**IN THE CROWN COURT**

**AT LIVERPOOL**

Order No: **Crim 373**

The Queen Elizabeth II Law Courts

Derby Square  
Liverpool, L2 1XA

Date of hearing: **12 September 2017**

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**Before:**

HIS HONOUR JUDGE CUMMINGS QC

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|  | **R E G I N A** |  |
|  | **- v -** |  |
|  | **ROBERT SMEDLEY & CHRISTOPHER JOHN EDWARD JOYNSON** |  |

**MR J J DYER and MISS L WRIGHT** appeared on behalf of the prosecution

**MR S G SWIFT** appeared on behalf of the defendant SMEDLEY

**MISS F HUSSAIN** appeared on behalf of the defendant JOYNSON

**PROCEEDINGS**

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(In the absence of the Jury)

JUDGE CUMMINGS: Ready for the jury?

MISS HUSSAIN: Yes.

JUDGE CUMMINGS: Witness to hand?

MR DYER: Yes.

JUDGE CUMMINGS: Thank you.

MR DYER: I suppose the witness might as well come in, your Honour.

JUDGE CUMMINGS: Yes please. Again, can you between you try to arrange a mid-session break.

MISS HUSSAIN: Yes. Your Honour, I might take that slightly earlier, because, I won’t bore you with the details unless you need to.

JUDGE CUMMINGS: But it may just work better, that’s fine.

MISS HUSSAIN: Yes.

(In the presence of the Jury)

JUDGE CUMMINGS: Good morning, ladies and gentlemen. Mr Townley, you are still under oath. As ever, if you wish to sit at any stage, please do so.

PETER TOWNLEY (Continued)

Cross-examined by MISS HUSSAIN:

Q. Mr Townley, may I just ask you to turn to page 23. We went over this communication yesterday. Just so that the Jury can put this into context, because they don’t have a copy, this was an exchange between, as I suggested, you and Sue Farrimond on 12th October 2009 regarding her asking, “Can I provide him with more hours”?

A. Yes.

Q. Pause for a second. For the lawyers’ reference, that is a disclosure document. Now, while we were having an exchange about this document, you had said, “Well how do we know that this relates to Christopher Joynson”?

A. Yes.

Q. Sometimes with documents you can’t see for looking, but if you look at the top of that document, can you see the words, “Re Chris Joynson”, right at the top?

A. Yes.

Q. So I suggest we know it was Chris Joynson that was being discussed?

A. Yes, I think we agreed that.

Q. We did, but what we, we eventually did get to that, but I wanted to point out that the actual heading to the email was, “Re Chris Joynson”?

A. Yes, can I say, though, I think also in that context, it doesn’t say, “Re CJ Associates”.

Q. Yes, thank you. I would like to just draw your attention to that fact, so we can be absolutely confident, can’t we...?

A. Yes. It refers to Chris Joynson, an individual.

Q. Now, as I asked you yesterday about steps to success, an initiative, I had suggested to you that as part of the steps to success initiative there were master classes being delivered, just by way of a reminder of what we are going on to talk about. As part of those, one part of the steps to success initiative, it involved, didn’t it, supporting the ITT students, and they were the initial teacher training students?

A. I believe it did. That wasn’t my area of work, I wasn’t involved with steps to success. I would hear about it from time to time in meetings.

Q. Were you aware that within the faculty staff, perhaps understandably, didn’t really like to have to travel very far?

A. Well they did travel very long distances, so it’s a strange thing to mention really. The travelled up and down this land.

Q. But if there was an opportunity not to engage in travelling a distance, people would, they didn’t relish the opportunity?

A. One couldn’t possibly make that assertion?

Q. Well, you said yesterday when it came to discussing the Fosse School improvement project, it was a great idea, but one of the reasons why you, I am not sure laughed is the right expression, but a comment was made in that meeting, “But it is such a long way, in Coventry”?

A. I said that?

Q. Yes?

A. I am sorry, I don’t know what you are referring to. Coventry? Fosse is in Leicester.

Q. Forgive me, in Leicester, but there was at the meeting, you said, some comment about the fact that it was such a long way away?

A. I said that yesterday in court?

Q. Yes. Just a moment please, I will just double check?

A. I am not aware I said that. I said that I wasn’t involved in that project.

Q. Just a moment. It is very easy for things to be misremembered, so let me just make sure. I have noted, when you were asked questions in relation to your knowledge of the Fosse project, you were asked, you said, “I wasn’t involved in that project”?

A. That’s correct.

Q. “It would be snippets. I recall Robert Smedley saying there was an exciting project in Leicester. We laughed due to the distance”, that’s what I’ve noted?

A. I said in the court yesterday, “We laughed because it was a long way in Leicester”?

Q. Yes. I think the point, in fairness, I think the point that you were making was, it came up in the meeting, it was a great project, but, gosh, it’s a distance away?

A. And that’s what I meant, it was at a time when we were indeed developing projects up and down the country. I regularly travelled to Coventry, to Shropshire, to London, I travelled all over the country.

Q. So what would the point be in laughing due to the distance involved?

A. I’m really not sure. There was no intent there at all in that statement, but you connected it to faculty members not wanting to travel, but I don’t understand what that connection is.

Q. The connection is that I am suggesting to you people, it was difficult for the faculty to get staff members to travel, do you accept that?

A. Well in terms of asking them to travel as part of their work commitment, there is obviously involved in travelling, yes, but people did travel, up and down the land.

Q. I am not suggesting people didn’t travel, obviously people travelled, but getting people to engage?

A. No, I don’t know that, I don’t know that about Fosse, whether we had difficulty getting people....

Q. I am not asking about Fosse specifically now?

A. What are you asking me?

Q. The reason why we went on to discuss Fosse was because that was the example you gave yesterday of an incident where a comment was made about the distance involved?

A. If we need people to travel, that obviously is a major time commitment, which is often not properly factored into the work equation.

Q. And people were not as enthusiastic about having to travel long distances, if they could ...?

A. It’s not so much enthusiasm, it may be actual practical, pragmatic realities of trying to complete the work in the time allowed.

Q. It doesn’t matter what the reason is, it translates into a lack of enthusiasm, doesn’t it?

A. No, not enthusiasm, I wouldn’t use the word enthusiasm ever about faculty members.

Q. What would you use then?

A. The practical difficulties in engaging.

Q. So were there on occasions difficulties when staff needed to travel long distances?

A. Yes.

Q. Thank you. So far as Mr Joynson was concerned, when the faculty was short staffed, or if there was not a member of staff available, time commitments, pressures, whatever the reason to travel, he did engage in teaching on the national SENCO course, do you agree with that?

A. I don’t know if that happened, it may have done.

Q. And I suggest that wasn’t as part of his role as a partnership development co-ordinator?

A. Are there specifics about when he did this work, what the volume was?

Q. I can certainly suggest to you that one of the modules that he taught, or was involved in teaching on that course, involved him making trips to London?

A. Well it would be for the project manager to decide if that was additional work, above his role, that required additional payment. I don’t think it would do on salary, while he was on salary, but I think you are suggesting it would.

Q. Meaning you think that it would have been included within his salary?

A. Yes, I do.

Q. Yes, and that’s where we, obviously there is a bone of contention?

A. Yes, it is a bone of contention. I would say, it is a contention, and if it was shown that it was appropriate, that’s fine. It doesn’t explain the huge volume of work that was done.

Q. But you weren’t directly involved in that teaching on the national SENCO course?

A. No.

Q. Can I just suggest something, in case it jogs your memory, that there was discussion about him, that’s Mr Joynson, in fact substituting days that were allocated to the general master class for teaching days, because there was a problem in getting people to teach on that course?

A. The general master class, do you mean SENCO delivery?

Q. No, S2S master class days.

A. No, I don’t know about that. I don’t recall it.

Q. The future teachers’ initiative that you spoke about yesterday, you said it was about a science project?

A. I think it was maths and physics, and chemistry.

Q. I am going to suggest in fact something different to that. Wasn’t it about an initiative that involved Edge Hill going into schools and speaking to them about different methods of teaching, i.e. models of teaching, ways of teaching?

A. Are you referring to future teachers?

Q. Yes?

A. Not that I am aware of.

Q. And I think you said that Mr Joynson, in any event, whatever it is, in fact Mr Joynson wasn’t involved in the future teachers’ initiative?

A. I don’t know, I don’t know if he was, but if he was it was part of his contractual work.

Q. Well I suggest what that initiative was was the description I’ve given, and that what was required was for Edge Hill to submit a bid for that initiative, to get funding for it. That would have needed to have happened, wouldn’t it?

A. Yes, we did bid for it, and we did win the bid, and do you think the work was leading up to the bid?

Q. It was in fact as part of the bid?

A. How does one know that from looking at the invoice?

Q. Well if you could just confine yourself to answering my questions, please?

A. Yes, okay.

Q. The question is, were you aware of the fact that he was involved in that pre-bid work?

A. No.

Q. Tim Rutter, you spoke about?

A. Yes.

Q. He was assistant head of professional development, wasn’t he?

A. That’s correct.

Q. And he was somebody who dealt with recruitment, is that right?

A. The main principal work, yes, was around recruiting to modules on the MA programme.

Q. Now what I am going to suggest is when Mr Joynson was appointed assistant head of professional development, because he took over, didn’t he?

A. Yes.

Q. You explained in terms of Tim’s ....

A. He stepped down.

Q. Effectively he stepped down. When Mr Joynson took over that role, his role was assistant head of professional development (partnership and enterprise), wasn’t it?

A. If possible, I would like to look at the job description.

Q. Yes.

JUDGE CUMMINGS: I think it’s divider 13, page 5?

A. Thank you.

MISS HUSSAIN: The document is there, and we can see – so by all means have a look at that?

A. Yes.

Q. In particular page 8, top right-hand reference?

A. That’s the person specification.

Q. Yes, but I am just directing you to the words that are in brackets?

A. I see, yes, I see that.

Q. Because in fact on page 5, in fact it’s there on page 5?

A. It is on page 5, yes.

Q. Do you agree?

A. I do agree.

JUDGE CUMMINGS: Sorry, I’ve lost track, agree with what?

MISS HUSSAIN: That the role Mr Joynson was appointed to was assistant head of professional development (partnership and enterprise)?

A. But ...

Q. Just a moment?

A. Sorry.

JUDGE CUMMINGS: It is probably my fault, I have lost track. The question is about Tim Rutter, and about his role, and the witness said he’d like to look at the job description. We have now got the job description, and I am sure it’s my fault, I’ve fallen off the pace. What is it we are looking at here?

MISS HUSSAIN: Well what I had put to the witness was that Mr Joynson, the first in line was Tim Rutter, he held the responsibility of assistant head of professional development.

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: He stepped down. Mr Joynson then was appointed to the role of assistant head of professional development.

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: And the point I wished to make was that it included the brackets, partnership and enterprise, and Mr Townley just wanted to look at the document before confirming that.

JUDGE CUMMINGS: And you do confirm that?

A. Well no, I confirmed that the job was partnership and enterprise, but I would need to see Mr Rutter’s job description.

MISS HUSSAIN: Do we have Mr Rutter’s job description, I don’t think we do.

MR DYER: No, but the job description, the witness hasn’t had a chance yet to look at the details of the job description, which I think is what he wanted.

THE WITNESS: But I am not sure what the question about this job description, you asked me, “Has it got partnership and enterprise in the title?”, and the answer is, yes, it does, so I’ve answered your question.

MISS HUSSAIN: Just pause for a moment.

JUDGE CUMMINGS: This section, 13, tab 13, this is to do with Mr Joynson’s appointment as assistant?

MISS HUSSAIN: It is.

JUDGE CUMMINGS: So this job description relates to his appointment, and the witness, in reference to Mr Rutter, is saying he would need to see Mr Rutter’s job description.

MISS HUSSAIN: Yes.

JUDGE CUMMINGS: If there is any difference in it.

MISS HUSSAIN: I don’t have that document available, no, but we will, on a separate, in a separate task, look at the documents that have – the jury may not appreciate this, but there are lots of documents generated in this case.

JUDGE CUMMINGS: I suspect the jury do appreciate that, yes.

MISS HUSSAIN: They have got the tip of the iceberg.

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: Okay, next question, Rainford High School, you explained the connection there was between Mr Smedley and the head of that High School?

A. The acting head I think it was.

Q. Were you aware Anita Walton was also involved in that programme?

A. Are you sure you are not referring to Leaven(?) High School, are you sure it’s Rainford?

Q. Yes, don’t worry if you don’t, because I can check this with another?

A. I know she was involved closely with Leaven, I am not aware she was involved with Rainford.

Q. Okay. Let’s move on, then, to the next subject, which is that of secondment time, and of course you gave a description yesterday of what that process involved?

A. Yes.

Q. And the process that would be gone through. I would like to put to you, please, another type of time which is recorded as, it is referred to as secondment time as well. Now, in order to do that, let me just set out some background. School improvement associates is a title of a class of people?

A. Yes, I understand that.

Q. And practice learning facilitators?

A. Yes.

Q. They go together, don’t they?

A. Broadly speaking, yes.

Q. But what they effectively are, are people that are recruited in order to provide support to students who are registered on the MA course?

A. Correct.

Q. A part of the MA course is online?

A. Yes.

Q. And one of the tasks students have to perform is to submit portfolios as part of the course?

A. Yes.

Q. And, so as to make the course attractive to students, and therefore boost your student numbers, which ultimately means money for the university?

A. Correct.

Q. So you want to attract as many students as you can, you offer them this support that goes along with the course?

A. Yes, that’s correct.

Q. But, of course, people needed to be recruited to take on the role of associate and practice learning facilitators, didn’t they?

A. Yes.

Q. Now the cost of recruiting those people would be submitted to Edge Hill University, wouldn’t it?

A. I am not sure what you mean by that question. The cost of recruiting them?

Q. Let me put it another way. Edge Hill University would be responsible for paying those people?

A. Which people?

Q. The associate and practice learning facilitators?

A. No, we would pay their employer.

Q. But one way or another, whether you pay the individuals or the employer?

A. We didn’t pay the individuals, which I think was your question.

Q. Who paid for the service?

A. Edge Hill University.

Q. Right, and that was also referred to, that process of payment, was referred to as seconded time as well, wasn’t it?

A. Yes.

Q. CFEE, you referred yesterday to, and that’s the ....?

A. Co funded employer engagement.

Q. Co funded employer engagement?

JUDGE CUMMINGS: Is it co or code?

A. Co.

JUDGE CUMMINGS: Co funded employer engagement, thank you.

MISS HUSSAIN: You referred yesterday, if I just paraphrase it, as effectively employers paying in kind?

A. That is correct, yes.

Q. Can I just put this aspect of it to you, it involved, didn’t it, the recruitment of students, and they were a slightly different class of student, they were from the business sector?

A. No.

Q. No?

A. From schools almost exclusively.

Q. Were they not mainly from the business sector?

A. They were local authorities working with schools. A lot of them were teaching assistants. Unless you are referring to the work that Mr Smedley did, which I had no, I was never briefed on what he did.

Q. So, if I put this question another way, were you aware of a programme that was really taken up mainly by the business sector that involved the business sector coming to Edge Hill, for Edge Hill to provide them with support to their employees who needed to do exams or professional qualifications?

A. I understand. Well, from what you have described, that’s not the work I was involved in and what I was gathering, compiling registrations for. That sounds like the work done by Robert Smedley, Bill Bruce, Nikki Crask(?), and I cited that in my interview with the police.

Q. So that did take place, what I have described?

A. I don’t know, if it took place.

Q. You were aware of it?

A. Aware of, not the work, I was aware of the project.

Q. The project, but did the project take place?

A. The project doesn’t necessarily mean that work actually ever took place.

Q. Oh, I see, so by project you mean a thought, an initiative, an idea?

A. An initiative that was ready to run, but I don’t know if it ran or not. Other people in the university will know if it did.

Q. Right. So, when you have a though, an idea, there is often a planning process isn’t there?

A. Yes.

Q. If it involves making a bid for funding?

A. Yes, a bid, yes.

Q. And what you are saying is that just because something has gone through that process doesn’t necessarily mean that it was eventually offered or that any students ....

A. Well it may have been offered but it may not have been taken up, or the take up could have been extremely low.

Q. I see, and because you were not involved in that, you can’t say how far along that process it went?

A. I certainly cannot. I was never briefed.

Q. The company Viridor, were you ever aware?

A. Yes, I was.

Q. You see I suggest Viridor did take up that offer, and so did Morrisons Utilities. Does that help you to remember?

A. Well Morrisons Utilities I think was a sub divide of Viridor, yes, I did work with Viridor.

Q. In what respect did you work with Viridor then?

A. I didn’t know that was CFEE funding.

Q. Just describe the nature of the work that you did?

A. They were business people completing modules in the faculty of education.

Q. Ah, so that was a business?

A. It was, but I didn’t know if was CFEE.

Q. But you did know it involved a business?

A. It did, it was successful.

Q. You did know that it was a business coming to Edge Hill for support?

A. Yes, well actually we went to them.

Q. You did know that it was a business that was working, or involved with Edge Hill in providing support services to its employees.

A. Yes.

JUDGE CUMMINGS: Can I just ask, not at all in a hostile way but maybe to assist the jury, what does all this relate to, what’s the point this bears on?

MISS HUSSAIN: This bears on the point that Mr Joynson was performing roles in relation to these types of work for which he was claiming, as a consultant, whilst employed by the university, because it was work above his paid employment.

JUDGE CUMMINGS: Thank you.

MISS HUSSAIN: And, to the extent that I am putting these matters to the witness, it is just to be able to have given the witness an opportunity to comment on what we suggest the nature of the programmes involved, and I am confining it to those projects that the witness has spoken of, and only to demonstrate the differences in the descriptions provided.

JUDGE CUMMINGS: That’s helpful, thank you.

MISS HUSSAIN: The next one is the EEF project, and this was the Promethean, Promethean is a technology provider, isn’t it?

A. Yes, it is.

Q. So Promethean was part of the EEF project, wasn’t it?

A. Yes.

Q. Now the EEF project, it was worth a lot of money, was it a £3 million bid?

A. I haven’t got the figures in front of me, it was significant, yes.

Q. Running into the millions?

A. Yes.

Q. And it was a charitable, I think it was a charitable organisation. It was a government led initiative?

A. Sutton Trust, which runs the EEF, is charitable, Promethean isn’t.

Q. That’s right, but the bid was put to the government, and in a nutshell it was to narrow the gap, wasn’t it, between achievement and success of children from different social backgrounds?

A. Yes, that’s absolutely right, that is what Sutton Trust, it’s main purpose.

Q. Did you know that there was a good deal of pre-bid work that was required, liaising with schools in order to submit the bid?

A. Yes.

Q. And I think you helpfully may have mentioned yesterday, it was about children being given handheld devices and them being incorporated within the learning process?

A. Please may I ask what time period this pre-bidding went on?

Q. I am afraid I don’t have that ....

A. Well can I say ....

Q. Would you remember when the Promethean project actually ran?

A. You are talking about the pre, the period before we actually ran it.

Q. Well I am just trying to get you to assist us, if you can, with what the project involved, and I am....

A. Yes, we had to recruit schools, and we indeed made appointments of staff to help us do that, but the time period would be very important in relation to the job description that you have shown me this morning.

Q. You don’t worry about that too much?

A. I think I ought to.

Q. Well, if you want to look at any documents in answer to any question I ask, then please do say so, and you can look at whatever document you wish that might help you?

A. Yes, I will.

Q. Is there any document you would like to look at in respect of the questions I’ve asked?

A. Yes, I would like to have a look – well, I don’t think it’s on the documents, it’s when the pre-bidding went on for Promethean, because my view is that that would be part of his salaried work.

Q. I am not asking you about that.

JUDGE CUMMINGS: Just a moment please.

MISS HUSSAIN: I understand your position, Mr Townley, and your position, in a nutshell, is anything Mr Joynson did, post his employment, starting with Edge Hill University, would have been part of his employment?

A. The vast bulk of it, because that was true of all staff at all times, including Robert Smedley and myself.

Q. I understand your position, and I think that is clear, and I have said that is an issue between, and I put the defence case to you in respect of that?

A. Yes. It is also to do with volumes of work, and ability, physically, to complete work, given that he had a full-time job.

Q. Right. You were not line managing him, were you?

A. No, but he reported into my line, and he was a senior manager in my team.

Q. Were you line managing him at all?

A. No, but he was a senior manager in my team and we held meetings together, and with other people.

Q. SUP is another initiative that you spoke about yesterday. Vicky Duckworth, she headed up that project, didn’t she?

A. She did.

Q. Now, in relation to Vicky Duckworth, I suggest Mr Joynson also worked on this project?

A. Possibly.

JUDGE CUMMINGS: EEF?

A. SUP.

JUDGE CUMMINGS: SUP, thank you.

MR DYER: Schools University Project.

MISS HUSSAIN: Thank you. Vicky Duckworth was allocated specific hours as part of her timetable, wasn’t she?

A. Yes, she was.

Q. 200 hours in fact?

A. If you say that’s the figure, I haven’t got it in front of me.

Q. Would you look at page 4 of the bundle please?

A. Yes.

Q. This is a defence document your Honour, not disclosure. Just one moment please. If we look at the bottom of this page, Mr Townley, just to familiarise yourself with it?

A. Yes.

Q. Does that look familiar, the content of it?

A. Yes, I recall that.

Q. You do recall this, okay?

A. Can I point out, that what immediately I note is the bottom, which you asked me to look at, Chris Joynson, assistant head of professional development, a management job.

Q. Well, let me ask you the questions, thank you very much for pointing that....

A. You did ask me to look at the bottom.

Q. I asked you look at the bottom, I meant as a means of acquainting yourself, because these emails go first in time at the bottom, and then up?

A. Yes, fair enough.

Q. And that is communication from Mr Joynson to Vicky Duckworth, and you are copied into that communication, aren’t you?

A. Yes.

Q. But do you accept that looking at that document, that Vicky Duckworth was allocated, effectively, 200 hours off her teaching position in order to work on this project?

A. Yes, two days a week, which is the equivalent of 200 hours.

Q. Yes, do you agree with that?

A. Yes.

Q. And we know it is regarding SUP because the subject header is SUP?

A. Yes.

Q. Was that kind of arrangement also something called abatement?

A. No. Well....

Q. I just want to know if that term ....

A. It is a difficult question, if I can try and answer your question. Yes, I mean abatement is, you start, a senior lecturer starts with a timetable of 550 hours, and if there is no abatement then they have to deliver classes and modules equivalent to 550. In this case Vicky Duckworth was given 200 hours, which is effectively an abatement off the 550.

Q. The next issue is when, to ask you questions about, is when Mr Joynson moved roles, so from his first role when he was employed, to SENCO partnership development co-ordinator, in fact the title goes partnership development co-ordinator for SENCO and (inaudible), and that was taken on 1st September 2010.

A. That’s right.

Q. And his role was, wasn’t it, to do with developing partnerships concerning the dyslexia and SENCO contracts?

A. Yes.

Q. And if I could just ask you, please, to look at page 11 of the bundle. This is, for the lawyers’ reference, a disclosed document. Now, I just want to be clear about this, this is communication between you, initially at the bottom, and Mr Smedley, and Mr Joynson is copied in, as is Anita Walton. This was following, I think, if you look at the bottom, and then just over the page, this is an email from Mr Joynson to all of you?

A. Yes.

Q. That is referring to a meeting that you and Mr Joynson attended in Newcastle?

A. Yes, I recall it well.

Q. You recall that, and then, so it is really an update as to what has happened at that meeting, would you agree?

A. Well if you look, it says, “Peter has asked me to put together”, as I asked him to do that.

Q. So that is 4th December 2011, is the date of that?

A. Yes.

Q. And then there is a reply from Mr Smedley, so this is the next section above?

A. Yes, yes.

Q. Addressed to you and Mr Joynson, referring to it being excellent news, that’s the positive stuff that had happened, and thanks to both of you, and him saying, “Chris, I am conscious that this is above and beyond your PDC role linked to SEN/dyslexia, many thanks”, and then a reply from Mr Joynson at the top acknowledging that?

A. Yes.

Q. So you remember being party to that communication?

A. Yes, but would it be possible, please, for me to look at the job description for the PDC, partnership development co-ordinator?

MR DYER: It is divider 12, first page.

MISS HUSSAIN: Yes?

A. Yes, I recall this very well actually.

Q. If you turn to page 13 of the bundle, this is just another example, and this, for the lawyers’ reference, is a disclosed document. Now this was to the SKE programme, just to familiarise yourself with it. That means subject knowledge enhancement recruitment, that is a course for secondary school teachers, wasn’t it?

A. Yes.

Q. I am sorry, members of the jury, you won’t have this document, my fault. I heard the sighs of exasperation, this is a bundle that Mr Townley has. We are on page 13 of the defence witness bundle. So this is about, can you confirm looking at this, it is communication between you and Mr Smedley re SENCO recruitment, and you are certainly referring there to Mr Joynson’s efforts there in being very good at recruiting, and certainly, as you express there, right at the top, “You saved the day completely”?

A. He did.

JUDGE CUMMINGS: So you agree with all of that?

A. Sorry, what’s the question?

Q. The jury don’t have these emails in front of them, so it was summarised by counsel?

A. Yes, I agree first of all those emails I understand, and that Chris was responsible for the recruitment, yes.

Q. Yes, so really you are party to a complimentary appraisal of his efforts in recruiting, and on this particular occasion in particular he saved the day?

A. I wouldn’t disagree with that. It wasn’t a comment I made, but I would agree with it.

JUDGE CUMMINGS: Thank you.

MISS HUSSAIN: Forgive me, it was a comment you made. I know it is difficult reading these documents. Top line?

A. I do apologise, I did make that comment, I do apologise.

Q. That’s all right, I know it’s hard reading certain documents, but it is you to Robert, “It certainly was”, that is referring to something he said, “He saved the day”?

A. I did say that, I did write that I should say.

Q. The only point, just to add to your Honour’s helpful summary of that, is that it was to the SKE recruitment. Next document, please ....

JUDGE CUMMINGS: I am not teaching anyone to suck eggs, but do just bear in mind if the jury don’t have the document then they need to be assisted to understand what is being said.

MISS HUSSAIN: Page 15 of the bundle please, and this is another example, I suggest, of recruitment and Mr Joynson’s involvement. Matt Cochrane was somebody who was supposed to be specifically, well that was his role, was to recruit people to the maths and science course wasn’t it?

A. Yes, that’s right.

Q. I think he was employed for that purpose?

A. I am not sure if that was the only purpose, that was one of his roles.

Q. Right, but there was an issue, wasn’t there, it doesn’t matter what the reason was, but he wasn’t performing in that role?

A. That’s my understanding, it wasn’t my area, but I was briefed on that.

Q. And my question to you is were you aware, therefore, that as a result of that lacking in that area, Mr Joynson was asked to take on that work?

A. Yes, he was, I was aware.

Q. Now I suggest that was as a consultant?

A. Am I allowed to respond to that?

Q. Well do you agree with that or not?

A. No.

Q. But you do agree, well I think you have just agreed, that he did become involved, and as this email chain shows, which is, it ranges from the dates, from 4th October 2010 to 15th October 2010?

A. Yes, I have no disagreement there.

Q. I am just summarising it for the jury’s benefit, that there is reference to Matt Cochrane and whether he is accepting applications to the programme, and then you are writing, on 15th October 2010, to Phil, Phil Rigby, and you are expressing, “It is my strongly held opinion that we all owe a great debt to Chris Joynson. I am quite sure that without him the project would have collapsed, and the attitude of Matt towards the project”, that’s to do with Matt’s attitude towards the project and Chris in July was quite appalling. I am not interested in that aspect of it, thank you.

JUDGE CUMMINGS: Can I just ask you. Counsel has taken you to a number of occasions where either by you, or as it were, in communication with you, Mr Joynson has been praised for excellent work?

A. Yes.

Q. And you stand by that?

A. Absolutely.

Q. Yes, so he was very good at what he did?

A. He was, a major asset to our team.

JUDGE CUMMINGS: Thank you.

MISS HUSSAIN: I don’t really need to take you to the email in particular, but when Anita Walton was away ....

A. In 2013.

Q. He in particular there was of assistance to you?

A. He was fantastic, and then he walked out on me.

Q. Could I just ask you to look at page 17. This is a disclosure document for the lawyers, Groupwise. That is you writing to Phil Rigby on 7th July 2010?

A. Sorry, sorry, I haven’t got the page, sorry.

Q. 17, bottom right?

A. Yes, I write to Phil Rigby, yes.

Q. And that was regarding, just the point I would like you to confirm, if you would, is that you were expressing to Phil that Chris has many ideas and was ready to begin the work?

A. Yes.

Q. Page 18 please, this is a defence document for the lawyers’ reference. The time period of this communication, I suggest, if you just look at it, it involves you and Mr Joynson, I will just give you a moment?

A. Yes, is it the bottom up, yes.

Q. Yes, if you work from the bottom and work up?

A. Yes, I understand, thank you.

Q. This was some time into his second role whilst in employment at the university, so that’s the, so that we can all follow....

A. Sorry, which JD(?) is this?

Q. This would be the partnership development co-ordinator for SENCO and dyslexia?

A. Which I have got in front of me here.

Q. And what I would like you to confirm, please, is that the communication starts on 24th August 2010 with Mr Joynson asking you for clarification regarding his role. If I read it, “Thanks for clarifying my questions for me. On the JD it says ....”

JUDGE CUMMINGS: Hold on, you say it starts with him seeking clarification, and you then read an email which begins with him thanking the witness for clarification. Just take us with you, if you would.

MISS HUSSAIN: Let me just read the first, if we just, on that point, please, if we just turn to page 19. Start at page 20 and let’s work backwards. Page 20 ....

JUDGE CUMMINGS: So this is the 20th August?

MISS HUSSAIN: Yes, and that is you writing to Chris referring to a productive meeting, and you are saying, “Thanks for a very productive meeting, and always for your can do attitude”?

A. Absolutely.

Q. “I am attaching your new JD. Let me know if you have any comments or concerns”?

A. Right, yes.

Q. And then page 19 is Mr Joynson writing to you on 20th August 2010, and he is saying, “I have been through the new JD for the role you would like me to do, it looks fine, but there are a few questions that I would like to ask”?

A. Yes.

Q. And then he says, “Yes, I would like to take 2 opportunity”, I am reading it literally, “take 2 opportunity to make a difference at that level”, and then questions, “When would this be from? Would I still be home based, which I would prefer, even though I don’t spend much time here? So my understanding is that I am going to work across the whole of PPD, I am assuming that it included UG”, which would be undergraduate post, what is PD post?

A. Professional development.

Q And PG and PD?

A. Postgraduate professional development.

Q. “But concentrating for SENCO and dyslexia, but working on every contract that that university wins”?

A. Yes.

Q. Can you just confirm?

A. Yes.

Q. And then number four, “With this new role does this mean I go back to being on probation from scratch. Other than that, I think it would be a great opportunity and thank you for recognising my commitment to the Faculty of Education and the work that I’ve done so far, it’s really appreciated”, and then you reply ....

JUDGE CUMMINGS: Before we move on to the reply, can I just ask the witness, what was your understanding of the words, “Go back to being on probation from scratch”?

A. Well normally any post at Edge Hill University, if you are promoted you immediately start again on a twelve-month probation from the date of commencement of employment. So even if you have been on probation, say for eight months, if you get a promotion you would start again, on day one.

Q: So you are on probation within each new role?

A. Yes. You can’t collapse them.

Q. Yes. In the context of salaried role on the one hand and extraneous consultancy fees on the other, how, if at all, does the expression probation fit in, do consultants do probationary periods or not?

A. No, your Honour, they don’t, and it’s not in my opinion relevant. He wouldn’t be acting as a consultant. I would suggest that this email actually is him acknowledging that the role is very wide ranging. This is Chris Joynson acknowledging it, not me, and it’s in the JD.

Q. You say the role that we are – sorry?

A. The barrister here has gone through a whole series of projects. They are all either UGPD or PGPD, and that’s in his job description.

Q. So they are all either what or what, give me those again?

A. Right, undergraduate professional development and postgraduate professional development had a range of projects on them. Every project, I think, that has been mentioned this morning, I think every project, with the possible exception of SUP, would relate to that role, to working in the wider aspects of UGPD and postgraduate PD. That is what he is acknowledging himself, and it is in the job description.

MISS HUSSAIN: Just pause a moment. But, it is for SENCO and dyslexia, that is his role?

A. But if you read the job description, it’s more than that, that’s the principle, that is not a representation of the job description, that is your interpretation.

Q. Well that’s your interpretation of the job description?

A. Well, shall we have a look at it?

Q. Please do. Where do you say that....?

A. Well actually I think we should turn to where Chris in his email tell us.

Q. Well can I just finish this chain, and we’ll come back to that document, because let’s look at the next one please, the next email?

A. Oh, going up is it, yes.

Q. Going up. Now, I’ve read the one below in full. On 24th August 2010 you answer those questions, and you say, “Hi Chris, the post commences on 1st September, I will explore your base, but for the time being it remains at home”. Just on that point, of his post being at home, he was home based, wasn’t he?

A. I don’t remember, but apparently so.

Q. Yes, and when people are home based they are issued with a university laptop and a mobile phone, is that right?

A. I don’t think I have the expertise to answer that question, I can’t remember.

Q. “The post”, this is you, “The post is to work on SENCO and dyslexia. What indicator do you have that it is more?” My hole punch has gone through that?

A. Yes, quite amazing this.

Q. That word, just one moment please?

JUDGE CUMMINGS: Is it yes, “Yes, you will commence a new period of probation, this is normal practice”?

A. Oh yes, that’s correct.

JUDGE CUMMINGS: So an answer to question four in other words. Thank you.

MISS HUSSAIN: “I know you’ll make a great success of the work and thank you for your commitment”. So, I suggest it was being clarified there that the post was to work on SENCO and dyslexia?

A. But not what then Chris replies, and corrects me. Chris knows more about the JD at that time then I do. He reminded me that actually although this is SENCO and dyslexia, there is much more to it, and that’s my point.

Q. Well, going on to page 18?

A. Yes, look at what he says.

Q. So the jury have it, “Hi Peter, thanks for clarifying my questions for me. On the JD it says facilitate delivery of the FOE”?

A. Sorry, I beg your pardon, Faculty of Education.

Q. “Faculty of Education PD”, partnership development, yes?

A. Yes.

Q. “Contracts with business”. First paragraph, “I just assumed that was all of PD, UG and PG, also job title says partnership development co-ordinator, PD. Again, I assumed UG and PG and PD. Can you shed some light on this”?

A. Yes.

JUDGE CUMMINGS: Could, again, for the benefit of the jury who don’t have this in front of them, could you just go back over that and translate the various acronyms. I mean JD I take it is job description. If you wouldn’t mind, one or both of you, just read through it?

A. Would you like me to do it?

MISS HUSSAIN: Please, do you mind?

A. “Thanks for clarifying my questions for me. On the job description, it says facilitate delivery of the Faculty of Education professional development contracts and business (first paragraph). I just assumed that was all of professional development, undergraduate and postgraduate”, and then a hyphen, a dash, and then he says, “also, job title says partnership development co-ordinator professional development. Again, I assumed undergraduate and postgraduate professional development”.

Q. And the next email is you writing to Chris, dated 27th August 2010, and it reads, “Hi Chris, I think it is about building some flexibility into the job and allowing you to work on other projects, if appropriate, who knows what the future holds?!! I have spoken with Robert and he has told me the job is about developing partnerships in dyslexia and SENCO”. Do you agree that’s what it says, signed off Peter?

A. Yes, that is what it says.

Q. And then finally Mr Joynson’s reply on 28th August is, “Thank you for this, and it sounds exciting”. Could you just confirm that that is what the email says?

A. Yes, it is.

Q. In terms of the recruitment of students to Edge Hill, were you aware of other organisations being involved in the process of recruiting students?

A. Well yes, through the partnership agreements, yes.

Q. Is that the payback agreement?

A. I don’t understand the term, so could you explain?

Q. Well PPD, are you familiar with what that is?

A Postgraduate professional development/

Q. Yes, and then the PPD payback scheme, what is a payback scheme in that context?

A. I don’t know. I have never heard of a payback scheme. Is it not another phrase?

Q. Well let me just describe it to you, perhaps you would know it as a different phrase?

A. Yes. I think I know what you mean. I think you are referring to a scheme where when, say a local authority recruited teachers for MA modules, we would pay them a sum for doing that. I wouldn’t call it payback.

Q. Well I suggest that is exactly what it was known as?

A. Do we have any examples in the evidence of an agreement?

Q. I am suggesting to you that this was well known as a payback scheme?

A. Well I have never heard that term.

Q. Okay. So you say you’ve never heard that term?

A. No.

Q. But the concept of paying?

A. Yes.

Q. So if others managed to recruit students to your faculty, they would be paid for having registered students?

A. Yes.

Q. Because the money that the university would get, from the government?

A. Yes.

Q. It’s a business?

A. That’s right.

Q. Depends on how many students you get?

A. Yes.

Q. So how much were you paying, as a faculty, for each student registered?

A. I would have to have a look at the agreements. It was all covered in agreements that were signed by either myself, Robert Smedley, or another Pro Vice Chancellor, of Deputy Vice Chancellor.

Q. But ITN Marks, do they, they are a recruitment agency aren’t they, that specialise in recruiting ...?

A. A supply agency. I am not familiar with it.

Q. Have you heard the name?

A. I think so, yes. It resonates with me, but it’s not a company I dealt with. I have seen it on a list.

Q. Yes, and they were party to this, what I termed a payback scheme, weren’t they?

A. I think so. Without seeing the list, it is difficult for me to say.

Q. Page 22 of the bundle you have in front of you, not the members of the jury?

JUDGE CUMMINGS: Can I suggest we take our break once you complete the current topic?

MISS HUSSAIN: In fact there is only one or two questions beyond this, and they are not lengthy.

JUDGE CUMMINGS: That’s fine, thank you.

MISS HUSSAIN: Do you have page 22 there?

A. Yes, thank you.

Q. This is a defence document, for the lawyers. It is a forward email, “ITN Mark update”, can you just familiarise yourself with it?

A. Yes.

Q. I suggest it is about ITN Mark?

A. Yes.

Q. Enough time to look at that?

A. Yes.

Q. So now, does that look familiar, that communication?

A. Yes. As I said to you in my first answer, I remember it from lists, and sure enough, there is evidence of it.

Q. There is a communication to you at the bottom, to you, at the bottom, which is referring to somebody having a conversation with a Fiona from ITN Mark. They want to up the fee from £100 per registration to £130 per head?

A. Yes.

Q. Pausing for a second, so that is ITN saying if we register a student to your faculty, then we want our fee, which is £100, upping to £130 per head?

A. Correct.

Q. And you replied, in fact it is to Robert Smedley?

A. Yes.

Q. “Can I, on this occasion, sanction £130 per head?” So really, the purpose of that communication is to assist you, and does it assist you to remember that, certainly in that example, £130 a head was being paid for registration?

A. I don’t know because I don’t know if he sanctioned it.

Q. Well you were asking Robert to sanction...?

A. That would be my professional judgment and what was required to make that partnership work.

Q. So in your opinion, would that have been reasonable?

A. It would have been reasonable, it may not have produced the registrations.

Q. Well would it have been reasonable if it may not have produced the registrations to have been...?

A. Well it wouldn’t matter then because we wouldn’t be paying out. We only pay out for registrations.

Q. I see. So if it did result, as long as it resulted ...?

A. The request to Robert was to try and increase the number of registrations.

Q. So as long as the end produce was more registrations to the faculty, in your opinion £130...?

A. In that case that is what I had calculated, probably having taken advice from other colleagues.

MISS HUSSAIN: In fact that concludes all the questions I have for you, Mr Townley, thank you.

JUDGE CUMMINGS: Thank you very much. Shall we take our break, thank you. Twenty minutes please, ladies and gentlemen, can we be back for noon please. Thank you very much.

(In the absence of the Jury)

JUDGE CUMMINGS: Any matters arising?

MR DYER: No. There is one matter I need to discuss with my learned friends, but it need not concern your Honour at this stage, perhaps just before the jury come in we may need a couple of minutes.

JUDGE CUMMINGS: Thank you very much. Please don’t wait, thank you. Please, gentlemen, twenty minutes, please don’t wait for me.

(Short adjournment)

MR DYER: Just one matter to deal with before the jury come back in. Apologies, it is really my mistake, and poor preparation. Page 7 behind divider 20, the troublesome page, if I can just take your Honour to that, and your Honour will remember I edited it further.

JUDGE CUMMINGS: Yes.

MR DYER: But I was reading it again, and reflecting upon it. There is some further material there which doesn’t accurately represent the position beyond the part that is further editing, relating to serious offences, your Honour will see.

JUDGE CUMMINGS: Do you want to replace it again, is that what it’s coming to?

MR DYER: It is coming to that.

JUDGE CUMMINGS: That’s fine.

MR DYER: So, my learned friends have no objection to me replacing it, and taking out the bottom part of the page, but then my proposal, my learned friends agree to this, that rather than the jury have that section, which is really Mr Townley’s evidence, or ought to be, that I ask him briefly about that before we continue with cross-examination. It is just about the discussion ...

JUDGE CUMMINGS: So the page will need to be replaced now with it, and then you will want to, as it were, interpose further questioning in chief on this?

MR DYER: I apologise, your Honour, my error.

JUDGE CUMMINGS: It’s fine, thank you. Well if you would give Mrs Jones the necessary pages.

MR DYER: Of course, and one for your Honour. So it is divider 20, page 7.

JUDGE CUMMINGS: Thank you. Also, the witness box.

MR DYER: I have just done it, yes.

JUDGE CUMMINGS: Thank you.

MR SWIFT: Your Honour, may I also just hand up, the defence jury bundle, I don’t think your Honour has that, I am intending to ask Mr Townley to look at documents within that. I think your Honour had an extra page, it is 48A.

JUDGE CUMMINGS: Thank you. Right, ready for the witness and the jury, thank you.

(In the presence of the Jury)

JUDGE CUMMINGS: Thank you very much. Mr Dyer, I understand you want to interpose something?

MR DYER: Yes, thank you your Honour, with the agreement of my learned friends, I have just one or two questions before we continue with the cross-examination.

Further examined by MR DYER:

Q. Mr Townley, I just want to ask you briefly about one particular subject, and if we could deal with it without going into detail, I just want the outline of what took place?

A. Okay.

Q. Can you just confirm when you interviewed Christopher Joynson, did you know that he had police cautions?

A. No.

Q. Right, thank you. Did there come a time, in around December 2012, when you did discover he had police cautions?

A. Yes.

Q. And, without going into the details, was that as a result of a school raising an issue as to whether there had been a CRB check?

A. That is correct.

Q. Right. As a result of that, did you speak to anyone about it?

A. Well, it was raised with me by Anita Walton.

Q. Right, and who is Anita Walton?

A. She was, at that time, the head of professional development.

Q. Was she Mr Joynson’s line manager at that time?

A. She was.

Q. So she told you about that, and did you then speak to anybody else about it?

A. Yes.

Q. Who did you speak to?

A. Robert Smedley.

Q. And what, if anything, did you suggest should happen?

A. Well I was very clear, I thought he should be suspended, on full pay, pending an investigation.

Q. And did that happen?

A. No.

Q. Why not?

A. Because he said...

Q. Who said?

A. I beg your pardon, Robert Smedley said in a meeting that, “We don’t do that sort of thing at Edge Hill University”.

Q. All right, just pause a moment. Who was there when he said this?

A. Well there was Anita Walton, myself and Robert Smedley.

Q. Right, so it was a meeting, the three of you there, “We don’t do that sort of thing,”, referring to what?

A. Suspension, and I just had a puzzled face.

Q. Well is that right, you don’t suspend people?

A. Well I am not a HR expert, and I have never suspended anyone. I am not aware, at that time, of people being suspended. Later I was, and it would seem to me that for safeguarding purposes you have to have that power.

Q. And so ultimately who had the decision as to whether there was a suspension?

A. Robert Smedley.

MR DYER: Thank you, that’s all I want to ask you about that, there will be more questions.

MISS HUSSAIN: No questions from me on that, thank you.

Cross-examined by MR SWIFT:

Q. Mr Townley, before asking you more general questions, just deal with that issue, so that we understand it. So there was feedback from school, let’s not go into that, but that results in a meeting taking place between you, Robert Smedley and Anita Walton, in which this issue is discussed?

A. That’s correct.

Q. You have indicated to the jury your concerns, calling for a suspension?

A. That is correct.

Q. Of course, we know against the backdrop of all the questions that you have been asked over the last day or so your view of Chris, his work, his attitude, his approach?

A. Yes.

Q. You were concerned in relation to the CRB check?

A. I was.

Q. Now is it correct that what happens after that meeting, in the meeting Robert was expressing himself in terms of the university wouldn’t just react to what a school is either alleging or asserting, and make a decision to suspend?

A. If he did say that he would be incorrect in relation to safeguarding issues.

Q. Well I am suggesting that that was how it was vocalised, that we don’t just, he reacted to what is being alleged against university staff?

A. I don’t remember.

Q. So you don’t rule that out?

A. It is quite possible he said that, yes.

Q. Because otherwise a complaint is made, be it by a school, local authority, anybody, if you just react on that and suspend somebody pending....

A. No, I think it’s more than that, if I may, is it okay to answer you?

Q. Well yes, I am asking you questions in relation to that?

A. The point is that, I completely understand what you are saying, and say for example someone had made a complaint and said, “Oh, he’s not very good”, I wouldn’t have gone in to Robert Smedley and say he should be suspended. It was what I heard vocalised about the CRB, and therefore, for safeguarding children, I thought suspend initially, while we just check, because it may have been completely untrue.

Q. Can I just ask you to pause and reflect for a moment, because obviously you have been in education at the university a long time, and there have been developments and changing approaches in relation to CRB and the DBS checks, haven't there, in the sense of when they were acquired, the in-depth check, that’s changed....

A. I am not familiar with, there have been changes, yes.

Q. Yes. Can I suggest that at that stage there wasn’t a requirement for CRB checks for all university staff?

A. I am very surprised to hear that.

Q. But you don’t disagree with me?

A. I don’t know.

Q. You are not saying to the jury, no, we all had to have them?

JUDGE CUMMINGS: Well this will be a matter of law, won’t it, is it down to his recollection?

MR SWIFT: Well, your Honour...

JUDGE CUMMINGS: Won’t there be some means of establishing whether there was, yes or no, a requirement for a CRB check at a particular time?

MR SWIFT: Your Honour, there may very well be.

MR DYER: Your Honour, there are other witnesses in human resources.

JUDGE CUMMINGS: All right. I won’t stop the question.

MR SWIFT: Can I suggest that what then followed was, well put it in this way, were you aware that Robert Smedley then had discussions with HR?

A. Yes. I was told by Robert he had. I didn’t see or hear those discussions.

Q. And as a consequence an email was sent out to try to clarify...?

A. Yes, in the evening of that day. I saw him in the morning, and in the evening he sent an email to key managers.

Q. To try to clarify the position?

A. He did.

Q. And that wasn’t calling for everybody to have a CRB check, was it?

A. No.

Q. Was he giving an explanation?

A. He was saying why there should be no more CRB checks, which is, with respect, was irrelevant to this particular situation where a report had been made. It was nothing to do with whether we were making CRB checks or not.

Q. Was the clarification really to this extent, that the university wouldn’t simply hand over to schools CRB’s and respond to other enquiries that were being made in that regard?

A. That is correct in terms of that email, but it is nothing to do with this incident.

Q. It followed directly upon the incident?

A. No. Yes, it followed directly upon the incident, but that isn’t, that wasn’t the point, children were at potential risk. You don’t hang about looking for policies when children may be at risk.

Q. No, that’s why I preface these questions with the fact that you’ve been in education a long time, well I suggest...

A. It was what was reported to me that was such deep concern.

Q. Now, let me take you back to the statements that you have made in relation to this case, and the evidence you’ve been giving over the last day or so. Now, it is right, isn’t it, that you made an initial statement to the police in January 2015?

A. That’s correct.

Q. And there is no issue in relation to that, and so it is clear, you made another statement in these proceedings on 2nd March 2017?

A. Yes.

Q. Yes?

A. Yes, correct.

Q. When you provided that initial statement, I think you had been asked, hadn’t you, to investigate this matter?

A. Yes. Sorry, which matter?

Q. Well you have been asked to carry out an investigation with regard to invoices relating to work claimed by CJ Consultants and Forward Education?

A. That’s correct.

Q. Was it Mr Igoe who had asked you to conduct that investigation?

A. I think it was, I am fairly certain it was.

Q. Well, I will be corrected if I am wrong, within the statement that you provided that is precisely what you say?

A. Yes.

Q. And, just so the jury are clear, Mr Igoe was then, what was his role in the university?

A. He was Deputy Vice Chancellor.

Q. Deputy Vice Chancellor, and he provided you with the invoices I think?

A. Yes.

Q. Is that correct?

A. I can’t recall, but I think that would be right. A bundle was given to me.

Q. You were asked to look at that?

A. Yes, I was.

Q. And when you were looking at it, what were you being asked to assess or look at work allegedly done by Chris Joynson?

A. Could you repeat the question please?

Q. When you were asked to look at the invoices, was your remit effectively to look at those invoices against the background or suggestion or a question mark over the work being done?

A. As I recall I was asked to, and I wrote notes against the invoices, on a chart, I was asked to say what I thought the work was and whether it had been done.

Q. So there was a question mark, at this stage, was there, when you were being asked to approach this task, was it being suggested the work hadn’t been done?

A. As I recall it was about what the work would be, and I think if I knew anything about it, which I may or may not have done, depending on how close I was to the project.

Q. I don’t think that quite answered the question. When you were handed the invoices, was your remit, were you asked to consider them against the suggestion that the work hadn’t been done?

A. I don’t remember.

Q. I think you understand what I am saying, in the sense that it had been prejudged, you were asked to check and look at it?

A. Oh no, no.

Q. No. You express it in this way, it is on page 28 your Honour, “Following an internal investigation I conducted a review of the work allegedly conducted by Chris Joynson in the invoices he submitted to the university”. So that, you were looking at it with that in mind at the very least?

A. I think I would be prepared to concur with that, yes.

Q. And the request has come from Mr Igoe?

A. Yes.

Q. Anyone else, any of the other senior university officers?

A. No.

Q. No, Mr Cater(?)?

A. No. I don’t know if I’ve ever discussed, you know, apart from the July, I don’t think I’ve discussed it with Doctor Cater.

Q. Now, I may be wrong, but yesterday, in answer I think to my learned friend who prosecutes, you were indicating in fact that you hadn’t seen the invoices until they had been provided to you yesterday?

A. Well that wouldn’t be right because I indicate in my evidence to the police, but I saw them again yesterday. I may not have seen them all, that is possible, I was surprised by the size of the bundle yesterday.

Q. Well when you say you may not have seen them all, you have prepared a statement, haven’t you, dealing with those invoices?

A. No. There is a chart with my response to the invoices that I saw.

JUDGE CUMMINGS: The witness’s statement, is this what was referred to yesterday, it refers to various exhibit references.

MR SWIFT: It does your Honour, yes.

JUDGE CUMMINGS: Are you saying each and every one of those, there are no more invoices now before the jury than there were before the witness? Have you checked the exhibit references against the jury bundle?

MR SWIFT: Well, your Honour, yes, well I have made the assumption from my cross referencing, and you were asked about 71 invoices yesterday.

JUDGE CUMMINGS: Forgive me, don’t cross-examine him on the basis of an assumption. He has made a statement dealing with certain invoices, if you are saying that there are no more invoices now before the jury than there were before him, then you need to be clear about that, don’t assume it.

MR SWIFT: Your Honour, yes. There isn’t an issue in relation to that. The question is whether you, you have reflected on the invoices within your statement, so, for example, if I took your Honour to page 29...

JUDGE CUMMINGS: Forgive me. He has said that he saw invoices back in early 2015, and he said he was surprised by the number he was then shown in court, the implication being that there are more now before the jury than there were before him then. Now, are you challenging that or not?

MR SWIFT: No, your Honour, as I understand your statement that you made to the police, that reflects the invoices within the jury bundle?

A. Well I don’t know that, that’s not my chart.

JUDGE CUMMINGS: What do you mean, it maybe that we just need to take time to check this, but his statement refers to a number of exhibit references, letters and numbers.

MR SWIFT: It does.

JUDGE CUMMINGS: Now I don’t know, and I am seeking to establish if you know, how those equate to the invoices that the jury have in the jury bundle?

MR SWIFT: Your Honour, yes, they match.

JUDGE CUMMINGS: So there are no more and no less in the jury bundle than there were before the witness in the statement?

MR SWIFT: Unless I have made an error in counting and attributing, I think that they reflect what is within the bundle. Now, with your Honour’s leave, I was seeking to establish, for example, in relation to the SENCO invoices, and you can see your statement, I don’t know whether, in fact I have to say with His Honour’s leave....

A. My statement.

Q. You make reference to 12 invoices?

A. Yes.

Q. And then you comment in relation to those invoices?

A. Yes, that’s correct.

JUDGE CUMMINGS: And so the jury are clear, these are 12 exhibit references?

MR SWIFT: Yes.

JUDGE CUMMINGS: So we have a series of letters and numbers set out?

MR SWIFT: Yes. I will take the jury to this, your Honour.

THE WITNESS: Can I, please may I say something in clarification. I take the point that I’ve signed my statement, but that’s not the way that I looked at the bundle when I made my report. I do absolutely stand by what is written there.

MR SWIFT: I am not questioning that for the moment, but before I ask you questions in relation to the work that you carried out, and it may be that you do have to look at all of the invoices. It may be my fault, I am not clear that you are saying that you looked at all of the invoices?

A. I looked at all of the invoices in the bundle that was given to me, and on the basis of that I produced a statement that said....

Q. And you have made references?

A. Yes, yes, but the statement doesn’t necessarily contradict anything in the invoices.

MR SWIFT: Your Honour, if there is an issue I can check that over the lunch adjournment.

JUDGE CUMMINGS: Thank you.

MR SWIFT: So, statement in January, and, January of 2015?

A. Yes.

Q. When you’ve checked all of the invoices, when you were indicating within that statement that you hadn’t heard of CJ Consultants, you hadn’t heard of Forward Education?

A. Is it CJ Associates?

Q. Sorry, yes?

A. CJ Associates and Forward Education, not those titles, no.

Q. You hadn’t heard of them, and you made within the statement, didn’t you, for example in relation to the SENCO work, assertions that that couldn’t be right, that, to quote you, “You cannot claim for this”, that’s in relation to the SENCO invoices, you put in the statement, because he was employed?

A. When he was a SENCO officer he couldn’t claim, that’s what I’ve said.

Q. So, when you make a statement, you included invoices in which CJ Associates were claiming for SENCO work?

A. Yes.

Q. And just explain to the jury again, SENCO means?

A. What it means, special educational needs co-ordinator training.

Q. So you were approached, looking at the invoices, when you were reviewing them, this related to I think about 18 invoices, was that Chris Joynson...

A. There are 12 aren’t there?

Q. I will take you through them?

A. Well there is 12 listed.

JUDGE CUMMINGS: You said there are 12 invoices in his statement, you have now referred to 18, how does that mismatch?

MR SWIFT: Your Honour, that’s my error in relation to the SENCO invoices, there are other invoices I will come to.

JUDGE CUMMINGS: So there are invoices over and above the 12 he dealt with in his statement?

MR SWIFT: Yes, no, not SENCO invoices your Honour, no.

JUDGE CUMMINGS: Okay.

MR SWIFT: So within your statement in January, you were saying to the police, weren’t you, Chris Joynson was not entitled to be paid for these invoices?

A. No, that’s not what I said. It’s not what is written there.

Q. Because it was part of his salary, is what you were saying to the police.

A. I have made clear to this court that if, I made clear yesterday, that if he, before he became employed by Edge Hill, if he did work he was entitled to receive payment for it, and I don’t think my statement contradicts that point.

Q. Right, in your statement to the police, in January 2015....

JUDGE CUMMINGS: Just give me the reference, sorry?

MR SWIFT: Page 29 your Honour. SENCO PDO work, and you make reference to invoices relating to SENCO work?

A. Yes, it says there, this work is mentioned in, and that is SENCO PDO work.

Q. Yes, and read on, “Chris Joynson’s job title”?

A. Yes.

Q. “Was a SENCO officer so he cannot claim this separate from his salaried post”

A. Correct.

Q. That’s wrong, isn’t it?

A. No, it’s not wrong.

Q. Okay, let’s have a look at the invoices. By the time you get to February 2017 when you are making, March of 2017 when you are making your second statement, so over two years on?

A. Yes.

Q. It has been drawn to your attention, hasn’t it, that in fact you have authorised one of those invoices?

A. Yes.

Q. Pause for a moment, let’s look at that invoice then. That is at divider 6 of the jury bundle, page 4?

A. Yes.

Q. My learned friend is suggesting page 5, but CJEHU5 is a document that you looked at, I am suggesting page 4, it may be my error.

MR DYER: It is page 5.

MR SWIFT: Well, the reference is SI69?

A. SI69, sorry, where is that shown, SI69?

Q. It’s within your statement, Mr Townley?

A. Yes, but where is it on this page?

JUDGE CUMMINGS: Forgive me, this is what I am saying. His statement refers to exhibits, SI55, SI56 and so on. You are now showing something in a file. It is for you, isn’t it, to demonstrate to him that what you are showing him is one of the exhibits that he has referred to in his statement, isn’t it?

MR SWIFT: Your Honour, my approach is that there isn’t any issue in relation to this.

MR DYER: Can I just hand my learned friend a document which will help?

JUDGE CUMMINGS: Can someone just confirm to the witness that what he is looking at is whatever it is that is referred to in his statement?

MR DYER: Can I assist your Honour, hopefully it will short circuit matters. There is an invoice which we can establish was authorised, there will be other evidence about it, by this witness, and there is a list, which I have just handed to my learned friend. There is some confusion, I think, as to whether it is 4A or 5, but it is actually 4A which is at page 5. Page 5, the jury bundle 6. So the list there should confirm that.

MR SWIFT: I am grateful to my learned friend. Your Honour, confusion has arisen because there is a difference between the references and the exhibit numbers. You were asked to look at an invoice, weren’t you, when you made that second statement?

A. Yes, yes I was.

Q. It was being suggested to you, wasn’t it?

A. Yes.

Q. That you in fact had authorised it?

A. Yes.

Q. Now take your time to look at that statement. The Crown, my learned friend says, I am happy to accept it, on page 5 of the bundle that you have there?

A. Is it page 5 of my statement?

Q. The jury bundle that you have?

JUDGE CUMMINGS: Divider 6, page 5?

A. Yes, I’ve got that, yes. PDO work, 20 hours.

MR SWIFT: PDO work, 20 hours, grade 7, £38.60 per hour?

A. Yes.

Q. Which you authorised?

A. Well I was told I authorised it. I can’t see from this if I did, but it wouldn’t surprise me that I did.

Q. Well I understood your evidence yesterday that you were accepting, if there was authorised SENCO work, pre-employment, yes?

A. Yes.

Q. It was authorised by you or your department?

A. I would need clarification. I don’t recognise that statement, but I am very happy for you to clarify that for me.

Q. Look at the invoice?

A. Yes.

Q. Look at the cost centre?

A. Par.

Q. What does that mean?

A. That means it’s from the partnership budget, and I am the main signatory, or was, for that.

Q. So, am I correct in my understanding of your evidence, that the SENCO work that was, and the PDO work that was undertaken by Mr Joynson pre-employment was authorised by you?

A. This one was, the next one wasn’t.

Q. Who was the next one authorised by?

A. GED, Robert Smedley.

JUDGE CUMMINGS: Page 5, what is the exhibit reference for that document, what is the SI reference for page 5?

MR DYER: Would your Honour give me one moment.

JUDGE CUMMINGS: I just want to be able to relate it to the statement because that’s what he is being cross-examined about.

MR SWIFT: SI69 is my understanding, your Honour.

MR DYER: Yes.

MR SWIFT: So that is accepted, your Honour.

JUDGE CUMMINGS: So that this is SI69, at page 5?

MR SWIFT: Your Honour, yes. So SI69?

A. Is what you are saying it is, yes.

Q. And did you authorise that?

A. I was told I did, yes.

Q. You accepted it?

A. I am prepared to accept I did, yes.

Q. This is pre-employment work undertaken, authorised by you?

A. On this occasion.

Q. On this occasion?

A. Yes, that is correct.

Q. Yes?

A. Yes.

Q. Which flies in the face, doesn’t it, of what you were asserting in your statement ....

A. Not in my opinion.

Q. Because?

A. Because, the statement says that SENCO PDO work is shown in those exhibits, and I say afterwards, Chris, and it isn’t complete enough, I accept, but what I mean by that is that when he was a SENCO officer on salary he wouldn’t be able to claim. I am not saying he couldn’t claim this invoice, not at all, and if that’s what you think I was saying, it wasn’t deliberate.

Q. Read what you are saying, “SENCO PDO work. This work is mentioned in exhibits”, and you give the reference?

A. It is, that is correct.

Q. A number of exhibits, including SI69?

A. Yes.

Q. “Chris Joynson’s job title was a SENCO officer so he cannot claim this separate from his salaried post”. That’s clear, isn’t it, he cannot claim this separate to his salaried post?

A. When he was a SENCO officer.

Q. And you made direct reference to, for example, that invoice, that we are looking at?

A. No, that’s not my view of what I’ve said, what I’ve written there.

Q. Well how is that to be interpreted then?

A. Well this is what I am trying to explain to you. My explanation is that this paragraph is about SENCO PDO work, there are several exhibits there, and I am saying that – what it lacks is that I should have written that when he was not on the payroll he is able to claim, but when he became a SENCO officer he is not able to claim, and that’s what I meant to write.

Q. But all of those invoices are pre-employment, I would suggest to you?

JUDGE CUMMINGS: And you are confident that is right?

MR SWIFT: Your Honour, yes.

JUDGE CUMMINGS: Okay, thank you.

THE WITNESS: I don’t know that.

MR SWIFT: You don’t know that?

A. I don’t know that now, I’d have to look at each invoice.

MR DYER: It is agreed your Honour, it’s agreed.

JUDGE CUMMINGS: Okay, thank you.

MR SWIFT: So all the invoices that you are suggesting to the police he is not entitled to be paid for are pre-employment?

A. Okay.

Q. Well okay, that statement to the police, you are saying he is not entitled to be paid for?

A. Are you saying it was misleading?

Q. Well why were you misleading the police?

A. I wasn’t in any way whatsoever trying to mislead. I have said in this court, yesterday, that if it was pre-employment he was entitled to claim invoices providing they were signed. I am not trying to mislead anyone.

Q. So, I think you say in clear terms don’t you, the invoices prior to him becoming an employee, I think you used this word, are likely, likely going to be legitimate for the work he did complete?

A. Yes.

Q. Yes?

A. Yes.

Q. Now, in relation to those invoices, just look at some others please for a moment. On page 2 of divider 6, so PDO work, 40 hours at grade 7, there is the rate, travel, phone calls, cost centre PAR, P A R, that is CJEHU2, okay. Happy this falls within one of those invoices? Are you happy that this falls within an invoice pre-employment?

A. Which one is it please?

Q. On page 2?

A. 2, which one is it in my statement?

Q. 72?

A. If it is 72, yes.

Q. So SI72, you are happy with that?

A. Yes.

JUDGE CUMMINGS: Just a moment please. Thank you.

MR DYER: I think the witness has a document with the cross references on, with the jury bundle references on, from the statement.

THE WITNESS: This one doesn’t. This one doesn’t, I think there was one.

MR DYER: You did have one, I am sorry, apologies.

THE WITNESS: I did have one.

MR SWIFT: Page 3?

A. Page 3, yes.

Q. Your Honour, my error. Page 4, SENCO PDO work?

A. Yes.

Q. Pre-employment?

A. If it’s one of those, yes, which I assume it is. There are other things on it.

Q. If there are issues they would be raised, but I think I am correct in putting, the invoices that I am putting to you now, I will look at another document in a moment, are pre-employment PDO SENCO?

A. Yes.

Q. So work undertaken ...

A. Can I just say, because obviously this is quite troubling for me, because you are clearly trying to suggest certain things. When I signed my statement I don’t recall having the exhibits, they were added in, that’s the situation I was in.

Q. Well what do you mean by that?

A. Well, what I mean is that when I signed my statement, I think the numbers were added, you know, I didn’t cross reference against those numbers, and I haven’t tried deliberately to mislead anyone.

Q. So page 4, we are content that is pre-employment, SENCO PDO work, entitled to be paid, yes?

A. Yes.

Q. Page 5, PDO work, 20 hours, yes?

A. Yes.

Q. Cost centre PAR, entitled to be paid, yes?

A. Yes.

Q. Page 6, SENCO PDO work, 75 hours?

A. Yes.

Q. Same applies?

A. Yes.

Q. Page 10, sorry going too quickly. PDO work, 20 hours at grade 7, cost centre PAR?

A. Yes.

Q. Same applies?

A. Yes.

Q. Entitled to be paid?

A. Yes.

Q. Page 11, SENCO work, SENCO PDO work, same applies?

A. Yes, I am not sure if I signed these though.

Q. No, but you can confirm that is pre-employment?

A. I don’t know if the work took place, because I didn’t sign it.

Q. So are you querying that for this one?

A. I think I’ve got to query all the ones actually that I didn’t sign. They are coming out of my budget.

Q. Right. May I ask you to pause, you are not asserting that there is anything fraudulent about that invoice though, are you, you are not asserting it. You are not saying to the jury, “I’ve looked at that, that work didn’t take place”?

A. I don’t know if it took place or not.

Q. So you are not saying to the jury that work didn’t take place?

A. I am not saying that.

Q. And you were tasked with investigating these invoices?

A. Yes, and I think I wrote in my chart, I don’t know if it took place or not.

Q. Right, so the question was, I think you are not asserting that that is fraudulent?

A. No.

Q. 13?

A. Page 13.

Q. Similar invoice, SENCO PDO work, does the same apply? It is not the PAR cost centre, but the same applies?

A. So I don’t know.

Q. You considered it, you are not asserting that was fraudulent?

A. I don’t know, it is GED.

Q. Mr Townley, you are not asserting that that is a fraudulent invoice are you?

JUDGE CUMMINGS: Just explain what you mean by that is GED? Forgive me, just explain what you mean by that’s GED?

A. GED is general expenditure for the faculty, and Robert Smedley is the budget holder.

Q. So this is the cost code, is that?

A. Yes.

MR SWIFT: So you have looked at the invoice as part of the investigation, yes, you’ve looked at this invoice as part of the investigation?

A. Yes.

Q. And you are not asserting, because you say you don’t know whether the work was done or not, is that right?

A. I don’t know that the work did take.

Q. Well, let’s go back to what you are saying in the statement that you mad two years later, you were saying effectively that everything pre-employment is likely to be legitimate is how you put it?

A. Absolutely.

Q. Are you resiling from that?

A. No.

Q. Page 15, SENCO work, in fact I can take you through 15 through to 19, SENCO work, yes?

A. Yes. I am not resiling from my statement.

Q. Not resiling. So is it fair to say confidently, so far as those invoices that I have just taken you through, and the first one you refer to in your statement as SI69, in relation to the pre-employment SENCO work, there are no concerns in relation to work undertaken – don’t look at my learned friend?

A. Okay. No concerns.

Q. Either authorised by you or not resiling from the position ...

A. I don’t resile from that position, which I said was probably, well you used a particular word.

Q. They were your words actually I was using, likely going to be legitimate?

A. Likely, likely to be done, yes.

Q. No, well what’s your explanation for likely going to be done?

A. Do I have to answer, that’s my view. If I don’t have the budget, it’s very difficult for me to say why that was signed.

Q. But you are in charge of SENCO work, weren’t you?

A. Yes, but if I am not seeing it coming in the budget, and I am not sure why, there probably is a reason but I don’t know what it is, then I have to say likely, because it’s not my budget. It wouldn’t be reasonable to say any more.

MR SWIFT: And your Honour, if I may, in terms of relevance and to assist your Honour and the jury, those invoices that I have just taken the defendant through are relevant to Count 3, they are contained within Count 3 on the indictment.

JUDGE CUMMINGS: Thank you.

MR SWIFT: Now, Mr Townley, could I ask you just to look at some documents please, I think there is a set behind you, I think, open, and your Honour has a copy of these, they were handed to your Honour yesterday.

JUDGE CUMMINGS: Thank you very much. Now in terms of loose documentation, I think we are up to exhibit 3.

MR SWIFT: Your Honour, yes, and to assist the jury with the help of your Honour’s Usher, we have some files which can be provided and put in position over lunch.

JUDGE CUMMINGS: Thank you very much. These documents, could you write exhibit 3 if you wouldn’t mind, just so we keep track, and we will file them, or they will be filed for you over lunch. Thank you very much.

MR SWIFT: Now, what do you have there, do you have that document? If you put the loose document down for a moment, please. Now, in terms of the bundle that I think has seven pages in it, just have a look at the first one. In fact, this may assist the jury your Honour, this is one of the invoices, one of the emails, rather that was read or discussed in evidence yesterday.

JUDGE CUMMINGS: Thank you.

MR SWIFT: So just have a look at that for a moment. This is the email that the jury didn’t have yesterday, but you looked at?

A. Oh yes.

Q. And you were taken through?

A. Yes.

Q. Where you, to summarise, are effectively encouraging Chris to apply for the position of the PDO, to take up that PDO job, yes?

A. Yes.

Q. Clearly impressed by him?

A. Yes.

Q. Can we confirm it was advertised, the job was advertised?

A. Do you want me to answer that question?

Q. Yes, can you confirm it was?

A. I don’t know.

Q. Well I suggest it was advertised, we have the application, it was put into the Times Educational Supplement?

A. Thank you, yes.

Q. You think there was limited applicants?

A. That’s my view.

Q. I am not suggesting there is anything ...

A. Can I qualify that. My recollection is there was only one candidate shortlisted.

Q. Yes, I was about to ask you that. So what would happen is, there would be applicants and a shortlist?

A. Yes, there may have been other applicants.

Q. But you don’t remember anybody else being interviewed?

A. No, I don’t. There may have been and not attended, but my view is there was only one attendee.

Q. Who was?

A. Chris Joynson.

Q, Who you knew?

A. Well, well I knew of, yes, I corresponded with him, yes, if that’s what you mean by know.

Q. Well after you had been shown these invoices yesterday you now accept you corresponded with him?

A. Yes.

Q. That’s right, isn’t it?

A. Yes. I also said in my evidence that I thought I have met him in meetings. You meet all sorts, you know, a lot of people in meetings.

Q. And I will move through this briefly, because it has been dealt with, but this is the, it is the job interview that Mr Smedley takes himself off because he is declaring an interest?

A. Yes.

Q. And so you and Miss Hallett?

A. That’s correct, Fiona Hallett.

Q. Were on the interview panel, and Chris Joynson is appointed?

A. That’s correct.

Q. Just looking at one or two more of these emails. Page 3, I don’t think this was put to you yesterday, just have a look, that is Peter Townley to Sue Farrimond, a list of responsibilities. “Hi Sue, as a matter of urgency I need from you a list of responsibilities that you delegated to Mark and Chris and the hours which are used, are being used, it’s your workload and share responsibility across the team”?

A. Yes.

Q. And you go on. So putting this email ...

A. 2009, September 2009.

Q. Yes, so pre-employment?

A. Yes.

Q. Mark, can you assist with that?

A. I believe that will be Mark Rawstone(?)

Q. Mark Rawstone, and those discussions are in relation to hours of work that are being provided to Chris, is that right?

A. Yes.

Q. So both of them are working as consultants for the department it would appear, wouldn’t it?

A. Well not necessarily consultants.

Q. Well they are both working in a self-employed third party capacity?

A. Yes, yes.

Q. The email on page 4, in fact you dealt with it, the jury didn’t have this yesterday, “Fiona is very impressed with Chris’s commitment and enthusiasm, and going to work with a range of local authorities prior to Christmas in lieu of the employment of a PDO”. So this is your email to Robert Smedley in relation to Chris Joynson?

A. It is.

Q. Yes, so expressing satisfaction and you want him to apply for the job, effectively. If we cut through this, I am not suggesting there was anything untoward in the appointment process, but he was good at his job, you had the vacancy?

A. Well he was doing that sort of work which we were now advertising, and he was doing it well.

Q. And just look at page 5 as well if you would, please, so working our way up. At the bottom, it seems that is an email, Robert Smedley to you, “I have now written to Christopher Joynson detailing the work that I would like him to do for us in relation to a new initiative around special measures at Pinehurst School in Liverpool”. Apparently he’s been told by Mark, that is the Mark you just referred to I assume, “And Mark would like him to do more PDO hours for him, another 40, but Sue needed to ask me”, and it goes on. So, clearly Chris Joynson is undertaking work?

A. Yes.

Q. Mr Smedley is allocating him work, special measures in Pinehurst School. At the same time Mark seems to be wanting, if I understand this, and correct me if I am wrong in terms of interpretation, well, you tell us how you interpret it, perhaps that is a fairer way?

A. Interpret this email?

Q. Yes?

A. Well I do recall it when I read it, and it is a little bit peculiar because what he is saying there, Robert Smedley is saying that, well, has Sue Farrimond, the head of ITT partnership, got the money or not, because if she hasn’t, he can’t do it, but if she has, then he can do it, and it’s not Robert’s decision.

Q. Yes, so that would suggest it is Mr Smedley raising this as an issue, is there money in the budget for this work?

A. Yes, correct. Would it be possible for me to have a look at the invoice relating to that work?

Q. I can’t, I am not in a position to be able to ...

A. Well you see that’s really important, because if it came then after GED, he’s contradicted that email. I don’t know, it may not have come out of GED, that’s why I asked if you would show me the invoice so I could check that.

Q. Well, I think you appreciate, we don’t have access to every invoice from Edge Hill University. If it can be cross referenced, I am sure that can be considered?

A. I don’t see how that can be, I am not sure what the point then is.

Q. Well the point I am simply making here is, well not making a point, the question I am asking you really, looking at this invoice, is just to confirm the position Chris Joynson is working, Robert Smedley wants to give him work, and there is an issue in relation to further PDO hours isn’t there?

A. So it really would be important to know who paid, because if it was in the end Robert Smedley who paid it, something had happened in the interim.

Q. Well let’s read up?

MR DYER: Well it’s page 10, jury bundle 6.

MR SWIFT: Well I am grateful.

THE WITNESS: And it is partnership, it came out of the partnership budget, so that’s okay. The money was in, we paid it, and he’s absolutely right to raise that.

MR SWIFT: Well just explain that to the jury then please?

A. Well Robert is saying you can have, that is fine to go ahead with providing the partnership budget has the money, and in this case...

Q. For the benefit of the jury, and I apologise for cutting across, whose got control of the budget?

A. I have.

Q. You have?

A. Yes, but did I sign the invoice?

Q. Mr Townley, I thought you were suggesting that that is fine, that has been signed off, there was money, the budget was there?

A. Yes. I would think that probably was the case, yes, it would all be in order.

Q. That’s in order?

A. Yes.

Q. And that’s one of the invoices that we looked at a short time ago?

A. Yes.

Q. And the email, if you read upwards, your observations, “That would mean Chris taking another VL contract”. VL, visiting lecturer?

A. I am not sure if he took visiting lecturer.

Q. It’s what you’ve written, I know nothing about ....

JUDGE CUMMINGS: I think the question is, is that what VL means, visiting lecturer?

A. Oh yes, yes, I do apologise.

MR SWIFT: And you say, “We do have budgeted hours but this would mean Christopher taking another VL contract. I’ve asked that the AT post is advertised”?

A. Sorry, where do I write that, sorry, what page?

MR DYER: It is page 5.

MR SWIFT: Page 5?

A. Yes, I’ve got it here.

Q. So is that your response?

A. So no VL needed I’ve written, yes, no visiting lecturer needed.

Q. Are you at page 5?

A. Yes.

JUDGE CUMMINGS: Isn’t that Mr Smedley to you?

A. It is, it is.

Q. “Peter, I don’t believe”, etc?

A. Yes, that’s correct. I will read from the bottom, I do apologise. Yes. Right.

MR SWIFT: So effectively, isn’t this email, it’s confirming Chris Joynson, self-employed, third party capacity, undertaking work for ...?

A. And that is why there is no VL required.

Q. What would appear to be different departments, is that right, and no VL required because?

A. He is self-employed.

Q. Because he is self-employed?

A. That’s correct.

Q. And no concerns in relation to that, is that the position?

A. No concerns in relation to?

Q. To the position that was operating at the time, pre-employment?

A. No, we do have self-employed people who work in the faculty.

JUDGE CUMMINGS: This is all pre-salary?

A. Yes.

MR SWIFT: Your Honour, I am mindful of the time, may I just make one last point directly connected with this matter?

JUDGE CUMMINGS: Yes.

MR SWIFT: Pre-employment SENCO work, I am not going to take you through it again, we’ve been there, authorised, and paid. Takes the job, takes the PDO job, yes?

A. Yes.

Q. At that point any, if you are right, any SENCO work is as part of his role?

A. Correct.

Q. And you wouldn’t expect SENCO invoices to follow?

A. No. No, I wouldn’t.

Q. And I suggest to you that is correct, there were no further SENCO invoices. Do you agree?

A. I don’t know, I don’t know if that’s the case.

MR SWIFT: Well, if I may, your Honour, just for one minute, to keep matters tight and on subject?

JUDGE CUMMINGS: Yes, please.

MR SWIFT: Could you just have a look behind, it is divider 4 at page 1 to 3?

A. Page 1 to 3, yes.

Q. Just have a look at page 1 if you will please, and look at the date in the left hand column, 5th February 2010?

A. You want me to look at 5th February?

Q. No, you see the column?

A. Yes.

Q. 5th February 2010?

A. At the top it says 28/09/2009.

Q. Yes, run down that column, stop at the 5th February 2010?

A. Yes, I’ve got it.

Q. In the details column, if we run down from top to 5th February 2010, so we see Fosse, we see PDO work, I don’t need to read it all out unless you want me to, and running down that list, SENCO work, it’s that point onwards, isn’t it, he is employed?

A. I see what you are saying. Yes.

MR SWIFT: Yes, so he then takes up that post dealing with SENCO work, and your Honour, that may be a convenient moment.

JUDGE CUMMINGS: So it is after that 5th February invoice, that is the point where he is salaried?

A. As long as it doesn’t relate to work done before, which would have been a very late invoice if it did.

MR SWIFT: Well we can deal with any later invoices?

A. It depends on what is on the invoice, but it would be highly unusual to claim so late.

MR SWIFT: And, your Honour, for your Honour’s assistance, and the assistance of the jury, looking at that document, the invoices that are reflected on Count 3, I am right and stand corrected, is they run from 5th October 2009 down to 19th January 2011, which is CJEHU20.

JUDGE CUMMINGS: Yes.

MR SWIFT: I am not asking you to comment.

THE WITNESS: No, thank you.

MR SWIFT: So that Count 3 is all pre-employment.

MR DYER: It is a little confusing because there are late submitted invoices. The work actually, my learned friend is right, the work, on those invoices, relates to work before his employment.

JUDGE CUMMINGS: 19 and 20 are late invoices?

MR DYER: Yes, that’s right.

JUDGE CUMMINGS: But they relate back to work pre, whatever the date is, in February 2010, that’s your point.

MR SWIFT: If that is a convenient point, your Honour?

JUDGE CUMMINGS: Certainly. 2.15. 2.15 please ladies and gentlemen, thank you very much, and thank you Mr Townley, same as ever, 2.15 please, don’t discuss your evidence. Very grateful, thank you.

(In the absence of the Jury)

JUDGE CUMMINGS: Any matters arising?

MISS HUSSAIN: No thank you.

MR DYER: No.

JUDGE CUMMINGS: Thank you. Please don’t wait, 2.15.

(Luncheon adjournment)

(In the presence of the Jury)

JUDGE CUMMINGS: Thank you very much. Mr Swift.

MR SWIFT: Now Mr Townley, within the first statement that you made in relation to your analysis of the invoices back in January 2015, you also made reference, didn’t you, and I think analysed documentation in relation to Fosse Primary School?

A. I analysed documentation, can you clarify please?

Q. Well you tell the jury what you looked at in relation to Fosse Primary School?

A. Well I was asked by Steve Igoe to say what Chris...

Q. No, what documents did you look at in relation to Fosse Primary School?

A. Did I look at?

Q. Yes?

JUDGE CUMMINGS: Did you mean in relation to his statement now?

MR SWIFT: Your Honour, yes.

THE WITNESS: Please could I have clarification, I am not sure what the question is?

MR SWIFT: Within your statement that you made in January 2015, there is a whole section on Fosse Primary School isn’t there? Let’s just take it in stages. Do you agree that that is right? I can help you?

A. Yes.

Q. Yes, do you have it?

A. I have got the statement.

Q. Right, so let’s take it in stages. So, January 2015, you made a statement to the police, and you addressed a whole section in your section on Fosse Primary School, didn’t you?

A. Yes.

Q. Right, we have to take it in stages. You made reference, at the beginning of that document to an exhibit, that CJ Consultants had invoiced on 28th September 2009?

A. Yes.

Q. Do we agree that?

A. Yes.

Q. And, do you want to look at that invoice?

A. Yes please.

Q. It is in your jury bundle, or it’s in the jury bundle, divider 6, and it is the very first page. Divider 6, first page. I don’t want you to be confused or misunderstand what I am asking?

A. I have got the invoice.

Q. This is the invoice, let’s take it in stages. Is that the invoice that you looked at and considered?

A. Yes.

Q. Thank you. So, you looked at that invoice, you must have then gone on to look at other documentation in relation to the funding of, or perceived funding of work at Fosse Primary School, do you agree?

A. No.

Q. No?

A. Unless you are referring to the TES article, which I did refer to.

Q. No, beyond that. If I can assist, the second paragraph of your statement, “I have provided police with paperwork relating to Fosse Primary School”?

A. Yes, I believe that exhibit is TES. I believe that’s what it is, that’s what I understood it was. I didn’t see this exhibit when I signed, that was all I provided.

Q. I am sorry, which exhibit are you talking about?

A. PT/1.

Q. You didn’t see that?

A. When I signed the paper. I knew I had given the exhibit.

Q. Right, well let’s deal with that?

A. I sent it to the police officer.

Q. What exhibit did you look at, what paperwork did you send to the police?

A. The TES article.

Q. What about documents suggesting a funding of £4,500?

A. I don’t, oh ....

Q. Don’t keep looking at Mr Dyer. What about documentation relating to £4,500?

A. In exhibit PT/1.

Q. It is, it’s in your statement, isn’t it?

MR DYER: Your Honour, it is not a memory test, it’s two and a half years ago. The documents are in the jury bundle, it would be a lot quicker if he just took him to them.

MR SWIFT: Your Honour, I am taking it in stages so that the witness knows precisely what I am dealing with.

THE WITNESS: Okay, I can answer your question, I don’t remember another piece, another item.

MR SWIFT: Okay, so let’s just deal with what you said in your statement. “I have provided the police with paperwork relating to Fosse Primary School”, you give it a reference PT/1. “This shows that Edge Hill was paid £4,500 for this work”?

A. Yes.

Q. And the costings sheet shows how this money was to be spent, and you go on, don’t you, “At no point is Chris’s name mentioned. He should not have been paid anything for this work”. Yes?

A. Yes.

Q. No misunderstanding?

A. No, there is no misunderstanding there.

Q. That’s your statement, and you sent the paperwork to the police?

A. There is no misunderstanding there.

Q. Do you now accept that you sent the paperwork to the police?

A. Yes.

Q. Yes?

A. Yes.

Q. And that’s what you said to the police?

A. Yes.

Q. Chris should not have been paid for this work?

A. Yes, I did say that.

Q. And that was based on the documentation that you had sent to the police?

A. Yes.

Q. Yes, okay. It is not in issue. Behind divider 10, this is the documentation that was sent to the police?

A. Yes.

Q. I don’t want there to be any issue between us, I think you’ve only looked at the first page?

A. Sorry. Well, the answer to your question is I don’t remember sending all of this, but I may have done.

Q. All right, well let’s just look at it then. On the first page...

JUDGE CUMMINGS: Divider 10 is PT/1?

MR SWIFT: Your Honour, yes, there is no issue.

JUDGE CUMMINGS: Thank you. These are all documents that this witness provided to the police officer, everything in divider 10?

MR DYER: No, that’s not right. My learned friend knows what PT/1 is because it was served on the defence, so he does know. But the basic costing document, I think there are three pages in total, the costing of £4,500 is a document.

MR SWIFT: Yes, that’s where I am taking you to now, so there is a costings document within here, 1, 2, 3 and 4?

A. 4, yes.

Q. In fact you go through to page 8?

A. Go through to page 8.

Q. Yes, I just want you to familiarise yourself?

A. Well it says 4, 5, 8, is that correct?

MR DYER: Yes.

MR SWIFT: Yes?

A. That is correct. Yes, learner identity studies, I am not sure I sent that.

MR DYER: You didn’t.

MR SWIFT: Just look at the funding then. £4,500, what you said?

A. Yes.

Q. In your statement to the police, yes?

A. Yes.

Q. And you say nowhere is it mentioned, or nowhere is Chris Joynson mentioned anywhere within these documents?

A. The documents I saw, no.

Q. No, and I agree with you, Chris Joynson isn’t mentioned at all in any of these documents, is he?

A. Which documents?

Q. The reference to £4,500 and Fosse Primary?

A. No, he is not mentioned on page 4.

Q. So what you have done ....

JUDGE CUMMINGS: I am so sorry, I just want to be clear, and I don’t necessarily have a problem, I just want to be clear the basis on which the witness is being asked about these documents. You have taken him to his statement in respect of exhibit PT/1, which is documentation he provided to the police.

MR SWIFT: Your Honour, yes.

JUDGE CUMMINGS: And in respect of that documentation, you have reminded him what he said in his statement, including the words, “At no point is Chris’s name mentioned so he shouldn’t have been paid anything for this work”.

MR SWIFT: Your Honour, yes.

JUDGE CUMMINGS: You are now referring him to documentation behind divider 10, is that documentation from PT/1?

MR SWIFT: Your Honour, it is, but it contains documents beyond that, because it is a whole chapter on Fosse.

JUDGE CUMMINGS: All right, but if you are drawing a contrast between what is or may be in one document, and what the witness has said in a statement, you have got to be clear that it relates to the same documentation, and I may be alone but it is not clear to me, and I say to all parties generally, please assist us all, jury in particular, in understanding what documents are being referred to, and don’t assume that we understand that a reference in one document is the same as in some other place.

MR SWIFT: Your Honour, yes. I will be corrected if I am wrong, my understanding is that it was pages 1 to 8 which form the basis of that documentation. If it is wrong, I am quite happy to be corrected in front of the jury.

JUDGE CUMMINGS: Well there are shaking heads, and, forgive me, I would rather if people didn’t stand to be corrected if they were wrong, I would rather people were themselves confident at the outset before putting questions, because it may be unfair to a witness.

MR SWIFT: Your Honour, may I just take a moment to just check the extent of PT/1?

JUDGE CUMMINGS: Please do. Do you want to take a short break?

MR SWIFT: Yes please.

JUDGE CUMMINGS: Let’s do that, let’s just have a leg stretch to allow for that.

(In the absence of the Jury)

JUDGE CUMMINGS: Mr Townley, would you like to just take a seat out on the landing, thanks very much.

Shall I say five minutes, would you like longer? Do you want to let me know?

MR SWIFT: Your Honour, I have it electronically when I can access it, so it shouldn’t take too long.

JUDGE CUMMINGS: Thank you. If the Defendants want to take a leg stretch, please do.

(Short adjournment)

MR SWIFT: Your Honour, I have got PT/1, it is pages 1 to 8.

JUDGE CUMMINGS: Thank you.

MR SWIFT: Your Honour, it is 1 to 9, I thought I wasn’t going mad, although I apologise, your Honour, your Honour can understand the wealth of material, and we are unsupported.

JUDGE CUMMINGS: I do. So PT/1 equals pages 1 to 9 in divider 10.

MR DYER: Not quite.

MR SWIFT: There are emails that have been extracted. It encompasses at least that. There are some emails that have been taken out.

JUDGE CUMMINGS: The divider 10 material that derives from PT/1 is pages 1 to 9.

MR DYER: That’s more accurate, yes.

JUDGE CUMMINGS: Thank you. Ready for witness and jury, thank you.

(In the presence of the Jury)

JUDGE CUMMINGS: Thank you very much.

MR SWIFT: So, Mr Townley, I think we are as we were?

A. Okay.

Q. Pages 1 to 9 of that jury bundle represents documents that you supplied to the police as exhibited to PT/1?

A. All of them?

Q. Not all of them, but all the relevant documents for the case?

A. But these are the documents, yes, I understand.

Q. You are nodding your head now, yes, yes. Moments ago you couldn’t remember what they were. So, have you had an opportunity to look through those now?

A. No, sorry.

Q. Do you want to?

A. I was nodding to explain to you that you have made clear that the documents relating to Fosse are 1 to 10, and you explained to me, and I said yes, that I didn’t provide them all.

Q. No, that’s not what I said, so let’s be clear. The documents which are before you in the jury bundle, pages 1 to 9, were sent by you to the police?

JUDGE CUMMINGS: In fairness, you previously said 1 to 8, and the question for this witness previously was about learner identity studies, and all that he said was, “I’m not sure I sent that”. So that is where we are up to so far, but just ask whatever questions you want about these documents.

MR SWIFT: Your Honour, yes. So you used these documents, didn’t you, to formulate your statement? You used those documents to formulate your statement to the police in January?

A. I don’t know that I used all of the documents.

Q. Well I am assisting you, you may not have used all of the documents, but you used, by looking at those documents?

A. Yes.

Q. You used them to express yourself in the way you did within this statement of January 2015?

A. I used documents which are contained within ....

Q. Those documents, the ones you have got your finger on?

A. I don’t know if I saw them all.

Q. Well it is not in issue, they are the documents that you sent?

A. That I submitted?

Q. That you sent to the police?

A. Okay, then yes, yes, I did. Is that documents 1 to 8?

Q. In fact it encompasses documents 1 to 9?

A. Yes. Yes, okay.

Q. Do you recall looking at them, before you sent them to the police?

A. What, all of them?

Q. Yes?

A. Not now, no I don’t.

Q. Now you’ve had the opportunity to look at that?

A. Do you want me to study them?

Q. Help us with this ....

A. I recall some of them.

Q. Within your statement you said that this shows that Edge Hill was paid £4,500 for this work, meaning the work at Fosse, yes?

A. Yes.

Q. And it shows how the money was spent, so let’s just pause there for a moment and look at page 8?

A. Right, yes.

Q. So, do you think that is what you used to come to that conclusion?

A. I can’t remember. I think that’s a fair answer.

Q. Yes, because you are looking at £4,500, and we know, because we’ve looked at these documents before, that there are references to £4,500 within these documents. So you have had these documents, and on that basis you are saying Chris Joynson wasn’t entitled to be paid anything?

A. Yes, that is correct.

Q. Right, now, these documents relate to the funding of a research project?

A. Yes.

Q. You agree, a research project which was to analyse the Fosse project?

A. Yes, I understand, yes.

Q. Well, did you understand that at the time?

A. That, yes, I did, because the £4,500 was the income we received for the project, and it was for research on the work that had been going on.

Q. Well, let’s be clear. The £4,500 was a research project to analyse what had taken place at Fosse Primary School, the work that had been undertaken?

A. Yes.

Q. Now, when you say yes, is that your understanding now or was that your understanding then?

A. That is my understanding now and my understanding when I did the work.

Q. Right, the bid, if I can put it like that, from the documentation that we have, comes from the Centre for Learning Identity Studies, doesn’t it? Look at the first page, for example?

A. Look at the first page, yes, yes, I understand, yes.

Q. Yes, and Professor Ashley?

A. Yes.

Q. He would have been known to you, he completed a report on Fosse?

A. Yes.

Q. Yes?

A. Well he was the leader of CLIS.

Q. Please, don’t just agree with me if you really don’t agree with me?

A. I don’t know who did the research.

Q. Right. So that is the documentation you sent to the police, didn’t relate to the work that had been undertaken on the actual Fosse project in terms of delivery in school, and you are nodding your head, so did you understand that at the time you made your police statement?

A. No. No.

Q. No?

A. No.

Q. And you accept that is the case now?

A. Yes.

Q. How do you know that?

A. What, the case now that it doesn’t relate to the ...?

Q. Yes?

A. Yes, because you’ve told me that there are invoices for other work.

Q. So, do we have this right, you have looked at the invoice, that is behind divider 10, that is the first invoice, you have looked at that work for Fosse, that invoice relating to Fosse work, you looked at the £4,500 that you saw in documentation relating to what you now accept is a completely different project, it is research on the project that has been delivered?

A. Yes.

Q. And on that basis you rejected the fact that Chris Joynson could have undertaken work and was entitled to be paid?

A. Well I understand, the reason I wrote that, to answer your question, is because I understood he was a teacher at the school, and I couldn’t see any invoices for that, you know, any work being generated for that.

Q. Yes, but you were focussing on the £4,500?

A. Well that was our income, so where were we getting the money to pay for Chris Joynson, was what was in my head.

Q. So your assertion that he wasn’t entitled to be paid that money?

A. Is based on he was a teacher in the school and we didn’t have the income.

Q. Right, but that £4,500 has got nothing to do with it, has it, nothing to do with any assessment of the work undertaken?

A. It may not have anything to do with it, but we still have to find the income to pay the expenditure, and that is a clear rule of the university.

Q. Well, I am asking you specifically in relation, not generally?

A. I am referring here to why I wrote what I did about Fosse. I have given you my answer.

Q. So you base it on a funding project and reject it, is that right?

A. Well, no, that’s too simplistic, if you don’t mind me saying. We received £4,500 of income, and we paid out a great deal more, and that would certainly be a concern to me at that time.

Q. You can’t use that, can you, to justify an assertion that he shouldn’t have been paid? You are looking at ...

A. Well we normally, we would normally have an income generating activity for Fosse, and that would tell us how much we could pay out. I will just have a see if it’s in this pack.

Q. Feel free to look through that, but I think you will come to Professor Ashley’s report. Perhaps I can deal with this more succinctly. You were using the wrong premise, weren’t you, to judge the invoice, the work had been undertaken?

A. I didn’t think I was at the time.

Q. And you accept that you are now?

A. He was paid for work for which I cannot find any income.

Q. No?

A. That’s why I wrote what I wrote.

Q. Yes, and you’ve based that upon, looking at those documents, of £4,500?

A. Yes, that is correct.

Q. That is correct. There is no reference to Chris Joynson, he shouldn’t have been paid?

A. That is correct.

Q. And that is wrong, isn’t it?

A. Well we don’t ...

Q. That premise is wrong, isn’t it?

A. Yes.

Q. You don’t ...

JUDGE CUMMINGS: Just a minute please. Thank you.

MR SWIFT: You don’t know what work was actually undertaken at Fosse Primary School, do you?

A. No.

Q. You weren’t involved in recruiting any consultants to undertake work?

A. No.

Q. Or being involved with it at all?

A. I wasn’t, no.

Q. So you can’t make an assessment as to the value of the work undertaken, can you?

A. Can you clarify what you mean by the value of the work undertaken?

Q. Yes, the first invoice that we are looking at in that jury bundle, you can’t make an assessment of the work that Chris Joynson carried out?

A. The only income I could see was £4,500 for Fosse, and that how I made my judgment.

Q. Right, so you were saying it is £4,500 for the research project, so we couldn’t pay more than that, you couldn’t pay £5,000?

A. We could, and we sometimes do on occasions, yes.

Q. So, it comes back to the question, you don’t know ...

A. Please may I have a look at how much we did pay?

Q. Well it is in your statement. The invoice shows that Chris charged the university £5,250 for this work?

A. Okay, yes.

Q. I am showing you that invoice?

A. Yes. Yes, oh I did write that on my analysis, that we could sometimes pay more.

Q. Precisely, so if it was, if you were hoping to gain a lot of work in the future, you may well pay that?

A. Yes.

Q. And the university is running as a business, and like any business sometimes you may ...

A. I have written that in my statement.

Q. Yes, so we are in agreement so far as that is concerned?

A. Yes, we are in agreement.

Q. That there could be speculation on projects in the hope that it would benefit the university. Sometimes there could be, if I could use the phrase, a loss leader, you could hope that this was a spectacular idea and it die a death?

A. Absolutely, yes.

Q. On other occasions it could work very well to the mutual benefit of schools, the university?

A. Yes.

Q. So, I come back to question that I asked you, you didn’t really have adequate means of assessing the work that had been undertaken by Chris Joynson at Fosse?

A. He was paid £5,250, so that is ....

Q. Yes, but you didn’t know what work he had done?

A. No.

Q. So in terms of rejecting invoice 1 in the bundle, that is the, if I call it the Fosse invoice, you have no basis on which to assert ...

MR DYER: That’s not what he said. He talked about him being a teacher, paid.

MR SWIFT: You have no basis on which to assert that that work wasn’t undertaken, do you? Do you?

A. Well I have said what I have said in my statement, I am prepared to answer questions on that.

Q. Very well.

JUDGE CUMMINGS: Forgive me, I am not sure I understand the purport of that response. Counsel’s proposition is you have an invoice from Chris Joynson setting out work said to have been done, setting out a fee of £5,250, and really the challenge to you is that you have no basis to assert that that work wasn’t undertaken. Do you agree that you did have no basis, or do you say that you did have a basis?

A. The only basis I had was my understanding was he was a teacher in the school, so I wasn’t really sure – and what I have said in my statement is that sometimes we would pay £2,000 a month for a consultant to work for us, but they would be doing a very large number of hours for that, and my basis of what I wrote was that I was struggling to understand how a small project was costing so much, and we weren’t getting the income for it.

JUDGE CUMMINGS: Just give me a moment.

THE WITNESS: Your Honour, please may I add something?

JUDGE CUMMINGS: Could I just, let me just complete my note, if you would.

THE WITNESS: Sorry, yes.

JUDGE CUMMINGS: Please?

A. The point I would like to make, which I am not sure has come out, is that the £4,500 that we received from the government agency I think was spent by faculty members, people doing the research project. This was an additional amount with no income, and therefore, you know, it’s quite a gap for what really is a small project, and that’s the point I made in my police statement.

Q. So that’s the bridge, you say, between the £4,500 relating to one project, and the monies claimed on behalf of Mr Joynson?

A. Well the £4,500 income was spent by the researchers.

Q. No, I understand, but this is why, according to you, you mentioned the £4,500 in the context of this topic?

A. Yes, yes, that’s correct.

JUDGE CUMMINGS: I am there, thank you.

MR SWIFT: Just to come back to that point for a moment, the £4,500, I am looking at page 8 in that bundle, is one days’ professional consultation, planning a visit to a school, two days gathering data by the project researcher, and so it goes on, you can see, can’t you, there, preparation of the final report?

A. Yes. Sorry, your question?

Q. So we have got one days’ consultation, two days in the school, a follow up visit, so ...

A. But that was done by researchers.

Q. But in terms of, that is four days, and then writing up the ...

A. I am really not sure what the question is.

Q. So, it seems to me four days or so, then write up the report, and that justifies £4,500. You are using that as a benchmark, aren’t you, to judge the £5,000?

A. No, I am not using that as that benchmark.

Q. Very well, I will leave that alone.

A. In fact my statement does allude to consultancy payments.

Q. I am going to come to that in a moment?

A. But you asked me the question, and it’s in my statement on the Fosse.

Q. Yes. Now, in terms of, I think how you termed it, not getting any value out of it, is that how you regarded it, to spend that amount without the returns gives you some cause for concern, is that how you were expressing it? The Fosse project ...

A. In that question, what worth are you referring to?

Q. The work that was undertaken at the school?

A. By?

Q. Not the research, the actual Fosse project, reflected in the invoice?

JUDGE CUMMINGS: Your client’s invoice?

MR SWIFT: Yes?

A. Pardon, sorry?

Q. Or Joynson’s invoice?

JUDGE CUMMINGS: I am so sorry, of course, absolutely Mr Joynson’s invoice.

THE WITNESS: Joynson’s invoice was for £5,250 to work ...

MR SWIFT: Yes. In answer to His Honour, as to really why you are posing any question mark over that work, it comes to, correct me if I am wrong, he was working at the school at the time, and you were looking for returns to the university?

A. If he was working ....

Q. No, don’t ...

A. If he was working on our account, then yes, we would want a return.

Q. The Fosse project was the basis, wasn’t it, of the Steps to Success programme that was rolled out?

A. I am not aware, I don’t know is the answer to your question.

Q. Sorry. You don’t know that it was the basis of the Steps to Success programme?

A. No, I don’t. It may have been, but I don’t know the origins.

Q. You are aware of the Steps to Success?

A. Yes. I am not very familiar with it.

Q. It was, would you agree, a beneficial project to the university?

A. I am not very familiar with it, so I don’t know what, how much it generated in terms of certain indicators.

Q. Let me put it this way, I would suggest to you that the Fosse project was used as the basis for the Steps to Success programme, which was rolled out?

A. Yes, I understand what you say.

Q. There are articles about that, weren’t there, and it was used to promote the university, wasn’t it?

A. The Steps to Success, yes.

Q. And you are saying to the jury you don’t know, so it is not within your knowledge, whether that Fosse project was used as the basis of Steps to Success?

A. No, I don’t know that that is the origin. It may be.

Q. How can you make any assessment as to the value or the monies being charged ...

A. Well how was the value, you wouldn’t know at that time.

Q. How can you make that assessment?

A. Well we regularly made assessments on a fairly narrow perspective, we don’t necessarily look ahead to see that income would be generated.

Q. Does it come to this, you didn’t understand, you didn’t have any involvement with the Fosse project itself?

A. No I didn’t.

Q. You didn’t understand the work that was undertaken there?

A. No I didn’t.

Q. And you have no understanding of the fact that that was used as the basis for, or the foundation for the Steps to Success?

A. No, I don’t.

Q. And if all that was correct ....

A. No, because that’s not how projects are managed, I can assure you.

Q. If all that is correct, that is the return, a significant return ....

A. No, that’s not the way projects are managed. Most businesses wouldn’t manage a project that way either, looking for potential future returns that may or may not accrue.

Q. Well, Mr Townley, I believe that I have just asked you that very question, in terms of investment, loss leaders, benefits ...

A. Yes, but there is a certain, there is only a certain amount of loss one can take.

Q. But no one has suggested this was a loss, why was this a loss?

A. On the actual basis of the project it was. If you look at the figures.

Q. Why do you say that?

A. £4,500.

Q. No, that’s not relevant though, is it. The £4,500 isn’t relevant to it?

A. Well we don’t think we had any income generation from Fosse itself.

Q. We don’t think, what is that based on?

A. Well I haven’t seen any income. None has been presented to me.

Q. You can’t properly make an assessment of the work contained within that invoice, is that a better way to put it?

A. Well it is, yes. That is correct.

Q. Thank you. You indicate in your statement that this fell, this project, the Fosse project, fell into the lap?

A. Yes, I did use that phrase.

Q. Of Robert Smedley?

A. I did.

Q. Yes?

A. Yes.

Q. Now ...

JUDGE CUMMINGS: Are you moving on from assessment of value?

MR SWIFT: Not quite.

JUDGE CUMMINGS: All right, there is something I will want to ask, but, please, you continue.

MR SWIFT: It fell into his lap. By that, do you mean, it is a strange term to use, do you mean it was an opportunity that presented itself and he grasped?

A. Yes.

Q. You are not suggesting in any way the use of that term is in the negative, are you?

A. No.

Q. No?

A. No.

Q. And you make reference, you in fact produce, I think you already have it, I think it is a single sheet, if you have a look at that?

A. This?

Q. There are copies for the jury, your Honour. This is exhibit 4, and there are now files available, your Honour. I think your Honour has a copy of this, but can I hand you one up. (Handed).

JUDGE CUMMINGS: Thank you. So, exhibit 4?

MR SWIFT: Please.

JUDGE CUMMINGS: Would you mind, ladies and gentlemen, just writing on this when you receive it, exhibit 4. Thank you very much.

MR SWIFT: We have heard some reference to this in the trial so far, but in fact you, this is a document, I think you sent this to the police as well I think?

A. I did.

Q. Yes?

A. Yes.

Q. So, it’s just the first page, so you are aware of it, Times Educational Supplement newspaper, yes?

A. Yes.

Q. 27th February, send in the student swot team?

A. That’s correct.

Q. Yes, so presumably you did read this before you sent it to the police?

A. Yes.

Q. Yes, so you understood what was going on, and just looking at that article, did you read it before you sent it to the police?

A. Yes, I certainly did.

Q. Did you read it as part of your assessment that you were making on the invoice?

A. Yes. Do you want to know why, what the problem there was, for me? The problem was in that article, it says, “But when Chris Joynson, the school’s year 5 teacher”, that was the issue for me. Why were we paying a year 5 teacher £5,500? That was a significant addition to his salary.

Q. So that’s the basis for you having any query?

A. Yes.

Q. So, this isn’t, this was a success, this was, “Look at this”. Was that how you came to understand that he was a teacher, is that what you are saying?

A. Yes.

Q. Let’s look at that. So, I mean you are right, Chris Joynson, school, year 5 teacher, wrote to his old university, plea for help?

A. That’s falling in the lap, that’s why I wrote that.

Q. Yes, so that’s a positive, and it goes on to talk about the work that is going to be conducted, isn’t it?

A. It does.

Q. It is a positive for the university this, isn’t it, this coverage in this piece?

A. There is no disagreement between you and I here.

Q. And you see what Mr Smedley says towards the bottom there, “We as a university can play a part in enriching the experience and raising the aspirations of both staff and pupils and I think we should do it”?

A. It is very unusual to pay a classroom teacher £5,500 while they are working, that’s the point that I am making.

Q. And look at the last line ....

A. £5,500, their salaries are often only about £24,000, if that.

Q. “We intend to work in close partnership with Fosse and its staff in evaluating the project and then move to phase two next year when we offer the support to more schools across the country”?

A. But I wasn’t involved in that phase two.

Q. No, and you weren’t involved in phase one?

A. No, but I read the article.

Q. So very positive coverage for the university, you agree?

A. With concerns in there, yes, concerns for me, as a manager.

Q. And a view to rolling it out? And a view to rolling it out into phase two?

A. Yes.

MR SWIFT: Your Honour, if your Honour has a question in relation to valuation, I intend to move on.

JUDGE CUMMINGS: Yes. Just this, you have indicated your concerns regarding the fact that on the face of it Mr Joynson was in salaried employment?

A. Yes.

Q. Not with the university at this stage, but with the school, and so there is that theme again in your evidence, I understand that, but – and invoices supplied for something over £5,000 in respect of work done?

A. Yes.

Q. Now, I just want to be clear, as I understand it you are not in a position to say whether the work claimed for was or was not done?

A. That is correct your Honour.

Q. Or right? In terms of whether the, in round terms, £5,000 was or was not a fair price for the work described, again, do you claim to be in a position to give an assessment or not?

A. Well, to answer your question, your Honour, I don’t know, but I said in my statement that to pay someone for £5,250 worth of work must be a significant amount of work, that is my view, because, you know, if you pay a consultant £2,000 in a month, they have done a great deal for Edge Hill University. I know that because I have worked with consultants who have received those amounts, they were working nearly every day for that, and I did wonder how a salaried primary school teacher could have done so much that he was worth that reward, and that’s what I wrote.

Q. Do you mean if he is in full-time work, how has he got the time to do enough work to justify that money, is that – just give me a moment?

A. Yes. Yes.

Q. All right. Can I just read my note and check if you do, if this accurately reflects what you have said, and please correct me if it has not. “I don’t know whether £5,250 was or was not a fair price for the work described, but in order for it to be a fair price a lot of work would have to have been done. We pay consultants £2,000 a month. I do wonder how a salaried teacher in full-time work would have had the time to do enough work to justify the figure claimed”?

A. That is exactly what I intended to say.

JUDGE CUMMINGS: All right. That was my question, please, anything flowing from that?

MR SWIFT: Nothing, thank you your Honour. So you pay consultants £2,000 a month?

A. Sometimes.

Q. The university would use a lot of consultants, and were using a lot of consultants at this time, which was a reflection ...

A. When?

Q. At the time of the Fosse project and beyond?

A. You know that, do you, because I don’t know that.

Q. I am asking you that question?

A. No, I don’t know that. You said the university, I can only refer to the Faculty of Education.

Q. In your faculty then?

A. Yes, in my faculty, I wasn’t aware that we were using lots of consultants. We started to use more consultants from, and it is a ball park figure, about 2012.

Q. Right, and were you using them extensively?

A. No.

Q. No?

A. Consultants, or do you mean visiting lecturers?

Q. Let’s include consultants, visiting lecturers?

A. Oh yes.

Q. Yes?

A. Yes, is the answer to your question.

Q. The university obviously had to meet its commitments in terms of whatever projects may be running to teach, to operate its business. Was there a culture at that sort of time, 2011 onwards, of using lots of consultants, lots of – I know you dealt with this a little yesterday, you weren’t accepting zero-hour contracts, but effectively contracts that were being offered to people who weren’t on full, didn’t enjoy full employment status, but were used by the university?

A. Yes, well can I first of all answer that question by saying that I see a major distinction between consultants and associate tutors, and if you are grouping them together, which of course you can do, my answer will be different. We have used associate tutors in the Faculty of Education for as many years as I have been working in it, which is since 2002, and they are many, many thousands of hours that we budget for associate tutors. Visiting lecturers we use far less, and I think here we are referring to the use of teachers as professional development facilitators, and these were school teachers. So, yes, you can call them consultants if you like ...

Q. You bring them from the schools to help with the university?

A. That’s correct.

Q. And then consultants would be ...

A. Consultants for me, and maybe my definition is too narrow, I don’t know, others will have to decide, but consultants for me are particular specialists that we haven’t really got, the specialist input at all or not enough of it. So, for example, I used in 2014 an IT consultant to help us with our web pages.

Q. Was this Helen Sanderson Walker?

A. It was.

Q. So she was a consultant that you used very often, didn’t you?

A. For a time. For a period, to do a project. That is who I am referring to in the £2,000 a month.

Q. Any procurements?

A. I don’t ....

Q. Was there any procurement for that contract, for the work that you gave her?

A. No, but I discussed it with Robert Smedley.

Q. I didn’t ask you that. Was there a procurement?

A. No.

Q. Was she a friend of yours?

A. A friend, no.

Q. Did you know her family?

A. No.

Q. What is your association with her?

A. A member of my family had worked with her. He recommended her, and I discussed that with Robert.

Q. So it was a familial – say that again, please, it is a friend through your family?

JUDGE CUMMINGS: A member of my family had worked with her and he recommended her and I discussed it with Robert?

A. Yes, he runs a business, and I made that point to Robert, I made that very clear. I didn’t hide that.

MR SWIFT: You told her that she was good, good at her job, didn’t you?

A. I don’t understand that question, when did I tell her that?

Q. You have just said to the jury that you mentioned this person to Robert Smedley, that there was a discussion, there was no procurement but you mention her to him?

A. To Robert, yes.

Q. Yes, this friend of a family member?

A. Yes.

Q. And then she was then....

JUDGE CUMMINGS: I am sorry, was it a friend of a family member, or was it someone who had done work for a family member, or was it both?

A. It was, Helen was someone who had worked for my son in law and he has a business. She is not a relative, and I had never met her before. He introduced her to me.

MR SWIFT: So you knew her before she got the job?

A No.

Q. Well I had never met her before, he introduced me to her?

A. I didn’t know her until he made that introduction for the work that we were considering. I then discussed with her whether she felt she was able to do that work.

Q. Can I ask you just to have a look at some documents, don’t be alarmed by the quantity in here, I am just going to take you to some specific documents with time for you just to reflect on them. (Handed) The jury don’t have this bundle, your Honour. Can I ask you to look at the bottom right hand corner of the pages as they go through, they are paginated?

A. Oh I see, yes.

Q. Just have a look at page 82. So this represents I think, just so the jury are with us, it’s an example of an invoice from Helen Sanderson Walker, it is submitted to you or directed to you, directly, the invoice, if we look at...?

A. Yes, I signed it.

Q. So it is, well you signed it off, but it is actually addressed to you as well?

A. Yes, I worked with her on this project.

Q. Would that be the policy, that this would be sent to you?

A. Well it would, in my opinion it wouldn’t matter, it was sent to me on this occasion. I would expect to see it so that I could check it was...

Q. You would expect to see it, well if you disagree you can disagree, just so we know what we are dealing with. It is an invoice from Helen Sanderson Walker, it is addressed to you, you agree you signed that off in respect of, does it say FOE project, management and website and pen portraits?

A. Yes.

Q. And it gives days worked, and it is an invoice, £2,320?

A. It is.

Q. And you’ve signed that off?

A. Yes.

Q. If you look at the next page ...

JUDGE CUMMINGS: Is that nine days at £250 per day?

A. Yes.

Q. Plus some travel expenses?

A. Robert suggested what rate I should charge.

MR SWIFT: The next page, page 83, it is £2,000, and then there is, yes, and just in terms of the dates, we are dealing with October 2013, and if you look beyond, there are a whole host of these aren’t there?

A. Yes.

Q. Month after month?

A. Yes.

Q. November ’13, September ’13, so that is an example of a consultant?

A. I didn’t, I have no other examples. In my work as an Associate Dean, I cannot cite you any other examples of me working with a consultant. I am not saying there aren’t any, but I can’t cite any.

Q. Yes. Now, for the benefit of the jury, this is an example where month after month a consultant was invoicing the university, yes?

A. Yes, yes.

Q. There is quite a lot of money being paid over here, isn’t there?

A. It is a lot of money.

Q. It is adding up?

A. It is indeed.

Q. Do you recall the overall figure?

A. No, it was well over £20,000, well over.

Q. So well over £20,000. There had been no tendering and no procurement?

A. No.

Q. Now, was that essentially because there wasn’t a procurement policy in place?

A. No. I asked Robert what I should do. I said I thought there was someone who could work on this, and he said, this is what he told me to do.

Q. So you recommended this lady, didn’t you?

A. I did.

Q. This is someone who has been introduced to me, I’m told that their work is of a good standard, shall we use her?

A. And it was made clear to her that if we weren’t happy month by month it would stop, so there was no contract that she would get £20,000 odd. She might have got £40,000.

Q. A letter of engagement?

A. I think there would be from the Faculty of Education admin office, but I don’t know. I don’t know. I cleared this with Robert Smedley and his office dealt with these sorts of issues.

Q. Let’s just deal with this for a moment. This is indicative, you may not think so, but I am not meaning to be critical, indicative of the way business was conducted within the department?

A. I have just said to you this was a one off, so why would you possibly draw that generalisation. It is not true.

Q. I am suggesting to you this is an example?

A. Absolutely not true. The paperwork trails were meticulous for the work done by the faculty.

Q. Because it was reactive?

A. This was a one off reactive situation, and that’s why you would use a specialist consultant, you are absolutely right. You have put your finger on a one-off situation.

Q. Now, well it wasn’t reactive just in relation to, for example, website, it was different projects. If, for example, as you say, something falls into your lap, you need to seize this quickly, you need to carry out the work, before other schools do, rather, before other universities do?

A. Yes, in terms of generating business we would certainly want to move quickly.

Q. You move quickly?

A. Yes, yes.

Q. You are operating against, not against, within government funding, for example?

A. Yes, and timescales.

Q. Timescales, you need to recruit so many people to, you need to do this quickly, you can’t say, “Well let’s put an advert out and interview people”, you need to seize the day quickly don’t you?

A. You do, absolutely, otherwise the work disappears.

Q. As I say, and I am not being critical of that?

A. No, I understand.

Q. It is the way in which you need to react to the business at the time. Could you have a look, please, at page 103 of that bundle. Just familiarise yourself with that for a moment?

A. Yes.

Q. So it is, I would suggest to you, another example of a consultancy payment to Ian Holland Associates Limited?

A. Yes.

Q. Does that name ring a bell?

A. Yes, yes.

Q. It does. It is dated 20th December 2013. There is a payment, £4,900 to him, and without going into the minutiae, it seems to be effectively £500 per day being authorised. There are other figures, but certainly, do you agree?

A. Yes.

Q. So another example of a consultant. Now Mr Holland, he was a teacher, was he a headteacher?

A. Yes, of a very large school.

Q. So he is working for the school and working ...

A. I don’t know for certain he was working then for the school, but I think he was.

Q. Well I suggest that he was, he was working at the school, and obviously consultancy work as well?

A. Yes, yes.

Q. Okay. Now, there are other consultants, I could take you to them, but you don’t, there is no issue, is there, in terms of use of consultants in those roles?

A. Well can I just say, well yes, I mean none of them were on the Edge Hill payroll that you’ve pointed to so far.

Q. The last one was employed by, presumably as a head employed by a local authority?

A. A school. I don’t know whether the school received money for his work though as well, I wasn’t the project manager. Was it the Leadership Academy, we were training headteachers, senior teachers, middle leaders, and we had to obviously, I say obviously, we had to employ people of very high calibre who were experts in the field, and Ian Holland had won a national award for his work as a headteacher of Alder Grange School in Rossendale.

Q. Have a look, please, at page 44?

JUDGE CUMMINGS: Page?

MR SWIFT: Page 44. Do you have that?

A. I’ve got that.

Q. So, that is another consultancy invoice, it is from Wendy Dixon Consultancy?

A. Yes.

Q. You see that, I am looking for the date, July 2011, and it is an invoice in respect of marking I am asking you to look at, a payment of £358?

A. Yes.

Q. Now this lady at the time was a member of staff at Edge Hill University, wasn’t she?

A. I don’t know. If you say so, yes, I know the name.

Q. If I suggest to you she was employed and she was ....

A. Was she employed full-time?

Q. I am suggesting she was employed full-time and she was ....

A. I don’t know if she was.

Q. Right, and she was invoicing the university for marking. Do you accept that?

A. Yes she was invoicing the university for marking.

Q. That is at page 44, page 45, I accept the sums are not high, £53, £71. Have a look at page ....

A. It is possible she wasn’t full-time, I would like that checked please. If she wasn’t full-time, that point doesn’t hold.

Q. Have a look at page 48, that is an invoice for £2,400 for marking, that is Wendy Dixon Consultancy?

JUDGE CUMMINGS: Sorry, which page?

MR SWIFT: Sorry your Honour, 48. Yes?

A. Yes, yes.

Q. Now with your caveat, and I accept what you are saying, well she may have been part-time?

A. Well she may well have been.

Q. Have a look at page 48, do you have page 48A?

A. Yes.

Q. Just have a look at that, and I appreciate the typeface is very, very small?

A. Kirton, yes, Jenifer Kirton.

Q. Does the name ring a bell?

A. It does, it is some years ago.

Q. Right, now, if we look at this, I appreciate the jury don’t have this document...

A. But can I just say, when I said years ago, is it ’08, no, is it 2008 or not?

Q. Is what 2008?

A. I am sorry, is the start date 2008?

Q. Yes.

A. So you are asking me about a person who worked nine years ago?

Q. No, I am just trying to set the context in which I am about to ask you a question?

A. Yes, yes, fine.

Q. So you are looking, for the benefit of the jury, you are looking at a document, it says, “All EHU establishment employee post holders between September 2008 and 31st August 2015”. Now I suggest to you, and I appreciate that is very small, I suggest to you that document you are looking at now, it shows when Miss Kirton was employed by the university?

MR DYER: It should be clear, it is not the Faculty of Education.

A. Yes, it says she is employed fixed term part-time or permanent part-time.

MR SWIFT: Yes, so despite what is being shouted from the side, it shows employed ...

A. An employed position, yes. Part-time can I stress.

JUDGE CUMMINGS: Mr Dyer’s point is with another faculty.

MR SWIFT: Your Honour, yes. If you look to the right of that document, it says, “Post position status”, do you see that?

A. Yes.

Q. And if you come down to, there is an entry that says 1st August 2011 as a start date, can you see that?

A. Yes, 1st August?

Q. 1st August 2011?

A. Yes.

Q. And follow that across, the 9th July 2014, position states, ended?

A. Ended, yes.

Q. So permanent, just so the jury are with us, Miss Kirton, a full-time employee at the university, accepted not Faculty of Education, between August 2011-July 2014?

A. Yes.

Q. Right, we agree?

A. We agree.

Q. Turn over please. Now, Miss Kirton, so the jury understand what we are looking at, it is headed, EHU associate tutor claims between 1st September 2008 and 31st August 2015?

A. Yes.

Q. And what we have there is details of, perhaps on that page, 20 or 30 entries, would you agree?

A. Yes.

Q. Where Miss Kirton is being paid as an associate tutor?

A. Of the Faculty of Education.

Q. Of the Faculty of Education, so your faculty?

A. Yes.

Q. Yes. We know the parameters, August 2011 through to July 2014. If we look at those figures, look at the payments to associate tutors from that date, if you look about halfway down, July 2011, do you see the July 2011, where it says month?

A. Sorry, which page is that on?

Q. I am looking at page 49?

A. Yes.

Q. Halfway down that document on the right-hand side, 4th July 2011?

A. It says month, doesn’t it, where does it say ...

Q. Sorry, you are right, it says July?

A. It says month, July ’11, 24 units, is that right?

Q. Follow across, and it gives an amount, doesn’t it?

A. £907.44.

Q. So £907.44, which is paid in July?

A. Yes.

Q. Now, September 2011, the next one down, keep your finger on it, September 2011?

A. Sorry, got you.

Q. Now full-time employed at the university, what does she get paid as an associate tutor?

A. £1,012.44.

Q. Now the remainder of that page, and I suggest there is perhaps 20 payments, encompassing payments of £477, £428, £724, there is one for £900, and over the page, running down to August 2013, again payments of £415, £770 and so on, yes?

A. Yes.

Q. So, it seems on the face of it there is someone who is employed full-time, and also being paid significant funds, doesn’t it?

MR DYER: Well there ought to be a question of the witness. The witness isn’t producing these documents or agreeing with them, and I think it is important that he is asked questions rather than just documents being presented through him.

JUDGE CUMMINGS: Mr Swift, fair observation, or what is your question?

MR SWIFT: Well, your Honour, not a fair observation, but having established the document ....

JUDGE CUMMINGS: It is not, these are this witness’s documents, or are they, are these documents produced by this witness?

MR SWIFT: They are not your Honour.

JUDGE CUMMINGS: So you are cross-examining a witness about a document which is not his document.

MR SWIFT: It is not his document.

JUDGE CUMMINGS: Is he in a position to confirm the contents or not?

MR SWIFT: Well, your Honour, these are documents that come as disclosure.

MR DYER: Well I don’t know, there is 48A, I have no idea where it comes from, I have only had it today.

JUDGE CUMMINGS: Mr Dyer is right, isn’t he, as a matter of evidence, you are cross-examining a witness about a document which does not emanate from him and which it appears may not be an agreed document, so shouldn’t you establish whether he can or cannot, of his own evidence, confirm or otherwise the contents you put to him.

MR SWIFT: Now, Mr Townley, Miss Kirton was somebody who you were aware of, you do recall?

A. Yes. I can’t remember which year, but yes.

Q. And by looking at the payments that have been made to her, from the document you are now looking at – yes?

A. I would want, can I truncate this? I would need to see this full-time permanent, which you rightly pointed out to me, I would want that confirming. But even then, I am not, I am still not quite sure what question you want to ask me.

Q. The question is, does that not, you raised the issue, didn’t you, about...

A. Yes.

Q. When I was asking about the other consultants, you said to the jury, “Well they weren’t employed by the university”?

A. That’s correct.

Q. Is that not an example ...

A. I have already explained this to you. This lady that you are showing here is not a consultant, she is an associate tutor.

Q. Yes?

A. Well there is a difference. You want me to comment on whether, I think, well I don’t know, you haven’t still asked me the question.

Q. I think I am suggesting to you, isn’t that an example of someone fully employed and being paid?

A. Additional.

Q. Additionally?

A. Additional, yes, but not as a consultant.

Q. As someone outside of her department, your department?

A. Yes, and I honestly really have no idea why, and I would want to check that full-time permanency because it is in another faculty. I certainly can’t recall it. All I do recall is that she wasn’t full-time. I have seen that document that says she is.

Q. What about a David Callaghan?

A. Yes, yes, I know David.

JUDGE CUMMINGS: Just give me a moment to catch up with my note. Are you moving on from Miss Kirton?

MR SWIFT: I am your Honour.

JUDGE CUMMINGS: Do you remember Miss Kirton working as an associate tutor?

A. Yes, I do, I do, your Honour. I can’t remember the years.

Q. Did you know, if it is the position, that she was employed by another faculty, be it on a part-time or a full-time basis?

A. Yes, I was aware she worked for another faculty. It is not very common, but it does happen.

Q. You appear to be drawing a distinction between an associate tutor on the one hand and a consultant on the other?

A. Yes.

Q. Could you just explain that, what do you say is the difference?

A. Well it isn’t an easy distinction, your Honour, I can’t make it definitively.

Q. What is the difference in principle in terms of whether someone should be able to claim fees in addition to being full-time employed?

A. Well one major distinction, your Honour, is the price, it is considerably cheaper to employ an associate tutor than a consultant, and the rate per hour is considerably less, and I don’t know the exact rates, but you are talking £40, £42 an hour, and the barrister there has already mentioned that we were paying some consultants, you know, hundreds of pounds a day.

Q. The work that she would have been doing, if you are able to comment on this, the work that she would have been doing as an associate tutor, would it or would it not have fallen within her description, job description in the Faculty of Health?

A. I genuinely have no idea. I really don’t know. I think she was a researcher in the Faculty of Health, I think I saw that in your papers.

MR SWIFT: She is in the Faculty of Health?

A. As a researcher.

Q. Working within your department?

A. Yes.

Q. And I was about to ask you about David Callaghan, someone you do know?

A. I do know him.

Q. Someone you employed as an associate tutor within the department?

A. Right, yes, yes I did.

Q. For a number of years?

A. Yes.

Q. Dating back to, parameters, 2011 to 2014, you would accept that?

A. Yes, I think that was right.

Q. But also someone who was employed within the university?

A. He was.

Q. And was he in the Central Services, is it Central Services Learning and Teaching Development?

A. He was then.

Q. So on a full-time contract?

A. I don’t know what his contract was, I have no idea. I know he worked for them, because I corresponded with his line manager.

Q. Doing the best we can, is that an example of someone employed by the university and then being paid on top of their salary, for work within your department?

A. Yes.

MR SWIFT: Your Honour, I wonder if that would be a convenient moment just to break, even if it was only for five minutes?

JUDGE CUMMINGS: By all means. Five minutes please, ladies and gentlemen.

MR SWIFT: Your Honour, I wasn’t suggesting just five minutes, but I am in your Honour’s hands.

JUDGE CUMMINGS: No, let’s just take five minutes can we, thank you.

(In the absence of the Jury)

JUDGE CUMMINGS: Any matters arising? Do you anticipate we will finish this witness’s evidence today?

MR SWIFT: Your Honour, yes. Your Honour, I think I may take it to the wire, but ...

JUDGE CUMMINGS: There is then re-examination potentially, so, do you anticipate re-examining?

MR DYER: Well I will keep it as short and concise as I can.

JUDGE CUMMINGS: Manage as it is best from your point of view as the parties, I am not insisting his evidence be finished today. Equally, if it is a matter of sitting a little later to finish a witness off, again, I don’t mind. Manage it as you prefer, and if it means he comes back in the morning, assuming he can, that’s fine by me. Thank you, please don’t want for me, thank you. Can we try and keep it to five minutes then, thank you.

(Short adjournment)

JUDGE CUMMINGS: All right, can we reconvene? Thank you. What is the plan for the loose document, is it to distribute those file on the back desk at some stage?

MR SWIFT: Your Honour, yes. I can do that now.

JUDGE CUMMINGS: If it suits you, certainly, or at the end of the day, whatever suits you.

(In the presence of the Jury)

JUDGE CUMMINGS: Thank you very much.

MR SWIFT: Can I ask you just to look at, please, page 54, and just take a moment to take that in?

A. Yes.

Q. Now, it is a document isn’t it, I am not going to read its contents other than just to identify what it is, it is headed, “Faculty of Education secondment costs for 2011/12”?

A. Yes.

Q. Are you familiar with this sort of a document for the faculty?

A. I am familiar with the ideas contained within it.

Q. Yes, have you seen a document, either that document or ...

A. I may have done, I can’t remember.

Q. It speaks in terms of the extent of expenditure, doesn’t it, on secondment within the department?

A. That’s right.

Q. Have you any reason to question that figure?

A. The figure?

Q. That figure at the bottom?

A. Question it in what way?

Q. Suggest it’s not right?

JUDGE CUMMINGS: Is this an agreed document?

MR DYER: I have no idea where it comes from, it’s got RS on it.

JUDGE CUMMINGS: He doesn’t recognise the document.

MR SWIFT: Your Honour, yes, and if that’s the extent of it, I can put a point to him without reference to the document. Can I suggest to you that in terms of secondment costs for your department?

A. For the faculty?

Q. For the Faculty of Education, and -well, let’s do it in two ways. First of all, secondment costs could reach in the order of £1 million expenditure, couldn’t they, within the faculty?

A. I don’t know.

JUDGE CUMMINGS: For a year, for a financial year?

A. I don’t know, but it wouldn’t surprise me.

MR SWIFT: You have worked there a long time?

A. Yes.

Q. That’s not a surprise that figure?

A. No.

Q. It is not something you say to the jury, ridiculous, it was £100?

A. Oh no, no.

Q. So £1 million, you wouldn’t query that?

A. No.

Q. So, having established that, in terms of secondment and companies or individuals who would be used to, used by the university in that role, what would that entail, can you explain that to the jury?

A. Incredibly varied. This list of names, I don’t know the entire list, I recognise quite a significant number of names, and the ones I recognise are all school teachers, and we are paying the schools for their salary. What you are looking at there is the salary cost of those people.

Q. Well, I won’t press you on the document, we can talk in generalities rather than the document, but £1 million within, as an expenditure on secondments doesn’t surprise you?

A. It doesn’t surprise me. It was completely out of my control, it was the Dean who decided.

Q. Again, I am not suggesting ...

A. If that’s the situation then the answer is I don’t know. You asked me the question, I don’t know if £1 million is the figure or not.

Q. Yes, but that’s not a surprising figure, so you think the secondment costs would go principally to teachers?

A. Yes, I would expect that in the Faculty of Education, not in other faculties.

Q. And, so we understand, that is teachers being drawn into the university to assist when you needed them?

A. Absolutely.

Q. And how would the payments, would they go payments direct to the schools to cover that cost?

A. Yes.

Q. Or would it go through ...

A. Well the schools have to invoice us for the money. If for any reason they didn’t invoice, we didn’t pay. But, you know, if someone’s salary was £20,000 that we were seconding, we would have to pay, they would have to invoice us for £20,000, but it would have to be agreed with the Dean that that was the secondment amount.

Q. And who would be responsible for agreeing those secondments, or would it depend on where the teacher is being used?

A. Well in the budget setting process, heads of area or departments, whatever you like to call it, we’ve got INS, there is a major department, partnership is another one, I wouldn’t call it a department but it is certainly a major area of the faculty. PRM stands for primary, and SEEC stands for secondary. SPE, oh gosh, SPE, I can’t recall immediately.

Q. PAR we have seen, it is partnership, so how would you use individuals on secondment within the partnership?

A. It would depend, would you like me to comment on some of these names?

Q. Well you recognise some of them?

A. Some of these names I recognise in PAR. I don’t recognise Joanne Hirst, but that would probably mean if I didn’t recognise her she was probably – I will leave that one. Cavell Priestley Bird(?) I know extremely well. She was the project manager for the Leadership Academy. You mentioned Ian Holland before, she headed up that. Sue Farrimond, this was, well Sue Farrimond was doing work in the Manchester Communication Academy, working with teachers I think.

Q. Would it all be teaching roles?

A. No, no. Sarah Bates there was the co-ordinator for the Coventry centre, we had a centre in Coventry, and she headed up the work there. She would do some teaching but she would also do some management and a lot of external relationship work.

Q. And could that be recruitment as well?

A. Yes.

Q. So the faculty was paying money by the secondments, for example, in terms of recruitment?

A. Yes.

JUDGE CUMMINGS: Can I just understand the secondment payments. Are they effectively reimbursing the employer?

A. Yes.

Q. So you say these people, the names you recognise are teachers?

A. Yes.

Q. So I am a school, I am employing a teacher to teach in my school?

A. Yes.

Q. And I am paying a salary or let’s say £20,000?

A. Yes.

Q. But the teacher isn’t teaching in my school because she is seconded to the university, so I am getting no benefit from my salary that I am paying, so you are reimbursing the salary I have paid. Is that it?

A. That’s correct.

MR SWIFT: Would that be done through companies sometimes, as in terms of somebody facilitating the secondment, so you have a company set up that you would perhaps go to to say we need people to use on secondment, and they would find them for you, or they would draw them into the university?

A. Can I clarify, is the question you are asking me did we use companies to find us secondees, is that correct?

Q. Yes?

A. I can’t think of any off hand, but I am not saying we didn’t.

Q. And given how you would need sometimes to react, as you told us, to be reactive, does that make sense?

A. It doesn’t make sense to me, but I am not saying it didn’t happen.

Q. So you may go to a company to say ...

A. No, I wouldn’t expect that at all, I would expect our professional lecturers and managers to decide the secondees.

Q. Right, but you are not ruling that out?

A. I am not ruling it out.

Q. As a sort of go between, effectively, between the university and the schools, or wherever you were taking the staff from?

A. Well I can’t recall that at all.

Q. Very well. May I move on to the evidence in relation to master classes. I know my learned friend has already dealt with this with you in some detail, so can we just be aware of that, you have been asked questions. The master classes that were presented were, well, they span a lot of initiatives within the faculty, is that a fair way of putting it?

A. I don’t honestly know if that is a fair way in the sense that what you are describing there might lead to double counting. So you say a master class might occur in a certain project, but maybe it’s, you know, the work is already accounted for, so I am not sure.

Q. But if they were, for example, the S2S master classes, marketing for schools, you don’t rule that the master classes subsume that?

A. It could happen as part of the project?

Q. Yes.

A. No, I don’t rule it out, I don’t know if they took place or not.

Q. Can we just have a little look at a couple of invoices. If you go behind ...

A. Is it this file you gave me?

Q. I am sorry, you can put that away for the moment and give yourself some space?

A. Thank you very much.

Q. This is the jury bundle that we all have?

A. Right, so this is this file, yes.

Q. Could you have a look at, looking at the number in the top right-hand side, page 27?

A. Sorry, what is the divider?

Q. It is divider 6, it is where all the invoices are that you were looking at, and its page 27. So we know, this is one of the invoices that you considered when you were carrying out your review, yes?

A. Yes.

Q. So just have a look at that for a moment. It is a master class on behalf of Edge Hill?

A. It is an Easter master class.

Q. It is an Easter master class, that was my next point, so it is an Easter master class. Now you were asked questions by my learned friend earlier about staff being reluctant to travel great distances to deliver these, and I appreciate you reject that assertion. Easter master class?

A. Well Easter, schools are shut.

Q. It doesn’t have to be delivery at the school though, does it?

A. No.

Q. So ...

A. I don’t know if I can help you or not here. If they took place there will be evidence they took place. I could find no evidence, but I am not saying there isn’t. I don’t know what an Easter master class is. Yes, it was delivered at Easter time, or in the holiday period around it, I don’t know what they refer to, and that’s what I said in my submission.

Q. So we are not, you are not rejecting that as in the sense of you are not suggesting it didn’t take place, you are saying, “Well I don’t really know whether it did or it didn’t”?

A. No, but I am concerned about the date, not whether it took place or not.

Q. Well, Easter master classes suggest out of term time, don’t they?

A. We don’t have holidays in that manner, you have to book leave. Some people work right through. You get the bank holidays, you have to take them, but apart from that there is a fair amount of flexibility when you take your leave.

Q. Is that right? Could you say that again, there is a fair amount of flexibility?

A. Well, yes. What I meant by that was, in theory at least, and indeed sometimes in practice, you would take leave outside the normal holiday periods of schools, and the reason for that, for example on the MA, is that that is when the teachers are really working, you know, on study, so it is important that the tutors are available to deliver to them.

Q. Well precisely, so if you had an Easter break from schools, teachers not in schools, prime time to deliver those classes?

A. I don’t dispute that, I am not saying whether they took place or not.

Q. Prime time, the teachers wouldn’t be there, would they, they wouldn’t be teaching, so it is an opportunity to be addressed by somebody who is delivering a master class, that makes sense, doesn’t it?

A. Yes.

Q. If you look at page 42, no, sorry, my references have gone astray now. 42, top right hand of the page?

A. Yes.

Q. Saturday and Easter master classes, co-ordination and teaching on behalf of Edge Hill University to schools, again, £425, yes. Did you look at these invoices?

A. Yes.

Q. Just by flicking between those two pages, 27 and 42, so we are into the following year, and another Easter master class, aren’t we? Yes?

A. Yes, yes.

Q. So that looks like an annual Easter master class that is taking place?

A. Yes.

Q. Does that help you in terms of an interpretation of whether it did or it didn’t, or not?

A. I haven’t found any evidence it took place, that doesn’t mean to say they didn’t.

Q. And if it was the S2S marketing master classes initiative, you didn’t have any involvement in that?

A. No. I am not sure if S2S was running then.

Q. But you didn’t have any involvement in that?

A. I didn’t, but your question, your connecting page 42 up to S2S, 2012. I would have to check if S2S was running, given that you have made that cross link.

Q. But do you accept – well, I suggest to you that many of the master classes that are reflected here, I think it has already been put to you ...

A. If they happened, there are colleagues in the faculty who will know whether they happened or not. I couldn’t find any, that doesn’t mean to say they didn’t.

Q. And the master classes would be used to generate, as well as to selling what the university had to offer, they would be used to generate interest in the university, wouldn’t they?

A. Yes.

Q. And it is very, if I can put it clumsily, it is a nice way of making contact with schools?

A. Absolutely.

Q. Getting trainees into schools?

A. Absolutely.

Q. And there could be master classes on the back of it, sorry, there could be modules?

A. And placements for trainees.

Q. Placements, modules, SENCO work?

A. Yes, yes.

Q. Could you have a look please at page 24, behind the same divider. So, additional teaching hours, 3 hours totalling £45, and we can all see what that says, “Master class teaching materials as agreed with R Smedley”. Just look at that invoice for a moment. There looks to be, there is a number of sessions, each three hours?

A. Total 24.

Q. Yes, again, when you were carrying out an assessment of the work undertaken, that could reflect, for example, couldn’t it, evening meeting, night-time meetings with staff?

A. I have no idea.

Q. It could do though, couldn’t it?

A. It could indicate all sorts of things.

Q. Would, either the master classes or additional teaching, be delivered after normal school hours?

A. Your question was would these be delivered after normal school hours?

Q. Yes?

A. Oh, I see what you are saying.

Q. It is limited, isn’t it, the teaching that is claimed for is limited to just three hours, isn’t it, so I am suggesting it is, so you would do an evening session?

A. No, I can’t confirm that to you because I don’t know what the additional teaching is. The master classes are like to take place out of school hour time, but I don’t know what that top line refers to.

Q. No, I appreciate, so you can’t really ...

A. It could be anything, it literally, it could be a day session, it could be a night session, it could be a weekend, it depends on the project and what we are delivering.

Q. And when you were looking at that, and you were analysing this, did you look beyond the invoice?

A. I asked members, managers in the faculty if they had any knowledge of master classes, and no one did.

Q. Let’s just relate that to this invoice?

A. Yes.

Q. So it is dated in April 2011?

A. Yes.

Q. And March 2010, so this is not long after Mr Joynson started to – is that right?

A. That’s right, well, March is quite a way in. Not so much so the January 2010, no. It is an overlap here, perhaps, between non-employment and employment.

Q. And in terms of you looking beyond the invoice, other than speaking to members of staff?

A. In one sense I don’t need to. There is something very seriously wrong with this invoice.

Q. Well, let’s carry on the questioning that I was asking you?

A. Well I did answer your question before, which was I consulted with managers in the faculty.

Q. Right, so beyond that, anything else?

A. No. How on earth could one possibly interrogate those lines?

Q. So beyond speaking to people within the faculty, five years, four years after, because you conducted your investigation in 2015, didn’t you?

A. 14.

Q. 14?

A. Autumn 2014.

Q. But you made your statement to the police in early 2015?

A. You referred before to the investigation commissioned by Steve Igoe, and at that time, that’s when I looked at this.

Q. Okay, so beyond that, beyond speaking to people in the faculty?

A. No, I didn’t do anything else.

JUDGE CUMMINGS: Are you suggesting there is anything else he could or should have done?

MR SWIFT: Your Honour, I am seeking to establish what was done, that’s all.

JUDGE CUMMINGS: You say beyond that, I am wondering what is the beyond?

MR SWIFT: Reference to any documents.

JUDGE CUMMINGS: Are there any documents that you could have referred to that would have shed any light on this?

A. Not that I am aware of. I could have found publicity documents, which would say what we intended to do, we were always ready to offer master classes.

MR SWIFT: Well did you?

A. Did we offer master classes?

Q. No, did you go back and look at publicity documents for that period?

A. No, because I knew, they would be on offer at that time, no doubt about that. I am not contesting that.

Q. So, you are not challenging, when you say they would be on offer, what does that mean?

A. Well we would create marketing brochures offering different projects to schools, and schools would then, if they wished, make contact with us, or if we were visiting schools, we might indeed suggest this offer to them.

Q. And what would that include, would you detail what you were offering?

A. Well we would discuss with the schools, the client, the potential client, what they would want.

Q. Right, so looking at that invoice then, you accept that that is the sort of thing that was being offered by the university at the time?

A. Well, additional teaching hours, well there was lots of teaching going on, so teaching was a mainstay of the university, and it still is.

Q. And in brochures?

A. Pardon?

Q. Was that in brochures as well, would that have been ...

A. No.

Q. No, so when you talk about brochures, are you referring to the master classes?

A. I am really referring to the master classes, because I really can’t interpret for you the top line.

Q. Very well. Is it correct that you and Anita Walton asked Chris Joynson to undertake additional teaching on the SENCO and dyslexia programmes?

A. I am not sure if I did, I think Anita did. It is part of his job description.

JUDGE CUMMINGS: To do what, sorry?

A. If required, to do some teaching. It depends what the definition in that context of teaching is. I don’t know what he was required to do.

MR SWIFT: Right, it is a part of his contract?

A. Yes, it’s in his JD.

Q. To do what?

A. To teach.

Q. Right, and did you, are you accepting, well let me put it in a less clumsy way. Do you accept that you asked him to undertake additional teaching on the SENCO and dyslexia programmes across the country?

A. I don’t know if I did or not. I would need to look at the documents.

Q. Can we have a look, please, at page 20, the same bundle?

A. 27?

Q. Behind 6, page 20?

A. 27?

Q. 20?

A. I am sorry, I beg your pardon. 20. Yes.

Q. Now, I think it has been suggested to you already, but this is the Steps to Success programme. isn’t it?

A. I don’t know.

Q. You don’t know?

A. No.

Q. Because you don’t have any real knowledge of that programme?

A. No, that isn’t a clear definition of the work.

Q. The invoices that were received by the university, I don’t want to take you back to all the various consultancies, very often didn’t detail the work, did they?

A. No, that may be so. Some did, some didn’t.

Q. So that doesn’t necessarily stand out from other consultancy contracts that you had?

A. No, and it is agreed with the Dean, Robert Smedley, so not an issue.

Q. I get that, that wasn’t the question?

A. But you asked me what it was about.

Q. No I didn’t, I said, I asked you, 24 days consultancy relating to that period?

MR DYER: Well he was asked if it was Steps to Success.

THE WITNESS: Yes, you asked if it was Steps to Success.

JUDGE CUMMINGS: You said this is the Steps to Success programme isn’t it, and he said, “I don’t know”.

MR SWIFT: You went on, didn’t you, to suggest that how would you know from that top line, that’s what you said, how would I know from that top line?

A. Well I didn’t say about this, but I might as well have done, yes.

Q. Right, so that’s no different really to many other invoices that would be dealt with in the department, is it, a lack of detail?

JUDGE CUMMINGS: But it is an answer to your question. You are asking him to confirm that this invoice relates to a specific piece of work, he is simply saying well the invoice doesn’t say so, so I can’t say.

MR SWIFT: Your Honour, yes, your Honour is correct, I need to put it to you that this is the Steps to Success?

A. Is it, right.

Q. And I think we have established you didn’t really have a lot to do with that programme, did you?

A. No, but it’s the 24th June 2010, oh it’s not, no.

Q. He wasn’t employed, was he?

A. No, he wasn’t. No, he wasn’t. It is just before he started employment.

Q. It is just before he started, so we are back to, aren’t we, your assertion, not assertion, your – how best to describe it, see if I can quote it back to you. Your words, “Likely going to be legitimate for work he did complete”?

A. Thank you. You are trying to create, likely to be legitimate did I say?

Q. Yes?

A. So there is nothing to challenge.

Q. So there is nothing to challenge?

A. The dates before he started the salaried work you have been asking me about most of the day, I don’t, in the main, contest them. When he started on salary he shouldn’t have been doing additional work, despite you are trying to draw comparisons, which to be honest are comparing apples with oranges.

MR SWIFT: Your Honour, I am sure your Honour is aware, that that invoice on page 20, again, unless I stand corrected, is within Count 3.

JUDGE CUMMINGS: Yes, well Count 3 is numbers 2 to 20 inclusive, and this is number 19.

MR SWIFT: Your Honour, yes. Mr Townley, partnership work, and the future teachers project, my learned friend touched on this with you this morning, so I am hoping not to have to dwell on that. Were you aware of the future teachers’ project or not?

A. Yes.

Q. Yes. Now this is the project I think that you thought related to science, is that right, or do I have that wrong?

A. You are correct in that assertion, yes.

Q. Yes?

A. I think physics and chemistry particularly.

MR SWIFT: Your Honour, would you just give me one moment, I want to check my notes.

THE WITNESS: It was, it was physics and chemistry. There may have been something else, but it is certainly those. These are the real shortage subjects.

MR SWIFT: May I ask, the future teachers project was a project that netted the department something in the region of £750,000, does that help you?

A. I am sorry, what’s the question?

Q. It was funding, well the future teachers project that you understood was assisting in schools, with science?

A. Training teachers in physics and chemistry.

Q. Right, can I suggest it wasn’t, it was an innovative teacher trainee proposal, with government funding, yes?

A. Yes.

Q. At the time when the Education Secretary, Mr Gove, changing the parameters of how teaching would be delivered?

A. Quite.

Q. Is that right?

A. It is correct, but you didn’t say in which subjects.

Q. Well, because Mr Gove was effectively saying that universities wouldn’t control the training of teachers, is that right, is that your understanding?

A. Mr Gove wouldn’t?

Q. Was changing the parameters of how teachers were, should be trained?

A. He was.

Q. Is that right?

A. Yes.

Q. Now, that was sending shockwaves through your department?

A. Yes, that’s correct.

Q. Because that would undermine a lot of the work that you were doing?

A. It would have been disastrous.

Q. And so the way in which I am putting it to you now, we are in agreement, or did you agree that this future teachers’ programme was designed to try to get round that from the faculty’s point of view?

A. It was a bid to the government, yes.

Q. And it was successful?

A. Yes, it was successful.

Q. And you received, if I put it at three quarters of a million pounds as a result of that? Can you recall those figures or not?

A. No, I can’t recall those figures.

Q. Does that help you with an assessment of what the future teachers programme then was?

A. I think you’ve suggested in court that I got it wrong, and I don’t think anything ...

Q. No, I was saying unless I’ve got it wrong. I think you were saying ....

A. Well you said that what I said wasn’t really correct. Certainly the bid, when it materialised, when we ran it out, was for the training of physics and chemistry teachers, with the great support and active involvement of schools, which is what was really innovative about it, and very good.

Q. Well can I suggest this was a project that was being run by Robert Smedley, he secured the funding?

A. By himself?

Q. No, obviously with the support of others?

A. Exactly. There were a lot of dedicated people who worked with Robert, so you have been misinformed there.

Q. Including Mr Joynson?

A. Mr Joynson, what year was this please? What year was the tender bid?

Q. I can’t give you that date?

A. It is really important.

Q. I can’t give you that date I am afraid?

A. No, well I can’t comment any further then.

Q. We can come back to it. You were asked about Mr Rutter, just briefly, is it right he had a full-time role?

A. Yes.

Q. Solely to recruit?

A. No. I have asked to see the job description. It wasn’t just to recruit.

Q. What was the extent, well can you help, in terms of recruiting classroom teachers ...

A. For? For what purpose?

Q. Let’s look at it in reverse. What was Mr Rutter’s role?

A. His main role was to recruit school teachers to our MA education programme.

Q. So to register them onto course that the university ...

A. Yes, but then also to deliver learning, and teaching learning.

Q. So to register teachers onto your courses?

A. Mr Rutter certainly delivered modules as well as recruiting.

Q. I suggest he was full-time to recruit, you think he was doing other things as well?

A. Absolutely, he was a senior lecturer in education. He didn’t just recruit. That was his main function, I don’t disagree with you, but not his only function.

Q. And would that generate, for the university, in terms of recruitment, substantial amounts of money?

A. Very substantial.

Q. Very substantial?

A. Very substantial.

Q. Several million pounds worth of substantial?

A. Yes. He didn’t do all that by himself I have to add, but he was a key driver.

Q. So, in terms of recruitment, it was very beneficial to the university?

A. Absolutely. To the extent I wrote emails to the Vice Chancellor praising Mr Rutter for his work.

Q. But beyond Mr Rutter, and just dealing with that as a principle in general, several million pounds worth generated. Do you, from your knowledge and with your experience, able to help us in terms of the value of a registration to the university. So, for example, you register a teacher to a course?

A. I haven’t got the figures in my head.

Q. I wouldn’t expect you to, roughly though, for the benefit of the jury?

A. If I said a figure it is probably wrong, but the global sum ran in the several million pounds, and over several years, many millions of pounds.

MR SWIFT: Your Honour, I am mindful of the time.

JUDGE CUMMINGS: Is that a convenient moment?

MR SWIFT: I think it is your Honour, I would be grateful.

JUDGE CUMMINGS: Thank you very much. 10.30 please, thank you ladies and gentlemen.

(In the absence of the Jury)

JUDGE CUMMINGS: Just to assist the witness, I think the expectation is that his evidence will finish in the morning?

MR SWIFT: Your Honour, yes.

JUDGE CUMMINGS: And mid-morning perhaps?

MR SWIFT: Certainly I won’t be that long, I don’t know how long my learned friend is going to be.

JUDGE CUMMINGS: Well I won’t hold people to precise estimates, but your evidence, we expect, will finish tomorrow morning, I am very grateful Mr Townley.

THE WITNESS: Thank you.

JUDGE CUMMINGS: Thank you. 10.30 if you would. Any matters arising?

MR DYER: No, we are going to have to reconsider the timetable, obviously.

JUDGE CUMMINGS: As you all know, in longer cases, very often the timetable ebbs and flows.

MR DYER: I am just hoping it’s both.

JUDGE CUMMINGS: But if you would, in general terms, perhaps at the end of next week, let me know if we are either ahead or behind schedule. All right, thank you, please, 10.30. Thank you, don’t wait for me.

(Discussion re sitting hours on 20th and 27th September 2017)

(Adjourned to the following day)

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