July 2012. The Defendants' denied that they made any defamatory statements¹⁴³

¹³⁶This statement is not accurately/fully recorded in D1's SOSR minutes. Only half my statement is included: I refer to exhibit AAV1/2/15, marked page 326.224: Page 110 of D1's SOSR minutes.

¹³⁷I refer to exhibit AAV1/4/45, marked page 326.1162, at sentences 237 – 239 of the Claimant's covert recording transcript of the SOSR hearing on 6 March 2012, part 2 after lunch. The majority of my correspondence to the Defendants' consisted of requests for the clarification of my role and responsibilities, resources, support and guidance. The words complained of include allegations regarding: a) my alleged failure to state the reasonable adjustments that I required; b) that my requests for reasonable adjustments were lacking in precision and c) that I did not engage with the Council to identify what I wanted or needed.

¹³⁸I refer to exhibit AAV1/4/52, marked page 326.1385: Email from Babcock's solicitors to Claimant. The tribunal hearing was to consider case management of claim number 2375023/2011.

¹³⁹I refer to exhibit AAV1/4/52, marked pages 326.1386 - 326.1391.

¹⁴⁰I refer to exhibit AAV1/4/52, marked pages 326.1392 - 326.1396.

¹⁴¹I refer to exhibit AAV1/4/52, marked pages 326.1398 – 326.1406, (pages 2, 5 & 8 of the spreadsheet set out my information).

¹⁴²I refer to exhibit AAV1/4/52, marked page 326.1397.

¹⁴³I refer to exhibit AAV1/5/53, marked page 326.1504: for claim number 2390531/2011A, at para 21h

and stated that D1 had not invoked the disciplinary procedure¹⁴⁴. **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 the Claimant on 27 November 2012 at 14.55. D1 continued to legally represent D3 after her departure from its employment. **On 9 August 2012 at 18.05**, D1 e-mailed the Tribunal to advise it that only D2, D3, D4 and D5 would be giving evidence at the Tribunal¹⁴⁵.

56 In October/November 2012 I and D1 engaged in the Tribunal disclosure process. This was in relation to the hearing which was due to be held in October 2013 between myself and the Defendants'. This hearing had been separated off by the Tribunal from the hearing which was to take place in September 2013, which involved Babcock/CEL and Lewisham in claim number 230025411. The Tribunal's Case Management Order clearly sets this out¹⁴⁶. By 31 October 2012 parties were ordered to disclose all the evidence which they relied on and by 14 November 2012, parties were ordered to provide each other with a list of their documents.¹⁴⁷ In the Defendants' disclosure statements, (which relies on the Defendants' cover letter dated 6 September 2013, and their consolidated tribunal bundle index), the Defendants' include documents which they falsely claim were exchanged between parties, as part of the tribunal disclosure process in relation to the hearing which sought to deal with the claims which involve the facts and matters in this action¹⁴⁸.

¹⁴⁴I refer to exhibit AAV1/5/53, marked page 326.1503: at para 21e.

¹⁴⁵I refer to exhibit AAV1/5/53, marked page 326.1513.

¹⁴⁶I refer to exhibit AAV1/5/53, marked pages 326.1510 - 326.1511: The Tribunal order dated 7 August 2012, at paras 7 & 8.

¹⁴⁷I refer to exhibit AAV1/5/53, marked page 326.1511: The Tribunal order dated 7 August 2012, at paras 11 & 12.

¹⁴⁸I refer to exhibit AAV1/5/59, marked pages 326.1749 - 326.1784. The documents included in the Defendants' list include evidence which had not been included in parties tribunal bundle lists for claim numbers 2375023/2011, 2390531/2011, 2302643/2012, 2302645/2012 & 2313031/2012.

57 These documents which were not exchanged under the disclosure process include equality form questionnaires and responses exchanged between myself and CEL (Babcock) and Babcock and its employees,¹⁴⁹ and the tribunal judgment on pre-hearing review / case management discussion which took place 21 March 2013.¹⁵⁰ The judgment for claim number 2357975/2012 is dated 26 March 2013 and it was not even in existence during the tribunal disclosure process in October/November 2012. It was not received by the parties until *after* 28 March 2013¹⁵¹, (after I had already withdrawn my Tribunal claim). The Tribunal sent the complete judgment in relation to claim number claim number 2357975/2012, on 28 March 2013.¹⁵² It confirmed that the previous copy of the judgment had been sent on 27 March 2013, and that it was incomplete. The judgment itself clearly indicates that it was signed by Judge Balogun on 26 March 2013, (the day I withdrew my claim) and entered on the register and sent to parties on 27 March 2013¹⁵³. Clearly, a document has to be in your possession before you can disclose it. D1 e-mailed the Tribunal on 26 March 2013 to acknowledge the withdrawal of my claims and requested that as a result of this, the Tribunal dismiss the claims,¹⁵⁴ therefore how could parties have exchanged this document under the Tribunal disclosure process, particularly as D1 and the Tribunal had already acknowledged that I had withdrawn the claim¹⁵⁵, (effectively ending any disclosure process which they may argue was still on-going).

¹⁴⁹ I refer to exhibit AAV1/5/59, marked page 326.1751: no.s 35 & 37 of D1's tribunal bundle list. I received no communication from D1 informing me that they intended to rely on this document for the hearing. If I had received such communication I would have challenged the relevance of the evidence.

¹⁵⁰ I refer to exhibit AAV1/5/59, marked page 326.1750: no. 21 of D1's tribunal bundle list.

¹⁵¹ I refer to exhibit AAV1/5/57, marked page 326.1632d: Babcock's legal representatives e-mail to the Tribunal, myself and D1 dated 28 March 2013, stating that it has received the Tribunal Judgment today, but it was incomplete, with several pages missing.

¹⁵² I refer to exhibit AAV1/5/57, marked page 326.1632e: Tribunal's letter to parties dated 28 March 2013.

¹⁵³ I refer to exhibit AAV1/5/57, marked page 326.1632a-b: last page of Tribunal's judgment for claim no. 2357975/2012 dated 26 March 2013.

¹⁵⁴ I refer to exhibit AAV1/5/57, marked page 326.1632c: D1's e-mail to the Tribunal dated 26 March 2013 at 16.00.

¹⁵⁵ As referred to by D1 in the first sentence of its e-mail to the Tribunal dated 26 March 2013 at 16.00.

December 2012

58 **On 12 December 2012**, D1 was issued with a monetary penalty notice for £70,000 by the ICO, because their social worker left sensitive documents in a plastic shopping bag on a train, after taking them home to work on. The files included GP and police reports and allegations of sexual abuse and neglect. Just 2 months later D1 set about breaching my Data Protection rights as well.

January – August 2013

59 **On 11 March 2013** at 16.32 D1 sent an e-mail¹⁵⁶ to me attaching Susan Funnell's half page notes to D4 grievance presentation and Susan's Funnell's Tribunal witness statement date 6 March 2012¹⁵⁷. I should have received these notes a year prior with the SOSR notes, (on 5 April 2012), which constitutes a breach of my right of access under the Data Protection Act 1998. **On 21 March 2013** I and the Defendants' Counsel (Stuart Brittenden) attended a pre-hearing review on at the Tribunal¹⁵⁸. Stuart Brittenden advised Judge Balogun that the Defendants' had not listened to or read the covert recordings and transcripts.

60 **On 26 March 2013** at 4.40, I sent the Tribunal and the Defendants' a 56 page forward e-mail withdrawing my claims and the Defendants' were copied into this e-mail¹⁵⁹. The e-mail made extensive references to my covert recordings and transcripts and highlighted the exact parts of the recordings and transcripts which disproved the Defendants' false allegations against me and evidenced their malice. Attached to my e-mails were my e-

¹⁵⁶I refer to exhibit AAV1/5/55, marked page 326.1559.

¹⁵⁷I refer to exhibits AAV1/5/55, marked page 326.1560: Susan Funnell's notes for D4's SOSR grievance presentation (undated) and AAV1/5/55 marked pages 326.1561 – 326.1562: Susan Funnell's tribunal witness statement dated 6 March 2012.

¹⁵⁸I was accompanied to the hearing by 4 individuals.

¹⁵⁹I refer to exhibit AAV1/5/57, marked pages 326.1578 - 326.1632.

mails to Chris Grayling, (Lord Chancellor, Secretary of State for Justice)¹⁶⁰ and Judge Latham (President of the Employment Tribunals England and Wales¹⁶¹) regarding this issue. I received an automated e-mail response (with the same date and time), from Chris Grayling to my e-mail to him dated 5 March 2013 at 6.19¹⁶², but I would never receive a response from him to my e-mail. In my e-mail dated 26 March 2013, I referenced the evidence according to my High Court hearing bundle index that was submitted to the court for the hearing on 25 March 2013. This bundle index has also been included in the bundle for this hearing, and I ask the Court to cross reference my e-mail dated 26 March 2013 with the bundle index for 25 March 2013¹⁶³ and the bundle index for this hearing.

61 My witness statement dated 13 March 2013, in support of my interim application set out extracts of the covert recording transcripts in it and made references to the specific parts of the covert recordings and transcripts throughout the statement and all of the covert recordings and transcripts were adduced as evidence¹⁶⁴. Mrs Justice Sharpe referred to these in her judgment dated 11 April 2013.¹⁶⁵ I also ask the Court to cross reference my witness statement dated 13 March 2013 with the bundle index for 25 March 2013.

62 **On 5 July 2013** at 15.26, D1 e-mailed me in response to my e-mail dated 21 June 2013, refusing to acknowledge the breach of the DPA.

My Bankruptcy

63 **In March 2013**, I attended a 2 day hearing in the Senior Cost Court (at the High Court). I was accompanied by my friend Tanya Davis. The Defendants', (Lewisham Council- D1

¹⁶⁰I refer to exhibit AAV1/5/57, marked pages 326.1594- 326.1598.

¹⁶¹I refer to exhibit AAV1/5/57, marked pages 326.1593- 326.1594.

¹⁶²I refer to exhibit AAV1/5/55, marked page 326.1558a-b.

¹⁶³I refer to exhibit AAV1/1/11, marked pages 326.4- 326.14: Claimant's bundle index for the hearing on 25 March 2013

¹⁶⁴I refer to exhibit AAV1/5/55, marked pages 326.1565 – 326.1567.

¹⁶⁵At para 15, '*The Claimant has also made available the covert recordings themselves*'.

and Babcock) produced a 175 page bill of costs. They paid a 'draftsman' approximately £20,000 just to prepare the 175 page bill. I disputed the bill and the 1st day of the hearing revealed that their Solicitors had included a vast amount of items which should not have been included in the bill, (they couldn't provide any proof of the work claimed for and some items on the bill were inappropriately claimed for). Subsequently, Master Gordon-Saker only allowed them a third (or 40%) of what they claimed. He stated that it *'posed a question regarding the integrity of the bill'* and if he could, he would ask them to redo the entire bill. The next day, (before the 2 day of the hearing began), I submitted a letter to the Court and the Defendants', complaining about the apparent 'fictitious' bill¹⁶⁶ and Master Gordon-Saker confirmed receipt of this. **On 5 August 2013**, I was made Bankrupt. The Employment Tribunal's cost order, (which was made just 2 months after D1's settlement offer of £95,000¹⁶⁷), subsequently resulted in my financial ruin- as a result of my inability to pay the Tribunal's cost order against me for over £90,000.¹⁶⁸

64 During my interview with the Official Receiver (OR) on 22 August 2013, I declared ownership of the 'domain name', www.school-info4u.com. 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. I engaged in correspondence with D1's former legal representative/Babcock's current legal representative, (Clive Dobbin of Paris Smith), on 3 August 2013, regarding the 'domain name' and he stated that he was aware that the website was not 'live'.¹⁶⁹ The Defendants'

¹⁶⁶ I refer to exhibit AAV1/5/57, marked pages 326.1575c -e: Claimant's letter dated 19 March 2013.

¹⁶⁷ Which I adduced as evidence at the Employment Tribunal.

¹⁶⁸ Babcock served their bankruptcy petition on me and a bankruptcy order was made against me following the bankruptcy hearing 5 August 2013.

¹⁶⁹ I refer to exhibit AAV1/5/57, marked pages 326.1674 - 326.1675: Babcock's legal representatives and Claimant's e-mail correspondence dated 3 August 2013.

disclosed a print-out of the website dated 30 July 2013.¹⁷⁰ The print-out that they disclosed to me sets out the reason why the High Court action was brought, (for vindication / protection of reputation). In the Defence, the Defendants' assert, '*she uses the website to publish very serious defamatory allegations...*' and '*...uses the website to name and shame the personal defendants...*'¹⁷¹. At the time of signing my Reply, (on 13 August 2013), www.School-info4u.com was, and remains, only a 'domain name, not a website'¹⁷². It is important to note the fact that the Defendants' do not state that they, or any other parties, sent any 'take down' notices and that they, nor any other parties have issued defamation proceedings in relation to this.

Examples of the words complained of and why it is said that the statements made by the Defendants' are false. (to their knowledge)

65 My covert recordings and transcripts disprove all of the statements made by the Defendants':

65.1 In relation to the team meeting on 8 July 2011- see paragraph 21.2k of my re-amended PoC:

'I think some managers were. Erm...I understand from Valerie and Kate, there was a team meeting which I didn't attend...erm...where Adele was quite rude, she was dominating the meeting'

65.2 In relation to my meeting with D4 on 20 July 2011- see paragraph 21.2l of my re-amended PoC:

¹⁷⁰The print-out also features a date of March 2011 at 7.18 at the top of the page- this date is incorrect, as the content of the print-out features matters and events which had not even taken place until approximately a year later. The two dates are approximately one year apart.

¹⁷¹The D's assertions are not framed in past tense. At the time of signing her Reply, the assertion was not factually correct. It is not possible for a domain name alone to contain any content, as a domain name is not a website. At the time of signing her reply, C did not own any website and she was not using school-info4u as a website to publish defamatory allegations about the D's and/or to name and shame them.

¹⁷²The D's disclosed 'printouts' of the school-info4u.com 'website' (which were printed on 30 July 2013) to C during the disclosure process in September 2013. They also included documentation which they say proves that she is the owner of the 'website'.

'...she wouldn't really expand on her responses to any of the questions I was giving her. If we asked her for additional information then she could often be obstructive in providing that information.'

65.3 In relation to my assessment with Belinda Whippey on 1 July 2011- see paragraph 21.2q of my re-amended PoC:

'And she told me that Adele had told her that she didn't need the assessment done'.

65.4 In relation to D5's statement about my alleged conduct during their meeting on 17 May 2011 - see paragraphs 21.2s and 21.2x of C's re-amended PoC.

65.5 In relation to the team meeting on 13 July 2011- see the words complained of at paragraph 21.2t of my re-amended PoC: ***'...but erm as soon as Lillian started her presentation Adele kind of jumped all over it.'*** Also at paragraph 21.2w: ***'Can we be really clear here...I didn't take issue, your colleagues took issue and they shouted you down...I was sitting in the meeting.'***

65.6 In relation to my meeting with D4 on 5 July 2011- see paragraphs 21.1i of my re-amended PoC:

'Adele remained unwilling to discuss suggested reasonable adjustments at the meeting on the 5th July 2011'

65.7 In relation to my written *and* face-to-face contact- see paragraphs 21.1a, 21.11 & m, 21.2j, 21.3d, e, j and k of my re-amended PoC, i.e:

'In particular it has been difficult for managers and occupational health professionals to obtain information from Adele';

'...Adele's demands for management to make adjustments but failing to say what they are';

'Well she would often not respond to questions, if she did respond, she would be monosyllabic, she wouldn't really engage with any of the conversations that we were trying to have with her';

'In addition, Adele has raised a number of serious complaints against her managers, yet she has refused to participate in any process seeking to investigate and resolve these issues';

'...but did not engage with the Council to identify what she wanted or needed'.

65.8 In relation to my meeting with D3 and D4 on 30 June 2011- see paragraphs 21.1b and 21.3k of my re-amended PoC states:

‘Despite the fact that I had asked her not to, Adele continued to copy her e-mails to Frankie and Barry’; ‘I also ask you to consider how Adele has responded to warnings, in particular, when I warned her, I actually instructed her, that sending emails to BQ and FS was not appropriate...’

65.9 In relation to my meeting with D3 and D4 on 30 June 2011- see paragraph 21.3l of my re-amended PoC:

‘In terms of specific warnings about her behaviour: Chris Threlfall warned her in April about making allegations without evidence’.¹⁷³

65.10 In relation to the SOSR meeting on 28 February 2012- see paragraph 21.2h of my re-amended PoC, the D’s deny the following words were spoken:

‘RW: Well...it isn’t her investigation report...it is her script that’s used for her presentation. CG: That’s what I said. EH: She actually said that she didn’t do a report.’

I was essentially being called a liar in relation to my assertion that D3 had stated that she had done a report. D3 had made this statement during the SOSR hearing on 27 February 2012 and this was even recorded at page 30 of D1’s SOSR minutes/notes¹⁷⁴.

65.11 In relation to my investigation interviews with D3 on 25 October, 1 November and 4 November 2011- see paragraphs 21.1h of my re-amended PoC:

‘I have heard that she would not engage in dialogue but was over focused upon writing detailed notes. I saw this behaviour in my interviews with Adele’

66 D5’s statement on 17 November 2011- in response to D3’s question: ***‘Did she say you were not capable?’***: ***‘Yes. On one occasion, while doing the workstation assessment actually...’***¹⁷⁵ and: ***‘AV said that I was not capable as a manager’***¹⁷⁶: I covertly recorded my meeting with D5. It is clear from the recording and transcript that I did not make the statement she claims.¹⁷⁷

¹⁷³D3 must be alleging that this is in relation to my meeting with Chris Threlfall (a senior manager) on 26 April 2011, (as there is no written evidence of this)

¹⁷⁴I refer to exhibit AAV1/2/15, marked page 326.144: page 30 of D1’s SOSR minutes/notes.

¹⁷⁵At para 20.2g of Claimant’s re-amended Poc.

¹⁷⁶At para 20.2q of Claimant’s re-amended Poc.

¹⁷⁷I refer to exhibit AAV1/2/22 marked pages 326.442 - 326.471: Covert recording transcript of her meeting with D5 on 17 May 2011.

67 D5's statements:

*'As soon as Lillian started speaking AV went into attack mode'*¹⁷⁸
*'I think some managers were. Erm...I understand from Valerie and Kate, there was a team meeting which I didn't attend...erm...where Adele was quite rude, she was dominating the meeting'*¹⁷⁹
*'but erm as soon as Lillian started her presentation Adele kind of jumped all over it'*¹⁸⁰
*'Can we be really clear here...I didn't take issue, your colleagues took issue and they shouted you down...I was sitting in the meeting.'*¹⁸¹

No such interaction took place in the manner described by D5. I covertly recorded the team meeting with the guest speaker and it is clear from the recording and transcript¹⁸² and D1's notes to this meeting¹⁸³ that the words complained of are false.

68 D5: *'She would sit back in her chair busy taking notes. She would not be involved in discussions'*¹⁸⁴: I clearly engaged in team meetings and I covertly recorded my interactions during the team meetings on 8 June 2011¹⁸⁵, on 21 June 2011¹⁸⁶, and on 13 July 2011.¹⁸⁷ D1's minutes to team meetings also record me as being involved in discussions. D5 statements are also contrary to the above statements she makes, at 21.2k of my re-amended PoC (footnote 179 above), where she claims I was 'dominating' the meeting on 13 July 2013. D4 and D7 also made false statements in relation to this allegation by D5.

¹⁷⁸ At para 20.2j of Claimant's re-amended PoC.

¹⁷⁹ At para 21.2k of Claimant's re-amended PoC.

¹⁸⁰ At para 21.2t of Claimant's re-amended PoC.

¹⁸¹ At para 21.2w of Claimant's re-amended PoC.

¹⁸² I refer to exhibit AAV1/3/30, marked pages 326.707 - 326.771.

¹⁸³ This will be adduced for the main trial.

¹⁸⁴ At para 20.2k of Claimant's re-amended PoC.

¹⁸⁵ I refer to exhibit AAV1/2/23, marked pages 326.472 - 326.566.

¹⁸⁶ I refer to exhibit AAV1/2/24 - AAV1/3/25, marked pages 326.567- 326.643- part 1 & 2: Covert recording transcripts.

¹⁸⁷ I refer to exhibit AAV1/3/30, marked pages 326.707 - 326.771: Covert recording transcript.

69 D5's statements: *'There is no evidence of the work she was doing'*¹⁸⁸ and D5 on 17

November 2011, in response to D3's question- *'Did AV have any face to face meetings with young people?'*: 'D5's response- *'No'*¹⁸⁹: During the supervision and the SOSR hearings, my face to face meeting with young people were discussed and evidenced. I am clearly depicted in the recordings evidencing my work. The interactions during the SOSR hearing on 27 February 2012¹⁹⁰, on 6 March 2012¹⁹¹, (which I covertly recorded), D1's own SOSR minutes¹⁹² and the interaction between I and D4 during my supervision on 20 July 2011, (which I also covertly recorded),¹⁹³ disprove D5's statements. D5 could have easily checked/collated evidence of my work through her own efforts, which simply would of involved accessing the database that we all used¹⁹⁴. The Defendants had evidence of my work in their possession¹⁹⁵.

70 I referred to my work during the course of the SOSR hearing on 6 March 2012 and I made a very specific statement in relation to this issue:

'...the question is what systemic, because you're saying basically that um...I have prevented the service (my behaviour whatever), prevented the service from being run properly. Now part of running a service properly is being able to adequately monitor the work of your team i.e. key workers. Now these two managers have both stated that I wasn't doing any work and I've provided evidence that shows clearly I was working

¹⁸⁸ At para 20.2n of Claimant's re-amended PoC.

¹⁸⁹ At para 20.2o of Claimant's re-amended PoC.

¹⁹⁰ I refer to exhibit AAV1/3/40, marked page 326.1015: Claimant's covert recording of the SOSR hearing on 27 February 2012, after lunch- at sentences, 959 – 975, where I evidence my work.

¹⁹¹ I refer to exhibit AAV1/4/44, marked pages 326.1130- 326.1132: Covert recording of the SOSR hearing on 6 March 2012, part 2 before lunch at sentences 176 – 192 & 209 – 247. I refer to exhibit AAV1/4/47, marked pages 326.1206 - 326.1217: Team statistics referred to by me and included in my SOSR bundle.

¹⁹² I refer to exhibit AAV1/2/15, marked pages 326.155 & 326.207 - 326.208: pages 41, 93 – 94 of D1's SOSR minutes, where I evidence my work.

¹⁹³ I refer to exhibit AAV1/3/31, marked pages 326.774 – 326.775 & 326.777 - 326.778: Claimant's covert recording of her supervision with D4 on 20 July 2011, at sentences 98 – 115, 204 – 206 & 217 – 224: where we discuss the work that I have been doing.

¹⁹⁴ When an employee has poor work output, the employer invokes the Capability Procedure, but this did not happen in my case. None of the Defendants' bothered to access CorePlus, which clearly evidenced my work.

¹⁹⁵ I had printed the evidence off D1's database, which all staff were required to record their work on. The Defendants' all had access to this database and they were expected to use it to monitor the work being done by staff.

very hard, so that's a systemic issue when they cant even get information to support their allegations that i.e. I'm doing no work.'¹⁹⁶

71 My above statement was not accurately recorded in D1's SOSR note, (see below- D1's minutes also attributed statements to me, which I didn't make):

'I can prove I was working very hard – the evidence is in the stats report. These managers are not able to prove the amount of work their officers are doing. You are saying that I have prevented the Service from being run properly. The work needs to be adequately monitored. The two managers have said I wasn't doing any work, when I have proved that I have worked hard. How was I impacting on the Service?'¹⁹⁷

72 D3: ***'Despite the fact that I had asked her not to, Adele continued to copy her e-mails to Frankie and Barry'***¹⁹⁸; ***'Despite the fact that I had asked her not to, Adele continued to copy her e-mails to Frankie and Barry'***¹⁹⁹:

The interaction during meeting with D3 and D4 on 30 June 2011, (which I covertly recorded)²⁰⁰, D3's notes to that meeting²⁰¹ and Jackie Lynham's notes to the meeting²⁰² clearly shows that D3 is did not ask me not to copy e-mails to Frankie and Barry.

73 D3: ***'I have heard that she would not engage in dialogue but was over focused upon writing detailed notes. I saw this behaviour in my interviews with Adele***²⁰³

The interactions during the 3 investigation interviews that I attended (and which I covertly recorded) on 25 October 2011²⁰⁴, on 1 November 2011²⁰⁵ and 4 November 2011²⁰⁶, disprove her statements. Despite the fact that I am a disabled person suffering

¹⁹⁶I refer to exhibit AAV1/3/40, marked page 326.1015: Claimant's covert recording transcript of SOSR hearing on 27 February 2012, at sentences 979- 986. It is also important to note that during my time at Lewisham managers did not set any targets for staff. I pointed this out during the SOSR hearing. This fact is also evidenced by D7's outlook to D4 and D5 in June 2011, suggesting that they set targets: I refer to exhibit AAV1/4/47, marked page 326.1203.

¹⁹⁷I refer to exhibit AAV1/2/15, marked page 326.155.

¹⁹⁸At para 20.7c of Claimant's re-amended PoC.

¹⁹⁹At para 21.1c and 21.3k of Claimant's re-amended PoC.

²⁰⁰I refer to exhibit AAV1/4/47, marked pages 326.1221 - 326.1223

²⁰¹I refer to exhibit AAV1/4/47, marked pages 326.1221 - 326.1223.

²⁰²This will be adduced for the main hearing.

²⁰³At para 20.7h of Claimant's re-amended PoC.

²⁰⁴I refer to exhibit AAV1/3/35, marked pages 326.812 - 326.857.

²⁰⁵I refer to exhibit AAV1/3/36, marked pages 326.858 - 326.917.

²⁰⁶I refer to exhibit AAV1/3/37, marked pages 326.918 - 326.948.

with depression, fatigue and impaired memory and concentration, I answered endless questions totalling over 8 hours, during a 3 day period. This shows engaging in dialogue.

74 Statements made by the D2 and D6 on 28th February 2012, (which was contrary to what I advised D2, D3 and D6)²⁰⁷:

‘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. EH: She actually said that she didn’t do a report’,²⁰⁸

D1’s own SOSR notes²⁰⁹ depicts D3 stating, (on the previous day during the hearing), that she did and that D2 and D6 were aware that I was telling the truth and that D3 had in fact stated that she had done an investigation report. She specifically stated that the investigation report was in the bundle we had all been given. In addition to this, D1’s own official investigation interview notes of the interview with me undertaken on 4 November 2011 also records D3 stating that she would be preparing a report²¹⁰.

75 D5’s statement regarding the immediate interaction which took place between she and I, upon her arrival at my office on 17 May 2011, and showing me the risk assessments²¹¹ and ***‘You have stated that during a workstation assessment which you undertook, that I stated...to your face that you were not capable. Do you still stand by that?: the 5th defendants’ response-‘Yes I do’,²¹²*** On 17 May 2011, I covertly recorded my meeting

²⁰⁷ I refer to exhibit AAV1/3/41, marked page 326.1048, at sentences 101 – 106) - 29mins into the covert recording of the SOSR hearing on 28th February 2012, (morning): ***‘AV: Erm...She said that this was her investigation report so I believe that what I stated in that email is correct’.***

²⁰⁸ Para 21.2h of Claimant’s re-amended PoC.

²⁰⁹ I refer to exhibit AAV1/2/15, marked pages 326.119 & 326.144.

²¹⁰ See the last page of my appendix to my Reply [C1/10/326], (bottom of page 342 in D1’s SOSR bundle).

²¹¹ At para 21.2s of Claimant’s re-amended PoC.

²¹² At para 21.2x of Claimant’s re-amended PoC.

with D5. The true version of the interaction is set out in the covert recording and transcript and clearly disproves the words complained of.²¹³

76 The words complained of at paragraphs 20.7 k & l, 21.1k, 21.1l, 21.1m, 21.3b, 21.3g and 21.3j of my re-amended PoC, (D3's statements), to the effect that I had not stated what 'reasonable adjustments' I required, that I had not cooperated with management in relation to making 'reasonable adjustments' and that there was a lack of engagement and disclosure on my part, to either managers or occupational health). The facts and matter set out in my covert recording and transcripts and my Reply to the Defence disprove these statements / allegations.²¹⁴

77 In addition to the above, my e-mail to D5, (copying in D4 and Nick French), on 8 April 2011²¹⁵ advise her that my stress levels were worryingly high, due to reasonable adjustments not having been made. I explained some of my symptoms/the effects of this, (insomnia recently and have been experiencing eating difficulties and muscle spasms/weakness in my left arm). I asked how soon I could expect a risk assessment to be undertaken and advised that I was very anxious that I had not been given clear guidance on my role, that I did not know what was expected of me and that there was a lack of structure. I stated that I could not work under those sorts of conditions and requested that the issues be addressed.

78 D3's statement, taken from my covert recording:

'I think I made that absolutely clear in my presentation. That I would have normally expected your managers to have set targets with you and to review those targets, but as

²¹³ I refer to exhibit AAV1/2/22, marked pages 326.442 - 326.471.

²¹⁴ I believe that disclosing my full medical records and consenting to 3 occupational health consultations in the space of just 7 months shows cooperation.

²¹⁵ I refer to exhibits AAV1/4/46, marked page 326.1180d.

I said very clearly, they were afraid. That there was a culture of fear and they were afraid of managing you.²¹⁶

D4 and D7's SOSR evidence, (which was recorded in D1's SOSR notes/minutes), contradict D3's statement²¹⁷. They make it clear that in their opinion, managers were not scared / afraid of me.

Request for a 'reasonable adjustment'

79 It is hard to envisage a situation where the Court will allow the Defendants' to proceed with their Defence, however, should the Court decide to do so, it will be necessary for me to make amendments to my witness statement for the main trial and re-organise my exhibits. Outrageously the Defendants' have suggested that I should be prepared to submit my witness statement and exhibits within *3 weeks* of the judgment for this hearing, without taking into account the huge disruption and expense that their late applications caused, forcing me to totally abandon the previous work that I had done. I will clearly be unable to meet such a tight deadline and I should not be expected to do so. The Defendants' have huge resources, including, but not limited to their own huge in-house legal team, a Barrister and substantial funds. I clearly do not have these luxuries.

Conclusion

80 So far my attempts to get their corrupt actions addressed or even recognized has been met with deaf ears. Black has become white, up has become down and wrong has become right and no one seems to care. If the Defendants' are to be believed and not me, why have the Defendants' not made any applications to the Court to bring contempt proceedings against me in relation to my evidence, (i.e. presumably for lying to the High Court during the 4 hearings that I previously attended, adducing and relying on false

²¹⁶Para 22.2a of Claimant's re-amended PoC.

²¹⁷I refer to exhibit AAV1/2/15, marked pages 326.169 - 326.178: D1's SOSR minutes (at pages 55, 64 & 181).

evidence at these hearings, and making more than 10 statements during these proceedings, which presumably would have to be false, and which are verified by a statement of truth?) In my 2 witness statements and 2 skeleton arguments that I have submitted for this hearing, I have referred to and adduced numerous pieces of evidence which prove that the words complained of are false and that they were false to the Defendants' knowledge. This must certainly now bring an end to the Defendants' defence of my claim and the Defendants' should be held accountable for their contemptuous actions.

STATEMENT OF TRUTH

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

Ayodele Adele Vaughan

14 November 2013

On behalf of: The Claimant
Witness: Ayodele Adele Vaughan
Eighth Witness statement
Exhibit: AAV1
Statement dated: 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

EIGHTH
WITNESS STATEMENT OF
AYODELE ADELE VAUGHAN
FOR THE HEARING ON
28TH & 29TH NOVEMBER 2013
