

SHARED LIVING ARRANGEMENTS PRESERVED AT BOTTON FOLLOWING AGREEMENT WITH CVT

Submitted by: Action for Botton

Wednesday, 1 April 2015

Campaign group Action for Botton has confirmed the shared living arrangement of Villagers and Co-workers at the Botton community has been guaranteed for the next several months following an agreement reached today (April 1st) at the High Court with Camphill Village Trust (CVT) at the High Court.

More than 80% of the learning disabled Villagers living in the Botton community had signed a petition urging North Yorkshire County Council and CVT to let them continue to share their homes with the volunteer Co-workers who live and work alongside them. Today's agreement ensures the Villagers' valued lifestyle is preserved and – particularly – that the status quo regarding living arrangements will be maintained for the duration of the legal dispute before the Court.

An undertaking between the parties had previously been agreed at an earlier hearing on March 19th and this more comprehensive agreement will now be in place whilst outstanding legal matters are resolved at the High Court.

"Our aim has always been to ensure that the learning disabled residents should not be forcibly segregated from their existing Co-worker families as these plans were obviously causing them great distress," said Neil Davidson, chair of Action for Botton. Co-worker claimants added " we are fully committed to working positively and collaboratively with Botton's local management to manage the temporary agreed changes as ordered by the court to ensure as little adverse impact as possible to the Villagers."

A separate legal hearing in the Queen's Bench Division between a number of learning disabled residents and CVT over alleged breaches of human rights is set to start on April 15th and is unaffected by today's agreement.

Notes to Editors

Betrayal of Trust

- CVT is a Trust that was originally set up to hold and manage assets which belong to an intentional community and are held in a state of Trust specifically to be administered for the benefit of the charity's beneficiaries.
- To put it simply, the set-up is comparable to the way that parents might leave monies 'in Trust' for their children and have trustees administer the funds specifically for the benefit of those children.
- The trustees have a duty of care to make sure that any money is used in the way the Trust says and the trustees must make sure this happens.
- The Camphill community at Botton consists of both learning disabled residents and the Co-worker families who together create the community. The community includes people of all ages from children to pensioners.
- The trustees are given very clear instructions as to how the community should be run particularly

about shared living and the support being given freely and not brought in exclusively by employees. Until recently, the community managed its own affairs and choices internally.

- Instead of holding the assets and administering the finances as they are supposed to, the trust appears to have secretly decided to try to get rid of the volunteers and stop shared living. Effectively it therefore attacked its beneficiary (the community) and is currently trying to evict community members from the site when it should be supporting them.
- This is the equivalent of those trustees of a child's Trust ignoring what the parents wanted.
- Senior barristers now say that the actions of CVT mean that the Trustees are in breach of trust and acting outside their authority.
- The trustees appear oblivious to their potential liability as they may be personally liable for the conduct of the Trust. They are called "Trustees" because they are trusted to behave properly.

CVT Trustees who are responsible for the conduct of the Trust

Christopher John Beckett Retired

Stephen Stanley Butterworth Consultant on public to private sector transfers

Felicity Anne Chadwick-Histed Partner in Publitas

Christopher Cook Retired architect

Diana Mary Parrish Part-time educational consultant

Petur Sveijnbjarnarson Chairman of Sólheimar community in Iceland

Robert James Thompson Director of consultancy - specialising in service reconfiguration

Karen Elizabeth Walker Educational adviser

Interviewees

Please contact the press office if you would like an interview with any of a wide range of stakeholders including;

Campaigners from Action for Botton including the chair

Co-workers and former Co-workers

Legal experts

Accounting experts

Parents and family members of the residents

Learning disabled residents

CVTs False Claims to the Press

Recently CVT has been making a number of false and misleading claims to members of the press, we should like to set the record straight;

Misleading Claims re HMRC and Tax

False claims about HMRC's position on Tax. CVT has deliberately sought to convert Co-workers into employees and has made false claims in order to do this, initially claiming that it was necessary to do this due to changes in tax law, which they now agree is untrue. Furthermore CVT could easily support and facilitate the Co-worker tax model if it chose to - something HMRC has made completely clear in

correspondence;

1. In short, there is a technical document which sets out how to determine a vocational co-worker's income which is then subject to taxation, which can be viewed on the HMRC website (BIM22040). This is still valid as confirmed by the Treasury and HMRC in writing only a few months ago.

2. Many other Camphill communities in the UK, outside CVT, operate the normal vocational Co-worker model, where the community clearly is allowed to continue to exist, perfectly satisfactorily in line with this taxation document.

3. CVT, however, knowingly undermined the existence of community by enforcing changes that it did not have to make - this was its choice and strategy and by ceasing to recognise the communities as separate from the charity and Co-workers as living and working within the community, it has deliberately imposed layers of intensive management thereby changing the facts on the ground. i.e. it is CVT's choice to try and force employment on the Co-workers.

4. CVT stated it wished to employ all Co-workers from 6th April. It produced information which failed to acknowledge the existence of a community and regarded vocational Co-workers as "engaged" as employees. The vocational co-worker should not (according to the charity's constitution) have any contractual relationship with the charity or indeed the community in which they live and work. HMRC's website states that "Co-workers assist the vulnerable members within each community, living together in houses, sharing money and making joint decisions."

5. Co-workers are categorically not engaged in tax avoidance. (BIM 22040 deals with their liability to pay tax).

A detailed breakdown plus supporting documentation of these can be viewed on the Action for Botton website.

Claims about Shared living

CVT has never mentioned until recently to Co-workers, residents or their families that the offered traditional Camphill shared life model is an option going forward. On the contrary managers and trustees have always stated to all stakeholders and the press that this would never be possible for employees, whether former Co-workers or otherwise - they would not be allowed to live in the same households as the learning disabled as a matter of statute; this was emphasised strongly in their correspondence. After the unsuccessful mediated dialogue last December, the CVT CEO did say that he would set up a workshop to explore the possibilities for shared living and invite guidance from an outside group ("Shared Lives"), however, even though he suggested a date for this of Feb 10th the meeting was never held. We are therefore extremely surprised that in recent press statements a 'spokesperson' for CVT claimed this was a possibility, however we have no evidence that this claim is true.

Residents being upset

Claims made by CVT regarding the learning disabled being upset are misleading, they are upset precisely because of CVT's actions for three reasons:

1. firstly because they are not being listened to, their clearly stated opinions are being ignored and
2. secondly because CVT has made reported and very underhanded attempts to gag them and prevent them speaking about their objections to the changes. These attempts include failure to acknowledge their capacity under the mental Capacity Act and banning the press from coming into the homes of the residents when they have been invited by residents and where the residents are lawful tenants. This is a breach of their right to free speech: they are entitled to speak about things they object to and find upsetting.
3. the learning disabled residents know that CVT plans to segregate them from their Co-worker families.

The cause of their upset is CVT's actions and Action for Botton has facilitated the learning disabled being heard by the media which they have found very empowering and are deeply grateful that someone at last wants to help them.

CVT are being disingenuous in accusing Co-workers of spreading misinformation amongst villagers; please see an analysis that shows how it is in fact CVT that subtly but systematically misleads the most vulnerable in their care. We urge readers to read this example of CVT's deception campaign in the following link and consider how this contrasts with CVT's mantra of 'the beneficiaries at the heart of all we do'.

<http://bit.ly/1BdxrD3>

Laws, etc, campaigners say CVT have breached

Human Rights Act
Mental Capacity Act
Harassment Act
Companies Act
Charity Commission regulations
The Charity's own Memorandum and Articles of Association

Links to additional information

Example of support messages for the campaign and communications;
Families writing to Camphill Village Trust and to North Yorkshire County Council
many more letters from families and friends of Botton to CVT

Recent Coverage can be viewed here

<http://www.actionforbotton.org/Publications/newspaper-articles>

<http://www.actionforbotton.org/Publications/audio-and-video>

Independent report that outlines the devastating effects of these changes on other CVT communities. The unintentional destruction of intentional communities by Bob Rhodes and Richard Davis, published in March

2014. It is available at;
<http://www.centreforwelfarereform.org/library/by-az/regulation.html>
How bureaucrats destroy public services
<http://tinyurl.com/k56k37p>

Guidelines about care of the learning disabled can be viewed here
<http://tinyurl.com/kmj54e6>

or

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf

About Camphill Botton Village

The Camphill Movement was started over seventy years ago by German/Austrian Jews fleeing from the Nazis at a time of great persecution of the disabled. They did this to give learning disabled adults the chance

1. to live closely with the land and in a beneficial environment,
2. to live in a community where all are equal, irrespective of their abilities
3. to have a meaningful and fulfilling working life

CVT was founded in October 1954 to support the first adult community of Botton Village, which was started by Villagers, their families and volunteer Co-workers as an 'intentional community' in 1955. The Articles of Incorporation expressly specify that the charity's purpose is to establish a community into which the disabled can be incorporated in order that their lives be fulfilled according to the above principles.

http://www.actionforbotton.org/files/CVT_Mem__Arts_highlighted.pdf

The community was therefore formed to include and support people with a wide range of disabilities. Those with learning disabilities live with the volunteer (unwaged) Co-worker families in shared family-like households so that they can each be supported to participate in all aspects of community life including fulfilling and meaningful work.

<http://www.actionforbotton.org/Botton-Village/living-together-in-Botton>

Fundamental to the movement is sustainable farming, and as a result CVT has grown to be the single largest holder of bio-dynamically farmed land in the UK with Botton in particular winning awards.

<http://www.gazettelive.co.uk/news/local-news/honour-for-botton-group-3780507>

The entire community shares all the work in running the sustainable community, according to their abilities and wishes and for the benefit of all. Everyone agrees to these principles when they join the village. The result of this has set a world-leading standard in terms of community living, with Botton village famously leading the way in sustainability.

The community has been based for the last sixty years on vocational volunteer Co-workers receiving no salary, living modestly, pooling resources, having their needs met by the community.

http://www.actionforbotton.org/files/Three_Perspectives.pdf

Since its foundation, the Village has been widely recognised as an exemplar of a sustainable, inclusive community and has been much copied, inspiring over a hundred communities of the Camphill movement world-wide - 75 separate Camphill Communities worldwide and 36 in the British Isles, nine of which are currently CVT communities that grew out of the original site at Botton.

Popular for its caring and inclusive values, Botton Village has attracted generous donations and support from the public over the years with supporters keen to make sure that this unique way of life is continued. The original property owned by the charity was offered by the Macmillan (publishing) family, and/or built, bought and/or renovated with the help of donations intended for the purpose of supporting the remarkable community that is the Botton that donors know, admire and are keen to support.

Four years ago the appointment of a new management team at CVT heralded a catastrophic departure from Botton's founding structure and values, with management making repeated attempts to undermine the ethos and core caring principles of Camphill and ignoring the Memorandum and Articles of Association of the charity.

Links to more details on this are below;

<http://www.actionforbotton.org/Hijacking-a-charity>

http://www.actionforbotton.org/files/Summary_of_alleged_abuses_by_CVT_Management_Final.pdf

About Action for Botton

Pressure group Action for Botton has been set-up by stakeholders including friends, families, former Co-workers and Co-workers to oppose these changes and enjoys the support of 84 Botton parents and family members, the majority of the 95 learning disabled residents at Botton as well as over 5,000 supporters locally and worldwide.

In December 2014 representatives of the group entered into mediation talks with Camphill Village Trust in a bid to find common ground over the planned changes. Despite several deadline extensions, reassurances from CVT about halting the changes whilst talks were in progress were not forthcoming and the talks did not progress and since then Action for Botton - along with other Camphill communities at Delrow (near Watford) and the Grange (Newnham-on-Severn) have vowed that they will continue their campaign. Tellingly, CVT refused to call these talks 'mediation' at the time, but are now using that term for PR purposes.

For further information see

www.actionforbotton.org and

http://www.actionforbotton.org/files/Camphill_Values_v2.2_short_1.pdf

Contact Information

Botton Buddies

See www.bottonbuddies.org

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