**IN THE CROWN COURT**

**AT LIVERPOOL**

Order No: **T20167064**

CAO No (if applicable):

The Queen Elizabeth II Law Courts

Derby Square  
Liverpool, L2 1XA

Date(s) of hearing: **Thursday 14th September, 2017**

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**Before:**

HIS HONOUR JUDGE CUMMINGS, Q.C.

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

**MR. JACOB J. DYER & MISS LUCY WRIGHT** appeared on behalf of the prosecution

**MISS FRIDA HUSSAIN** appeared on behalf of the first defendant

**MR. SWIFT** appeared on behalf of the second defendant

**PROCEEDINGS**

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**Thursday 14th September, 2017**

JUDGE CUMMINGS: Thank you. Please. Mr. Dyer?

MR. DYER: Your Honour, we’re about to deal with the evidence of Fiona Hallett.

JUDGE CUMMINGS: Yes.

MR. DYER: As I indicated yesterday, she has a friend and colleague with her---

JUDGE CUMMINGS: Yes.

MR. DYER: ---and she has a form of epilepsy, as I explained yesterday, which is unlikely to

cause any difficulty.

JUDGE CUMMINGS: Yes. But could do.

MR. DYER: But she does have “absences” occasionally, as she calls them, and I wouldn't

want people to be taken by surprise by that---

JUDGE CUMMINGS: No.

MR. DYER: ---and I’ve spoken to her this morning about that, she’s confirmed it and I

indicated, as your Honour indicated, that we would probably tell the jury just so they

know. She doesn’t think there will be a problem. But it can arise when she is in an

unfamiliar situation or under stress.

JUDGE CUMMINGS: I understand. When are you going to deal with that?

MR. DYER: I was going to do it now before she comes in---

JUDGE CUMMINGS: Fine.

MR. DYER: ---but my learned friend objects---

JUDGE CUMMINGS: Oh. Right. Okay.

MR. DYER: ---Miss Hussain.

JUDGE CUMMINGS: Okay. Miss Hussain, yes.

MISS HUSSAIN: It’s ultimately a matter for your Honour as to how this is dealt with. But

my preference would be that, we all obviously we’re aware of it, and if the situation arises

then the jury can be informed. I don't know really realistically how likely it is. For good

reason it’s been mentioned to the prosecution but… And it also depends on the precise

wording. I mean I in conversation it was conveyed to me that she can I don't know

whether the expression was “be absent-minded” or “black-out” – not in a literal way –

“for up to ten seconds.” I don't want something to be conveyed to the jury that might then

provide the jury with a reason to either feel that the process of cross-examination wasn’t

fair, or that she was at a disadvantage in any way. So it’s a balance really that I’m asking

for and obviously I trust your Honour to deal with it appropriately.

JUDGE CUMMINGS: Thank you.

MR. SWIFT: I’ve nothing to add, thank you.

JUDGE CUMMINGS: Well, Mr. Dyer, your proposal would have been your preferred

approach. It is objected to. Another way of dealing with it in principle - and the witness

might need to be forewarned – is to deal with it in evidence with the witness at the outset.

So, elicit evidence from her as to the position and then it is on the record, and the jury, as

it were, have it in the witness’s own terms from her, so without wishing to embarrass her,

so that everyone understands, in case something happens.

MR. DYER: Certainly. I’ll do that if necessary. Well---

JUDGE CUMMINGS: Well, your proposal is objected to---

MR. DYER: It is.

JUDGE CUMMINGS: ---and it seems to me other than doing nothing, which I do not say,

that precisely because something may happen---

MR. DYER: Yes.

JUDGE CUMMINGS: ---and it is then unduly alarming rather than the jury being

forewarned, the other way is as I indicated.

MR. DYER: So be it.

MISS HUSSAIN: Well that has its difficulties. I don't know what the witness is going to

say. Out of the two options I think I prefer the first, which would at least allow us to

agree a form of wording. If the court’s view---

JUDGE CUMMINGS: Well I rather hoped that might have happened overnight rather than

dealing with it now at approaching twenty-to eleven. I mean, if there had been an issue,

or since there is an issue, this could have been dealt with prior to 10:30. I am very

surprised by all of this actually. But there we are.

MISS HUSSAIN: Well your Honour should know that I am certainly here at eight o’clock

every morning.

JUDGE CUMMINGS: Well I am delighted. But my point is I would have liked this raised

with me before 10:30---

MISS HUSSAIN: I, erm…

JUDGE CUMMINGS: ---so we do not delay the jury.

MISS HUSSAIN: …there’s no excuse for that and I am very sorry for that.

JUDGE CUMMINGS: Okay.

MISS HUSSAIN: Can I assist to this extent: I don't want to unnecessarily place obstacles in

the way.

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: I have no difficulty, and we haven’t this before, for the jury simply either

through your Honour or my learned friend for the Crown to say, “She suffers with

epilepsy”. There’s no difficulty with that. And then a form of wording which simply

conveys that if there’s a difficulty, then we’ll all understand why.

JUDGE CUMMINGS: What is your understanding, Mr. Dyer, of what the “absence”

amounts to?

MR. DYER: Simply not responding for a number of seconds, which would just cause people

to think: well, what’s happening?

JUDGE CUMMINGS: Exactly, yes.

MR. DYER: So they may as well be forewarned about that. There’s nothing complicated

about it---

JUDGE CUMMINGS: I know.

MR. DYER: ---and there’s nothing prejudicial about it, at all. I would invite your Honour

simply to overrule the objection and say, “Get on with it”.

JUDGE CUMMINGS: Miss Hussain?

MISS HUSSAIN: Well I’m, as I say, I didn’t intend for this to be unnecessarily to cause a

problem. I am content for it to be conveyed. My anxiety was if there is no problem at all

then we’ve unnecessarily alerted the jury to something. But as long as the jury - and my

proposal was can we just see how we go, and if it emerges that there is a problem then

mention it at that point?

JUDGE CUMMINGS: As I said, I think that is the least desirable way of proceeding.

MISS HUSSAIN: She may have no difficulty at all. There is nothing to suggest that in her

everyday life ordinarily - this is not her everyday life, I appreciate that, she is coming to court to give evidence---

MR. DYER: Can I just---

MISS HUSSAIN: ---and she’s mentioned it out of an abundance of caution and we are now

translating this effectively, if we’re not careful, into something else before the jury. I

don't favour the witness being asked to give an account in the absence of me knowing

what it is exactly she might say.

MR. DYER: Can I just say this, your Honour? Sorry to interrupt. It isn’t for the defence to

decide this it’s for your Honour. The way in which witnesses give evidence, the whole

there’s been a sea-change in the way in which witnesses give evidence, they’re supposed

to be at ease when they give evidence. This witness, it was raised yesterday in advance,

and the witness has been alerted to the fact by me in person that we’ll probably tell the

jury about her condition. It puts her at ease so she can give her best evidence. There is

absolutely no prejudice whatsoever to the defendant at all. It’s a matter of case

management, it’s a matter of putting the witness at ease, and there is no objection that can

be validly sustained as far as prejudice is concerned there simply isn’t any. A witness is

not going to be seen favourably because they have a medical condition which means they

may – *may* – be blank for a few seconds. It’s a nonsense and we’re wasting court time.

JUDGE CUMMINGS: I essentially agree. I think the defence are entitled to make

representations about this. Miss Hussain’s anxiety as I understand it, or if I understand it,

is that if in fact the witness were to delay responding for some reason other than the

medical position, that, as it were, an excuse might have been provided in advance for that

and there is a risk of unfairness. But really, I think that is minimal. If the defence do

believe that she is pausing for some reason other than as indicated, they can take that up

with her in cross-examination. We have spent too much time on this already and I

essentially overrule the objection and I am happy for you, Mr. Dyer, to do as you initially

proposed.

MR. DYER: Thank you, your Honour.

JUDGE CUMMINGS: The jury, please.

MR. DYER: Would your Honour excuse me just one moment?

JUDGE CUMMINGS: Yes, certainly.

**The jury assembled in the jury box**

JUDGE CUMMINGS: Thank you very much. Mr. Dyer?

MR. DYER: May it please your Honour. The next witness is Fiona Hallett. But before I call

Fiona Hallett could I just alert your Honour and the jury to the fact that she suffers a form

of epilepsy and it’s possible, though unlikely, that there may be absences, that is, she may

not respond for a number of seconds when asked a question. It’s unlikely to happen, but

it can happen and we just wanted nobody to be taken by surprise if it does.

JUDGE CUMMINGS: Thank you.

MR. DYER: So I call Fiona Hallett to give evidence, at page 234 for your Honour and also

316.

**The witness FIONA JANE HALLETT to the witness box and affirmed**

JUDGE CUMMINGS: Thank you very much. Are you happy standing or would you

prefer to sit?

THE WITNESS: I’m happy standing.

JUDGE CUMMINGS: Thank you. Mr. Dyer.

MR. DYER: Thank you.

**Examination-in-chief commenced by Mr. Dyer**

Q. Could you give your full name to the court, please?

A. Fiona Jane Hallett.

Q. Thank you. And I think you’re a reader in education. Is that right?

A. I am.

Q. Is that an academic post that you hold?

A. Yes.

Q. Whereabouts do you work?

A. Edge Hill University.

Q. How long have you worked there?

A. Since 2004.

Q. Have you always been a reader in education then?

A. No. I got the readership in 2010.

Q. Right. I want to ask you specifically about a project that you set up at Edge Hill called the

Senco Project.

1. Yes.
2. We’ve heard a little bit about it: special educational needs co-ordinators.
3. Yes.
4. Could you just tell us very briefly, not in great detail but briefly, what your project

involved?

1. Erm, basically, every school has a special educational needs co-ordinator and in 2009,

erm, the government bid put out a bid for providers because SENCOs had to get a

compulsory award. They’re the only person in the school that have a post graduate

award. So, the course the National Award for SEN Co-ordinators, erm, basically

universities or providers could bid for that and SENCOs come and do it with you.

Q. Right. And so, setting up the project what did that involve as far as *you* were concerned?

A. So, I wrote the bid and, erm, five providers got the bid in the first year, and then the idea

was---

Q. Edge Hill being one of them.

A. Edge Hill being one of them. ---and the idea was then that you set up a course---

Q. Right.

A. ---that is suitable for Senco’s.

Q. Right. So who sets up the course?

A. Me.

Q. Right. Okay. So you did that. What then happens?

A. Erm, you write the modules, you, you, erm, recruit students, you recruit staff who are

suitably qualified to work on the award and then you deliver it. They have to complete

within a year.

Q. Right. So was it in 2009 that the bid was successful---

A. Yes.

Q. ---to run the SENCO course---

A. Yes.

Q. ---or to have funding for the SENCO course I should say. Is that right?

A. Yes.

Q. At that time, was Robert Smedley the Dean of the Faculty of Education at Edge Hill?

A. Yes.

Q. Who was your line manager at that time?

A. At that time, erm, prior to winning the award there was somebody called Sue Ainsley,

who was head of professional developments.

Q. Right.

A. Erm, Peter Townley became my line manager. He came down with me when we put the

bid in and he became my line manager.

Q. All right. When was it that you actually started work on the SENCO Project then?

A. September 2009.

Q. Right. And so, from that point was Peter Townley your line manager?

A. Yes.

Q. I see. Who was his manager?

A. Robert Smedley.

Q. I want to ask you about Christopher Joynson. What can you tell us about his involvement

in 2009?

A. Well, erm, there’s a little bit of background to this because it was important - if I may?

Q. Yeah.

A. It was important that the award starts small, we were one of the first providers to get it, we

wanted to get it right, it was a brand new award so it was important that we started small.

Q. Okay.

A. Now unfortunately, erm, we were pushed to develop a much bigger award and I

approached my line---

Q. Pushed by whom?

A. Erm, I understood by Robert, through my line manager, Peter.

Q. Robert Smedley?

A. Yes.

Q. Right.

A. And I told my line manager that that’s not possible, “It’s not possible to do it well, we

don’t have time to go out and meet other authorities. We should start with the authorities

that we work with.”

Q. Right. I see.

A. And at that point---

Q. Well just pause there for a moment.

A. Yes.

Q. This is local authorities, is it?

A. Local authorities, sorry, yes.

Q. So, you already had local authorities you worked with---

A. Yes.

Q. ---but was it intended, then, that you broaden it and go further afield?

A. There was a possibility for that. We already worked with a number of local authorities,

the bid that we designed was that we co-taught it with people from the local authorities,

that SENCOs would go and shadow another SENCO in their school, see how SEN is co-

ordinated in their school. So we had to do this with local authorities, we wanted to work

with the local or I wanted us to work with the local authorities I’d been working with for a

number of years.

Q. Right.

A. That was Lancashire in the first instance.

Q. All right. But you were being asked to broaden it and---

A. Yes.

Q. ---greater numbers presumably?

A. Yes.

Q. I see. So, that’s the background. So how did Mr. Joynson become involved do you

recall?

1. Well, as I recall he was given to me because I’d constantly made the point that I couldn't get out to other authorities. I was busy designing the award, busy teaching the award. It was myself, another full-time member of staff and associate tutors, as and when they required an administrator.
2. Well, let’s just pause there a moment.
3. Yeah.
4. No task to be taken with your evidence, so we don’t want to go too quickly.
5. No.
6. So there’s yourself---
7. Yes.
8. ---sorry, another a---
9. Full-time member of staff.
10. ---full-time employed---
11. Yes.
12. ---member of staff---
13. Academic.
14. ---academic, and you said I think two associate tutors?
15. Yes, two associate tutors.
16. Used from time to time or?
17. Yes, when needed.
18. All right. And how were they recruited?
19. They were associate tutors, erm, who I think they may have already worked on Masters programmes, but certainly, erm, they were people that had to be recruited because of their expertise. But as I recall, they were already known to the---
20. All right.
21. ---Masters programme---
22. When---
23. ---but I’m not sure about that.
24. When you say “their expertise”---
25. Uh-huh.
26. ---their expertise in what?
27. Special educational needs and inclusion.
28. I see. So, they were recruited because they had that expert knowledge.
29. Yes.
30. I see. As far as Mr. Joynson is concerned, did you have any involvement in recruiting him?
31. No.
32. Did you know of his qualifications?
33. As I understood it, he was a maths specialist, which is why I raised another issue with my line manager, saying, “Look, we can’t have a maths specialist going out to talk about special educational needs, not in---
34. Why not?
35. Because you’re working with professionals who know their job, and they’re the custodians of some of our most vulnerable children in schools. So you have to know what you’re talking about if you’re going to go out and say, “Edge Hill are running this award, I invite you to come and work with us”.
36. Right. You mean---

JUDGE CUMMINGS: Just a minute, please. Just a minute, please.

MR. DYER: Sorry, your Honour.

JUDGE CUMMINGS: This is a very inelegant summary of what you just said, but

essentially whoever goes out to talk about special educational needs is talking to people

who know their stuff.

THE WITNESS: Yes.

JUDGE CUMMINGS: So, is it, am I right, it is not so much that Mr. Joynson was a maths

specialist it is that he was not---

THE WITNESS: Yes.

JUDGE CUMMINGS: ---an SEN specialist. Is that the---

1. And I can’t confirm that he was a maths specialist.

Q. No.

1. That was my understanding.
2. Yes.
3. But he wasn’t an SEN specialist.
4. No.

**Examination-in-chief recommenced by Mr. Dyer**

Q. Did you want staff who weren’t SEN specialists?

A. Absolutely not.

Q. So why did you take on Mr. Joynson?

A. I had no choice.

Q. And what did he actually do?

A. Well (big sigh) he went out to make initial meetings with people to say that Edge Hill had

won the award.

Q. Right. When you say “people”?

A. Sorry, local authorities.

Q. Right. So he’d visit local authorities---

A. Yes.

Q. ---and inform them that Edge Hill had won the award---

A. Yes.

Q. ---so could provide the training.

A. Yes.

Q. And then what? There must be more to it than that.

A. Erm, things that we just couldn't physically get out to do, not even the administrators: so,

pick up forms, erm, gather information.

Q. Right. And the reason for giving him those jobs?

A. Well originally, we were hoping that if we were forced to do to go wider than we really

wanted to and I didn’t have time to go out, somebody with specialism could go out and

explain what the course was about because it was a new course. We’d designed it. Each

provider designed a different version---

Q. Uh-huh.

A. ---to explain why their SENCOs would benefit from the course.

Q. Yeah.

A. When it was apparent that Mr. Joynson didn’t have the knowledge to do that, and that I

couldn't have…it’s a, it’s…I couldn't get rid of him I suppose is, is the best way to say it,

then I thought---

Q. Did you try?

A. Yeah. I went to my line manager a number of times and said, “Look” - I actually felt he

was a liability, I had a couple of complaints. And I was told, “You’ve no choice. It’s

Robert’s decision.”

Q. Okay.

A. So at that point…Sorry, am I going on?

Q. No, that’s fine. No, that’s fine.

A. At that point we thought, well, we’ve been told we have to expand, I’ve been told I’ve got

to have Chris, all I can do is break down into tiny, tiny, tiny targets, the equivalent I

would maybe for an administrator, with lists of who he had to speak to and get permission

if he wanted to go beyond the jobs that the only jobs I could give him.

JUDGE CUMMINGS: Just a minute, please.

MR. DYER: Right. We’ll just pause there.

JUDGE CUMMINGS: So, small, clearly demarcated tasks---

1. Yes.

Q. ---with instructions to seek further authority if---

A. Yes. In several of them---

Q. Yes.

A. ---where there could be misunderstanding. And weekly meetings.

Q. Thank you.

**Examination-in-chief recommenced by Mr. Dyer**

Q. Were there induction meetings?

A. There were for new SENCOs. So there was a series of, erm, SENCO standards that had

been designed, and so they had to do a training needs analysis. Basically, look at what

they already knew and, on a computer, say, “I can do this. I can do this. I need this. I’m

not sure about this”, so we could tailor the training.

Q. Is that a face-to-face---

A. Yes.

Q. ---meeting?

A. They were in the room at computers.

Q. Right. Just so I understand that, at the university or somewhere else?

A. No, no, no. So we’re for the Lancashire group which is why we wanted to start at

Lancashire, they could come into the university and do it with us. If we had to go

elsewhere the local authority had to find a room and somebody would have to travel to do

the induction.

Q. Right. But you mentioned computers, that threw me a little.

A. Yeah. It was an online induction.

Q. Uh-huh.

A. So, instead of them ticking something they could, they could go online, so later on they

could track their own progress.

Q. Right.

A. So that would be printed out and given to us, but they were able to track their own

progress through this, erm, these analyses.

Q. So, did Edge Hill people have to go out and do inductions or was it just something that

could be done online?

1. No, we went out to explain. It was brand new. Somebody from Edge Hill.
2. You had to explain induction.
3. Yeah. To explain why you’re having to sit in front of this computer---
4. I see.
5. ---and fill-in this.
6. So who did the induction meetings then?
7. Where possible somebody who, so it would be myself, or Joanne---
8. Uh-huh.
9. ---or one of the associate tutors and---

JUDGE CUMMINGS: Is Joanne the other full-time member---

1. She is.
2. ---of staff? Yes.
3. She is.
4. Thank you.
5. Erm…
6. So one of the original team of four---
7. Yes.

Q. ---would do that---

A. Yes---

Q. ---ideally.

A. ---with a member of the local authority staff.

**Examination-in-chief recommenced by Mr. Dyer**

Q. Right. Would Mr. Joynson do that?

A. Erm, we had hopes that had he had the expertise he would have been able to, he

certainly turned up at some of them. Erm, to my knowledge he never and I would never

have wanted him to do those on his own.

Q. All right. And did Mr. Joynson do any teaching as far as SENCO is concerned?

A. Absolutely not.

Q. Do you remember how long he was involved in the SENCO work?

A. Well, erm, certainly as far as I’m concerned, I got my readership to start the following

September. Erm, I know he was involved longer than that because I work at the same

University. But with me it was just under a year. I didn’t see the first group of students

graduate because I moved roles.

Q. Yes.

A. So I wasn’t at their graduation.

Q. I see.

A. But I know he was on there longer because we work in the same building.

Q. Right. I see. So you moved on to what to..?

A. To readership. So I moved into the Research Team.

Q. I see.

A. Erm, so---

Q. At Edge Hill?

A. At Edge Hill, yeah---

Q. All right.

A. ---and actually moved from one campus to the other; I moved back to the main Ormskirk

campus.

Q. Right. I’m just going to ask you to have a look at some documents---

A. Yeah.

Q. ---in the jury bundle that you have there. If you look behind divider 6---

A. Yes.

Q. ---and page 4, the top corner, top right-hand corner, of page 4.

A. Yes.

Q. This is an invoice, headed: “C. J. Consultants.”

A. Yes.

Q. Had you ever heard, before you were asked to make a statement in this case, of C. J.

Consultants?

A. No.

Q. We see the name “Mr. C. Joynson” underneath, and then below that we can see it relates

to work in October 2009---

A. Yes.

Q. ---and, in particular, SENCO PDO work and the number of hours, I think it’s thirty-seven

-and-a-half hours at Grade 7. And it’s an invoice for consultancy work on SENCO.

A. Yes.

Q. Were you ever aware that Mr. Joynson was being paid as a consultant?

A. No.

Q. Were you yourself when he first started aware of how he was being paid?

A. Erm, no. I, I think I assumed he was being paid as a member of staff.

Q. Right. If we just look at a couple of other of these invoices, if you could look at page 6

there’s another. Again, it’s October and November the work. It’s another---

A. Yes.

Q. ---SENCO---

A. Yes.

Q. ---claim. Does that ring any bells?

A. No.

Q. If we look at page 11, moving I think into December now. Here, there’s reference to

travel, lots of travel to various places.

A. Yes.

Q. Might that be related to SENCO work or would you just simply not be able to tell us?

A. I can tell you about one because that was the one that resulted in a complaint.

Q. Which one was that?

A. “Halton,” the penultimate one.

Q. Sorry---

A. 2nd of the 12th.

Q. ---St. Helen’s to Halton where it says “Halton.” Yes, Halton to…

A. Yeah.

Q. Yeah, that one. So, December, 2nd of December---

A. Yes.

Q. ---travel. Yeah. So it’s right that he would have gone to that. Well, where was he going;

what was it in Halton?

A. It was a local authority.

Q. Local authority work on the 2nd of December.

A. Yes.

Q. I don't imagine you recall the detail of all his visits, though?

A. Noho.

Q. No. Just so we have seen them, if you look at pages 15 to 19 there are a few more there

which take us into, in fact, just into February of the following year. If you just have a

look through those. Were you aware of any of those invoices at all?

A. No.

Q. Did anybody ever mention to you that he was invoicing in this way for this work?

A. No. Certainly not that I recall. I’m sure I would remember something like that.

Q. Right. Thank you. Now, it is right, isn’t it, that you at one point became his line

manager?

A. Yes.

Q. And at that time, he certainly was employed.

A. Yes.

Q. Do you remember how it was that he came to have his position as a partnership

development officer, casting your mind back now all those years?

A. I don't remember. I remember the fact that I was then doing probation reports for him, so

it became an official line manager role---

Q. Right.

A. ---because that’s when we had to break down these targets.

JUDGE CUMMINGS: Just a moment, please. Thank you.

MR. DYER: Well, it’s agreed, we know that he actually started his employed role in

February, the 8th of February, 2010. Okay?

A. Yeah.

Q. So I just want to ask you about a couple more pages in this divider here. If you turn over

to page, sorry, page 22. Do you have that?

A. I do.

Q. This appears to be, some of it, relating to a time just after he started his employed role.

A. Yes.

Q. And it refers to “Saturday masterclasses provision on behalf of Edge Hill, with schools

and local authorities £425 per day.” And it’s five days and the dates are recorded there.

Do you see that?

A. I do.

Q. Did you have any knowledge of any masterclasses undertaken by Mr. Joynson?

A. No, not by Mr. Joynson. I knew masterclasses were going on.

Q. Okay. The masterclass you were aware of what kind of thing was that?

A. Erm, newly qualified teachers, erm, that’s all I really remember.

Q. Okay. And how frequent were they as far as you know?

A. As far as I know, they would be once a term---

Q. Okay.

A. ---or something.

Q. But you were directly involved in those?

A. No.

Q. Right. Okay. And if we just turn over the page there is another one in March. The

invoice is April. More masterclasses and “evening masterclass inductions.” Do you have

any idea what that might relate to?

A. No.

Q. And did Mr. Joynson ever mention any of this to you when you were line managing him?

A. No, not that I recall at all.

Q. And over the page to page 24 this is, well, the rates are January to March in fact. It’s

teaching, “Teaching hours agreed.” Is that something you’d agreed or, or nor not?

A. No.

Q. And, “Writing and finalising masterclass teaching materials, as agreed with R.

Smedley.” Were you aware of any of that?

A. No. And writing materials is part of your job as a member of staff.

Q. Right. “Sixty hours.”

A. And at the bottom the job code is “Ofsted” which didn’t come under our area.

Q. Oh, I see. Where it says, “Job: Ofsted”?

A. Yeah.

Q. So that’s nothing to do with SENCO then that?

A. No.

Q. I see. That’s on the stamp below, yeah?

A. Yes.

Q. Right.

MISS HUSSAIN: Where’s that?

MR. SWIFT: It’s on page 24.

MR. DYER: Well, it’s---

MISS HUSSAIN: Oh, yes.

MR. DYER: ---written on the stamp. **(To the witness)** Thank you. When you did line-

manage him did you prepare probation reports for him?

A. I did.

Q. Is that something that was routine in the faculty or was that something you’d chosen?

A. Absolutely.

Q. Right. If we just have a look then at those behind divider 11. It’s actually page 44 the

first one – ‘44’ in the top corner---

A. Okay.

Q. ---divider 11.

A. Yeah?

Q. So this one. We can see handwritten near the top it’s “19th May, 2010.”

A. Yeah.

Q. So it’s a few months in to his salaried role. Is this a probation report that you prepared

on him?

A. Yes. I mean this is what I was talking about earlier where twelve targets were needed and

specifically, some relating to, “Must follow discussion with myself or the other

member of staff.”

Q. Right. So we can see it actually says, “Commenced employment on the 25th of January.”

But the, “Probation performance objectives”---

A. Yes.

Q. ---are listed there. And who’s actually drafted those?

A. Me.

Q. Right. I’m not going to read through all of those. But number 6: “Update. FH0” – I

presume---

A. Yes.

Q. ---“weekly on partnership developments.”

A. Yes.

Q. So that’s one of the objectives he had---

A. Yes.

Q. ---to keep you updated on how the partnerships with---

A. To make sure I knew where he was going.

Q. Right. Okay. Did he ever tell you he was going out to do masterclasses?

A. No.

Q. Number 12: “Seek to develop new partnerships with local authorities” - LAs?

A. Yes.

Q. ---“supply agencies and other partners.”

A. Yes.

Q. Is that it says “other partners.” It says, “local authorities, supply agencies and other

partners.” What’s that referring to, is it..?

A. Well, erm, there were charities and people that would work with, so we had, erm, I don't

know if it’s a charity, Serco? Erm, so there are companies that provide, continue

professional development for staff---

Q. Right.

A. ---but they wouldn't have won the award.

Q. I see. Okay. And did Mr. Joynson ever tell you anything else about any other partnership

work he was doing?

A. No.

Q. You have completed the sections on “Knowledge.” Sorry, there’s a blank page at 45,

and “Skills,” the top of page 46, “Attitude,” and so on. And it’s a positive report, isn’t it?

A. Yes. I mean, once we were told we had to go and get these new local authorities and I

knew I, I, I had to have Chris, he was really invaluable in doing these little bits and pieces.

Q. Right, thank you. Just looking at “Probationer comments. I’ve really enjoyed the work

that I’ve been able to contribute regarding the National SENCO Award and other

partnership work I have been involved with.” Are you able to comment on that or not?

It’s not it’s obviously not your words but---

A. Erm---

Q. ---it’s what he has written it seems.

A. No. Erm, they are his comments. I fill-in my comments, he fills-in his comments then I

do put about the bottom, “He was an invaluable member of the team.”

Q. Uh-huh.

A. He, he was quite immature, so he would say, “Robert has big plans for me,” things like

that. So, if he was going to put something like that in his report I wouldn't make him take

it off.

Q. Okay. Thank you. So that’s May 2010. I’m sorry there are blank pages in here.

A. Yeah.

Q. If you turn to 48 this is I think this is from the same time but it’s part of that Form PTR1,

it’s to do with staff development. Is that right?

A. Yes.

Q. So it’s suggesting “blackboard training.”

A. Yes.

Q. What’s blackboard?

A. It’s the virtual learning environment that all of our students engage with. So they would

put comments up there. Erm, their training needs analysis information would go up

there.

Q. Right.

A. And any member of the staff would at least need to know what it looked like.

Q. Right. Okay. Over the page to 49 there’s a second probation report that you did.

A. Yeah.

Q. And this one is July 2010, 5th July, 2010.

A. Yeah.

Q. And page 50 I think the objectives are pretty much the same, aren’t they?

A. Yes, I think so. I’d have to check back, but they look. It was only a few months later.

Q. Yeah. Well, I’m sure if anybody wants to go into the detail of it they can, but they do

appear to be very similar, certainly, if you just cast your eye over it. So certainly 6 and 12

are the same the “Updates” and “Developing new partnerships.”

A. Sorry, are you asking me to check them?

Q. Yes. Well---

A. Sorry.

Q. ---yes. I think you can take it from me---

A. Yeah.

Q. ---because we’ve read page 44 and page 50 seems to be pretty much the same.

A. I think so.

Q. Yes. If we just look at page 50 then.

A. Yes.

Q. “Knowledge, skills, attitude,” and so on. Again, a positive report. Is that right?

A. Yes.

Q. Was there anything different at this time as far as his work was concerned or not?

A. Erm, no, no. We were being a little bit more proactive in working towards achieving

very specific targets that would be necessary if he was to continue in this role and conduct

meetings, attend sessions in agreement with myself to collect data.

Q. Uh-huh.

A. Erm, yeah.

Q. And when you were having these probation meetings, let’s take this one---

A. Yeah.

Q. ---presumably there was a meeting for the probation report, was there?

A. Yes.

Q. Was there ever any discussion about consultancy work?

A. No.

Q. Were you ever aware of consultancy work?

A. No.

Q. And did he ever tell you about experience of consultancy work that he was doing at that

time?

A. Not at that time. He used to say, I mean, again, he was immature and he’d brag and

we started to take things with a pinch of salt, but I think he said he was he used to be a

consultant and I think he might have said he was a maths consultant before. But I don't

know.

Q. All right.

A. I can't remember.

Q. Thank you. Do you have any recollection or knowledge of any application form that he

completed to become a member of staff or not?

A. I can't remember. I have no recollection.

Q. All right. Thank you. Could you wait there, please? There will be some more questions

from my learned friend.

A. Of course.

**Cross-examination commenced by Miss Hussain**

Q. And this work that you were directly involved in providing the SENCO training, I know

you’ve expressed that you wanted it to grow at a pace that you could keep up with---

A. Yes.

Q. ---but from Edge Hill’s point of view it was an exciting area of work, wasn’t it?

A. Yes.

Q. And how it worked was that Edge Hill would in winning the contract Edge Hill would be

paid according to the number of students it recruited.

A. Yes.

Q. There was no limit as such I think you’d said – was there a limit to the number of students

that could be recruited to the course in any one year?

A. No.

Q. So really as in income stream, the more students, the more revenue generated---

A. Yes.

Q. ---for the university. So from the university side of things that’s why they wanted more

students.

A. Yes.

Q. Now you’ve said that Mr. Joynson the first you became aware of him was when he was

given to you effectively as a new employee.

1. Yes. I was he kind of appeared and I was told that he would be doing the things that I

said were impossible to do.

Q. When you say, “the things that were impossible to do,” do you mean from a delivery point

of view in terms of you devising the course and the materials that needed to go with it?

1. I mean from a coherent expansion point of view.
2. What does that mean?
3. It means expanding something with quality---
4. Right.
5. ---not just for student numbers.
6. Got you. So you were quite concerned, you wanted it to be of good quality---
7. Yes.
8. ---and in order for it to be of good quality it needed to grow at a pace that you could ensure the quality was being met.
9. Yes.
10. Okay. But that your first, you say, knowledge of him was when he was an employee.
11. That was my understanding.
12. And you made a statement to the police dated, the first of which was 6th February, 2017.

Do you remember making that statement?

1. Yes.

Q. And you made it plain you’d never heard of him, by all means (Miss Wright, do we have

a copy of the statement? **(To the witness)** I’m not suggesting you necessarily need it now

but you can look at that. You’d made it plain then that you’d never met or heard of him

until or rather before Mr. Joynson started as an employee at Edge Hill.

1. That’s certainly my recollection.

Q. And for the lawyers’ reference, that’s page 234.

JUDGE CUMMINGS: Thank you.

MISS HUSSAIN: And you’ve expressed that you were rather surprised at that, you

certainly expressed in your witness statement that you thought that was bizarre because

you were not expecting a new member of staff. Is that right?

1. I thought it was bizarre that I was given somebody who was unskilled for the job, and I was I think hoping, yeah, I wasn’t expecting to be given someone. I’d selected everybody, even the administrator, based on their expertise---
2. Uh-huh.
3. ---so it was completely bizarre to be given somebody…

Q. Do you say there was a need for a member of staff---

1. If---
2. ---to be taken on at that time?
3. I didn’t feel so. I feel that there was a perceived need because of the perceived push for

expansion, and if that expansion was going to be forced upon me then there might have

been the need for somebody who could go out and do that.

Q. Okay. But, so there was a conflict in terms of what *you* thought was needed and what if I just call ‘Edge Hill’ as the institution thought was needed. Would that be fair?

A. Yes.

Q. You see, I suggest you did I suggest you did have involvement with Mr. Joynson before he was employed by the university.

A. I certainly don’t recollect that at all.

Q. And you had quite extensive involvement with him because he was out recruiting for the SENCO Project as a consultant.

A. That certainly isn’t my recollection at all. We couldn't recruit until we won the bid, I was hoping that we wouldn't start teaching till January…

Q. Well he was certainly out doing work on behalf of the department.

A. I can hear that, I hear what you’re saying.

Q. And you disagree with that?

A. I don't recall it.

Q. Okay. And you knew that he was going to apply for the job.

A. I don't recall that knowledge at all. I doubt that anybody would have told me that because

I think I would have resisted it.

Q. Well, you didn’t resist it you actively encouraged him.

A. I (huh) do not recall that at all.

Q. Well, would you like to look at this bundle of documents, please? (A defence bundle was passed to the witness) I’m going to deal with each in turn, so just pause for a moment before I take you to the relevant part.

JUDGE CUMMINGS: Thank you very much.

MISS HUSSAIN: Could I ask you please to go to page 2? In fact, let’s just deal with page 1 just because it might be appropriate there. You were asked by the investigating officer just to complete a questionnaire. One of the questions, this is on 2nd March - sorry, it’s very bad quality. 2nd March, 2015. And you were asked whether you had any knowledge of a company trading under the name C. J. Consultants, to which you replied, “No.” That’s right, isn’t it?

1. It is.

Q. So, moving on from that point, you see what I’m going to suggest is you did know that

Mr. Joynson was working as a consultant, and he was invoicing in a self-employed

capacity.

1. I certainly wouldn't I certainly don’t recollect that---
2. All right.
3. ---at all.
4. May I ask you please to just to turn to page 2 of the bundle? Now this is if you look at the bottom of the page. In fact, page 3 first because it works backwards but start at the email heading at the bottom of page 2, and then over the page 3. First of all, I need to ask you some questions before we look at this in detail. [HallettF@edgehill.acuk,](mailto:HallettF@edgehill.acuk,) that’s your – was - your email address. Is that right?
5. It is.
6. So, where it says, “Hi, Chris,” and you’re copied into this email, I suggest, which is from Mr. Townley to CDT­­\_UK which is Mr. Joynson’s email. Could I just invite you read that and it continues onto page 3?

A. Yes?

1. And the date of that email is October 14th, 2009.
2. Yes?
3. Now I suggest you had a communication with Mr. Joynson - it seems Mr. Townley asked you to have that initial communication - about him undertaking work under your direction.
4. I don't recollect that.
5. You don’t recollect that at all?
6. I don’t.
7. Don’t you recollect liaising with him, directing him before he was employed?
8. I don't recollect…I recollect him being, as I said in my, erm, statement, I recollect him being with us, given to us, and I said either before or after Christmas.
9. Yeah.
10. Erm, I don't recollect him being a consultant or…
11. Right. You see, you’ve made it plain in your evidence and in your police statement you absolutely had no knowledge, no dealings with him at all, before he became an employee. And I’m suggesting that’s wrong. But let’s just continue. So, looking at *that* communication it doesn’t assist you?
12. No.
13. All right. I’ll come on to…Just one moment.

JUDGE CUMMINGS: You refer to him being “given” to you---

A. Yes.

Q. ---and you said something about Christmas. When was that in relation to Christmas as

you recollect?

1. As I recollect, I wasn’t sure whether it was the autumn term or the spring term; and so I

didn’t want to be definite about that in my statement.

Q. No.

MISS HUSSAIN: So it could have been…oh, I see. But as an employee?

1. As I understood it.
2. All right. Let’s just carry on. Now, if you please would turn to page 4. This is a communication, I suggest, from you to Mr. Joynson, it’s dated 15th October and I suggest you’ve written to him by email there, “Dear Chris, when would be a good time to call you so that I can discuss the opportunity that Peter has put to you with regard to the SENCO Award? Regards, Fiona.” Does that communication assist you? Does it ring any bells?
3. It doesn’t ring any bell.
4. No? And turn to page 5, please? This is not a communication that involves you, but I suggest you knew that Dave Lowe – now Dave Lowe worked in Finance, didn’t he?
5. He did.
6. Now, he had set up Mr. Joynson on the system to be able to invoice being self-employed. Do you recall that?
7. No.
8. All right. I’m not going to ask anything more about that because it’s not a communication that involved you. But page 6 is a communication that I suggest you sent to Mr. Joynson on 23rd October, 2009. Can I ask you please just to look at the bottom of page 6 first? It’s - this is not particularly relevant but it’s - Mr. Joynson saying referring to something about, “Talking to Warrington.” I think that might have been a local authority there. Because you did do work with Warrington – not Warr…Yes, Warrington, and also further afield like Warwickshire and Coventry as well.
9. I think Warwickshire was after my time, erm, possibly Coventry too. But I don't recall.

Q. All right. In any event, the point on this page is at the top where you write to him to say,

“Brilliant.” That’s a reference to the talks with Warrington. “By the way, I met with

David Lowe today and he asked me to tell you to invoice him monthly for this work.

Thanks, Fiona.” Does that ring any bells?

1. It doesn’t.
2. No? You see, I suggest you knew exactly his status at that time. He was working with you, he had significant involvement with you and he was invoicing and you knew the system that he was operating in terms of the way in which he charged for the work he did.
3. That certainly wasn’t what I recollected. And it certainly isn’t what I recollect now.
4. Even looking at these documents?
5. I can see these documents and clearly I sent them. But when I was asked about them I didn’t recollect this that, and if you ask me now without showing me these I wouldn't have recollected them.
6. All right. Page 7 is an email on 30th October, 2009. Now this is Mr. Joynson writing to you, so the one that’s in the middle of the page, “To let you know how” – this is how it reads – “I am intending to claim the 150 hours before Christmas. David Lowe has told me that I need to make a claim by the end of the month to be paid in the following month.” And then, I won’t go through the detail but it’s about how the 150 hours are going to be split. But your reply to him is, “Hi, Chris. This looks fine. Thanks for letting me know.” So, you see, I suggest he was keeping you briefed, as he ought to have been doing, for the way in which the hours were being claimed. Does that help you?
7. Erm, no it doesn’t help me.
8. Now, if you’d please turn to page it’s 9 and 10 but I’d like you to start please at page 10. So just glance at 9 but in order to get the thread we have to start at page 10. This is communication between yourself and Mr. Joynson, starting on page 10. I’m not interested in the reference to “Sephton” another place at the bottom. But in the middle of page 10 can you see that, there? It says, “You certainly haven’t wasted any time.” That’s in reference to an earlier communication about Sephton. But you say, “I really hope you go for the job. Have you seen the advert?”
9. Yes.

Q. Do you remember that?

A. I do. Well, I don't remember this particularly this email, but I remember…No, I was

gonna say I could imagine having sent it but that’s just supposition, so I won’t say that.

Q. It’s still not ringing any bells?

A. No.

Q. Well the job was advertised, we’ll see in a moment it wasn’t quite advertised at that

stage. But you see this is the basis, as well, of my suggestion: you were involved in

encouraging him to apply for the job. Let’s just go on so you can see the next thread.

Turn over to page 9, dated 23rd October. He replies, saying…No, forgive me. My fault.

I’m sorry, go back to page 10. That’s the next bit. At the top of page 10, “Hi, Fiona. I’m

really enjoying working with you and your team, and when the job is advertised I will be

putting in an application. Watch this space.” And then go to page 9 where you respond

to that on Friday 23rd October, ‘09. “Hi, Chris. Sorry, I thought it had already been

advertised. I think it will be on the 2nd of November.” That’s what it says. And then the

next thread above is him replying to you, saying, “Hi, Fiona. Don’t worry, I’ve just

checked the Edge Hill website just to make sure, and it is not on just yet.” The rest of that

email is about a partnership with Liverpool, which is not relevant to my question. So you

were encouraging him. Now there must have been a basis for you---

JUDGE CUMMINGS: Well, first of all, do you agree with the proposition you were

encouraging him to apply for the job?

1. Yes. From these emails I did.

MISS HUSSAIN: So there must have been a basis for you to encourage him.

1. I think we were training him up very well.
2. Pardon?
3. I think we were training him up very well.

Q. So you accept, do you, now that contrary to what it was that you said in your police

statement you had dealings with Mr. Joynson prior to his employment?

1. Well, prior to his employment, you see what I want to make clear is jobs were advertised in-house as well as out-house. So when I applied for a job in June I was still an employee at Edge Hill and I applied for a different job.

Q. So---

A. So my presupposition wasn’t that he wasn’t employed with us, that he was somebody that

arrived and might be applying for another more specific job.

1. You said specifically in your police statement, and I’m reading from, Miss Hallett, you have your police statement there to your right. Is it 6th Feb the date on the top?
2. Yes.

Q. Yes, there were two. So, let’s go to 6th February one.

JUDGE CUMMINGS: And?

MISS HUSSAIN: Page 234---

JUDGE CUMMINGS: Thank you.

MISS HUSSAIN: ---bottom of the page.

JUDGE CUMMINGS: Thank you.

MISS HUSSAIN: And you start off with introductions on that page as to various people, and

I’m reading eight lines from the bottom. I’ll take it slowly. “Christopher Joynson was

given to me as a new employee of Edge Hill to recruit people on to the SENCO course.

Before Joynson started as an employee at Edge Hill I had never met or heard of him.”

You were being very specific and clear there, weren’t you?

1. I was in my understanding of his statement as an employee when he was given to me.
2. I’m sorry, you say, “I had never…Before Joynson started as an employee at Edge Hill I had never met or heard of him.”
3. That was my recollection.
4. And that’s wrong, isn’t it?
5. Erm, well it depends when you say he was an employee. I understood from the communications I first started to have that he was an employee, and this is what I was

recollecting here.

1. Why…Just pause while a note is made. Why would Dave Lowe be asking you to convey to him that he should be submitting invoices if he was an employee?
2. I have no idea.
3. That wouldn't work, would it, as an employee?
4. I have no idea.
5. No. So I suggest, at the time you knew perfectly well he wasn’t an employee, and that statement you made is wrong.
6. This is my recollection.
7. Are you saying this was your recollection on 6th February, 2017---
8. Yes.
9. ---when you were asked to cast your mind back?
10. Yes.
11. But now, with the assistance of those emails, and if you’ve been able to reflect back now in this brief period in this courtroom, do you accept you did know him and had had significant dealings with him before he was employed at Edge Hill?
12. I’d like to clarify what you mean “before he was employed.” Are you talking about before February when he was officially employed?
13. Yes.
14. Well, yes, but that is not the intention of my statement and I think it’s clear that in my statement I wasn’t saying, “In February when he was officially employed.”
15. No. You don’t mention dates of employment---
16. No.
17. ---you just say “when he was employed.” But the impression you give from your statement is you had not heard of him, had anything to do with him before he is effectively enforced upon you – “Here’s an employee” – that you had no idea about.
18. Well it’s good to have the chance to clarify here that I meant *when I met him* it was somebody that was enforced upon me, that I didn’t want on the team at that point and I’m calling him an employee.
19. Right. If you didn’t want him on your team why then were you encouraging him to apply for the job?
20. Because we went to great efforts to train him to do the job.
21. No. You didn’t want him on your team.
22. Not initially, no. I had no choice.
23. Well why did you send him that email to say, “I hope you apply for the job”?
24. Because we had been training him to do the job.
25. Well which is it then: at that point did you want him to become an employee or not?
26. I felt that I thought it was an internal job, one job to another, and I felt that now he’d been going out and meeting people it would be probably a good thing that they didn’t see a different face that---
27. Pause. Sorry, I don't want to interrupt you. But you’ve just told us, haven’t you, that in your interaction with him at that time you assumed he was an employee?
28. I did.
29. He was already employed.
30. Employed, not necessarily in this role. But I did assume he was employed. I have had four roles since I’ve worked at Edge Hill, all of which I’ve applied for, all of which have been externally advertised.

JUDGE CUMMINGS: Erm…

MISS HUSSAIN: Yes?

JUDGE CUMMINGS: Do you have---

MISS HUSSAIN: Oh.

JUDGE CUMMINGS: ---much to go? I do not mind I am just thinking about the timing of

the break for the---

MISS HUSSAIN: I do. May we have a break now?

JUDGE CUMMINGS: Certainly. Can we take our twenty minutes, please? Thank you very

much.

**The jury retired to the jury room**

JUDGE CUMMINGS: You too, of course. Do not take this as being pointed I say it to every

witness: please do not discuss your evidence with anyone.

THE WITNESS: No. No.

JUDGE CUMMINGS: I am grateful.

THE WITNESS: Thank you.

JUDGE CUMMINGS: Thank you.

**The witness left the courtroom**

JUDGE CUMMINGS: Can I just return to something I canvassed earlier in the trial? A

number of witnesses have been cross-examined classically about emails and as we have

just seen with this witness quite often the response has been essentially, “I remember

nothing about this, but now I see the email I obviously did; I obviously did say this, I

obviously was aware of” such and such, et cetera. So, in other words it all comes back to

the email. Now, what is the Crown’s position; does the Crown accept that these are

indeed the emails that were sent in the terms that are indicated or are you going to be

challenging that; in particular, is there going to be any assertion of fabrication of any of

this; what is the position?

MR. DYER: The difficulty I have, your Honour, is that I’m being handed this when the

witness is handed it, so I can’t immediately say. But it seems unlikely that there will be

dispute. But it’s difficult because some of them it’s indicated they come from a Yahoo

account and we have very specifically not been allowed access to the Yahoo account,

apart from the one email, so it puts us in a difficult position. I can’t positively say we

accept all of these and I presume that’s why they’re not going to the jury. I appreciate it’s

very unhelpful for the jury. If we could have them obviously if we could have had them

in advance then and there could be some check of the Yahoo account, then certainly. But

---

JUDGE CUMMINGS: But, do I understand, even if you did have it in advance, there is

nothing you can do to check it because you do not have the Yahoo account?

MR. DYER: Well not the Yahoo account, no.

JUDGE CUMMINGS: No.

MR. DYER: No, that’s true.

JUDGE CUMMINGS: All right.

MR. DYER: Some of them of course are from GroupWise and I’m assuming, obviously

when I get the pack I’m assuming that the reference is correct and it’s disclosure or

GroupWise.

JUDGE CUMMINGS: All right. Well I repeat what I said earlier: the impression to anyone

on the jury and indeed to the witness, is that the contents of the email are gospel, that

this is an email which as a matter of record was sent at the date and time indicated,

between the people indicated and copied to the people indicated and the terms are as set

out in the typed document and the impression and indeed the basis of the question time

after time is, “Well, you’ve said one thing now but you obviously said a different thing in

this email,” so it all comes back to the email and I simply invite you to reflect,

because if there is going to be any either assertion, or even enquiry, about the veracity of

any of this material, the authenticity of it, then does it not need to be flagged-up in

advance of the witness being questioned because otherwise the witness is answering on

the basis that something is a concrete fact, and that may not be agreed between the

parties?

MISS HUSSAIN: Well I can provide the pack, as I have done in the way

because I’m dealing with each batch of witnesses.

JUDGE CUMMINGS: What about the fundamental position that the Crown, pack or no

pack, I mean these documents are in themselves not emails they are documents?

MISS HUSSAIN: There’s no other way of evidencing emails apart from a copy of them.

JUDGE CUMMINGS: Oh, no, I quite agree that. But the even if you provided the

documents to the prosecution, they have no means of checking whether the documents are

accurate or not---

MISS HUSSAIN: No.

JUDGE CUMMINGS: ---whether they in fact reflect an electronic communication at the

time or whether they have been arrived at by some different process.

MISS HUSSAIN: Yes.

JUDGE CUMMINGS: So the Crown cannot be expected to agree necessarily that this is an

email that was sent at the time because they have no means of verifying one way or the

other. So it appears to be the position that these things are not agreed and yet the way it

is being presented to anyone sitting in the jury box, or indeed anyone else jury or

witness box, is that these are established facts.

MISS HUSSAIN: Well---

JUDGE CUMMINGS: It is a simple matter of record. This communication took place in

these terms on this occasion, and if it is inconsistent with what the witness has

previously said well there you are, there is a discrepancy.

MISS HUSSAIN: Well I’m suggesting to them that that’s what happened that this

communication was sent. I can deal with it one of two ways I hope---

JUDGE CUMMINGS: Well, no, you have gone - I appreciate from your point of view this is

what happened, these are your instructions.

MISS HUSSAIN: Yes. Can I, can I just explain---

JUDGE CUMMINGS: I am concerned about the witness’s position because the true position

is from the witness’s point of view: this is an email which the defence say was sent at

this time but which the prosecution are unable to check. So that is the true position.

MISS HUSSAIN: Yes. We have been battling and have been requesting, as your Honour

will know---

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: ---for evidence of all emails. The reason why some emails we are able

to produce up to a point---

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: ---is because to a certain point the defendant was copying himself into the

Yahoo account. So that’s the route through which we have been able to obtain some

documents. Now, there needs to be a measure, I appreciate the Crown will want to verify

the authenticity of all documents, but---

JUDGE CUMMINGS: How do you say they can or should do that in respect of the Yahoo

account if they do not have access to it?

MISS HUSSAIN: Well, they can only do that if we provide access to them.

JUDGE CUMMINGS: Which you have not done.

MISS HUSSAIN: Which we haven’t done.

JUDGE CUMMINGS: Right. Well I will go back to what I said that---

MISS HUSSAIN: We are---

JUDGE CUMMINGS: Okay

MISS HUSSAIN: ---and I have provided the Crown with the answer to the question: can we

have access to the Yahoo account?

JUDGE CUMMINGS: Well, should that not be made clear? Well, I leave it to the---

MISS HUSSAIN: Well it will be made---

JUDGE CUMMINGS: ---parties to consider. But, the point is once the witness’s…once the

witness’s evidence is passed, then we have a series of propositions and responses which

are all predicated on the basis that the emails referred to are a matter of incontrovertible

record.

MISS HUSSAIN: One---

JUDGE CUMMINGS: And the jury are completely unaware at the moment that these are

propositions deriving from defence material which the prosecution have been refused

access to.

MISS HUSSAIN: Well it might well be once we have a definitive bundle of those emails

that have been put because some of them I haven’t needed to put but there’s a limit to

what can be predicted in advance of the witness giving evidence.

JUDGE CUMMINGS: I do not see how bundles are going to solve the fundamental question

which is about verification by the Crown---

MISS HUSSAIN: No.

JUDGE CUMMINGS: ---they are not being given access to any computer equipment so that

they can check whether there were in fact electronic communications at the time which

equate to the documentary records that you are putting before the witnesses. And let me

make it clear, I am not suggesting that there is anything wrong with any of this material,

that is not the point. The point is that it is being presented as though there is no question

or dispute over this---

MISS HUSSAIN: Well there isn’t at the moment.

JUDGE CUMMINGS: ---and as I understand, well but there is not agreement over it.

MISS HUSSAIN: No, that is a different position to there being a disagreement.

JUDGE CUMMINGS: Well, no, it is being presented as though this is an agreed position.

MISS HUSSAIN: Well, with respect, I don't believe I am deploying it as if it is an agreed

position, which is why I put the questions in the terms of a suggestion. The alternative

way of dealing with this---

JUDGE CUMMINGS: No. You are saying to witnesses, “You obviously did look at this

email.”

MISS HUSSAIN: I accept there is an import---

JUDGE CUMMINGS: Well that is all fine if it is an incontrovertible---

MISS HUSSAIN: Right.

JUDGE CUMMINGS: ---undisputed fact. But the position is it is unagreed.

MISS HUSSAIN: Can there be any objection to a defendant producing a copy of an email

that he asserts was sent to him by a witness?

JUDGE CUMMINGS: Not if it is put in those terms.

MISS HUSSAIN: No.

JUDGE CUMMINGS: “Here is an email which *we* assert was sent to or by you”.

MISS HUSSAIN: I’m just fast-forwarding because when the defendant gives

evidence.

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: Now if that were to happen and the defendant, as I anticipate doing, will

produce documents---

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: ---that he says. Then would it not have been objectionable at that point

that I had not placed before the relevant witness---

JUDGE CUMMINGS: No, no, there is no problem at all with you, of course, matters must be

put during the prosecution case if they are going to feature during the defence case.

MISS HUSSAIN: Yes.

JUDGE CUMMINGS: That is not the issue. The issue is the way in which it is being done

which is at the moment giving witness and jury the impression that these are established

facts, whereas in fact they are not agreed.

MISS HUSSAIN: Well the only way to avoid that is by handing them a document and not

referring to what it is and asking the question, having handed a document to them. That is

the only way I can think of doing it then which because they can then look at this

document, “I suggest you did allocate hours. Having looked at that document do you

agree with me or not?”

MR. DYER: But could---

MISS HUSSAIN: But then the jury wouldn't know when it came to the defendant

deploying that document that the witness had been given an opportunity to look at that

document. So I am actually trying to strike a balance, but I’m obviously concerned as to

the court’s concern and want to tread a path that’s appropriate. Those are, if it assists,

that---

JUDGE CUMMINGS: That---

MISS HUSSAIN: ---I am trying to ensure---

JUDGE CUMMINGS: But that really would not be any different because whether the email

is read out or whether it is put in front of the witness and the witness reads it to

themselves, the witness is proceeding on the basis that this is an email that was sent at the

time indicated, between the accounts indicated, and they therefore it is like putting a

statement in front of the witness.

MISS HUSSAIN: Yes.

JUDGE CUMMINGS: ---they proceed on the basis it is their statement.

MISS HUSSAIN: Well, because of the nature of the evidence the nature of the document---

JUDGE CUMMINGS: I, Miss Hussain, I do not think I need trouble you further. I have

raised this. I am really raising it, I suppose, or in part raising it, because as I did earlier

on I want the Crown to consider its position. Because if the Crown is or may be

suggesting at a later stage that these emails are inaccurate or not verified, then it may be

too late by then. I mean Miss Hussain is putting her case and, as I say, I have no problem

with the principle of that. It is the manner in which it is done. But by the same token if

the Crown has an objection or any reservation about this material should not the Crown be

saying so now rather than leaving it to some later stage in the trial, by which stage it is too

late, in the sense that witnesses have given evidence basing themselves on the assumption

that the material is verified?

I do not think I need trouble you any more---

MR. DYER: Well---

JUDGE CUMMINGS: ---I have raised this twice now. You reflect on it and take whatever

steps, or no steps, you consider appropriate.

MR. DYER: Yes, but, erm…

JUDGE CUMMINGS: It is looking to the jury---

MR. DYER: Yes.

JUDGE CUMMINGS: ---because you are sitting and saying nothing, that ‘Yes, these must

be agreed emails. Everyone appears to be, no one is batting an eyelid, everyone appears

to be proceeding on the basis: yes, indeed, these were the communications at the

time and the witness is simply being asked about them’. So, if you are happy to proceed

in that way there we are. If not, then reflect on it.

MR. DYER: I’ll certainly reflect upon it, your Honour.

JUDGE CUMMINGS: Yes.

MR. DYER: But it would be helpful to have the documents, certainly the Yahoo documents,

in advance---

MISS HUSSAIN: Yeah, I’ll do that.

MR. DYER: ---because there’s a mix of documents within the bundle.

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: I will, I, I…I accept that and I will---

JUDGE CUMMINGS: All right.

MR. DYER: Also---

MISS HUSSAIN: ---I’ll action that.

MR. DYER: Also, if we have an email which is put to a witness, take a Yahoo email,

and the witness is asked to look at it and to ask whether they recall it, certainly I would

submit that if they do not recall it and can’t confirm that they have sent it then it ought not

to be read out to the jury, of course. There are a number of examples where the witnesses

have not recalled.

JUDGE CUMMINGS: Right. Thank you. Well you have got five minutes left of the twenty.

Can we resume at noon?

MR. DYER: Certainly, your Honour.

MISS HUSSAIN: Yes.

JUDGE CUMMINGS: Thank you. Please do not wait.

**Case adjourned**

**Case resumed**

JUDGE CUMMINGS: Okay. Are we ready?

MISS HUSSAIN: Your Honour, on the point that we were discussing---

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: ---there’s obviously lots of material based in this case in the background.

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: The Crown should have these emails because the GroupWise disclosure

these documents which are defence documents as we’ve termed, copied into Mr.

Joynson’s Yahoo is the only way he can get access to them, but they should be on the

server they were all sent. If he’s copied-in and there are other people at Edge Hill, then

they should be on the GroupWise server---

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: ---material.

JUDGE CUMMINGS: Yes.

MR. DYER: Well it---

MISS HUSSAIN: I mean, I don’t---

MR. DYER: ---it depends. But we will have to sort that---

MISS HUSSAIN: Well---

MR. DYER: ---sort that out.

JUDGE CUMMINGS: All right. Noted. Thank you. (To the court usher) Yes, please.

**The jury reassembled in the jury box**

**The witness FIONA JANE HALLETT resumed in the witness box**

JUDGE CUMMINGS: Thank you very much. Miss Hussain.

MISS HUSSAIN: May it please your Honour.

**Cross-examination recommenced by Miss Hussain**

Q. May it please your Honour. Could you turn please to page 12 of the bundle I handed to

you? The bottom right-hand.

A. I seem to have 10 and then 13.

Q. Oh.

A. Oh no, 10…

Q. May I just have that?

A. Yeah. I can’t read that number.

Q. Yes, it’s that one that you opened. It’s not very clear, but that is the relevant page---

A. Okay. Thank you.

Q. ---the one that precedes 13, which is clearly marked.

JUDGE CUMMINGS: Thank you.

MISS HUSSAIN: It is 12.

JUDGE CUMMINGS: Thank you.

MISS HUSSAIN: (**To the witness)** And you’re right 11 has been taken out because it wasn’t

relevant. Could I ask you look at the text at the top of the page? This is a defence

document for the lawyers’ reference. Just let me know when you have read that. It’s the

first four lines that I’m interested in, just the top section. Have you read that?

1. I have.
2. You see, I suggest you were in November, November 3rd, 2009, you were thanking Mr. Joynson for his sterling work and you’d expressed to him that you hope the hectic pace hadn’t put him off applying for the job. Do you agree with that?
3. That’s certainly what it says, yeah.
4. Does that now ring true with you?
5. It rings true. I don’t recall it.
6. Okay. That’s all on that page. In respect of the next reference, it’s page 14, October 20th, 2009, is the date I’m concerned with and in terms of the role Mr. Joynson was performing when you first, well, when you came into contact with him at that time, do you remember sending to him all the relevant documents, could I ask you to look at page 15 in terms of the SENCO Award?

A. No, I don't remember this.

1. Do you, “NASC flyer. NASC the Edge Hill ATL Model. NASC the Edge Hill model document. National SENCO Award ATL options.” The titles, those titles that I have read, were they all to do with the SENCO Project?
2. Yes.
3. And was the case studies, NASC. (dot), does that ring a bell with you as being relevant to the project?
4. Yes.
5. And also the project plan for National SENCO Award and the SENCO bid itself?
6. Yes.
7. This was material that Mr. Joynson would have been required to be familiar with, isn’t it?
8. Yes.
9. I suggest you sent him all of those documents and it was material that he needed to be on top of. Would that be right?
10. That sounds right.
11. And you’ve already mentioned in your evidence in fact if you turn to page 17, he did attend meetings, didn’t he, weekly meetings with the whole team?
12. Yes.
13. And that was something that you were co-ordinating---
14. Yes.
15. ---and you were the person to whom all the feedback was to be sent. Do you remember Mr. Joynson preparing a PowerPoint presentation in relation to the National Award for SENCO?
16. I don’t.
17. Could I ask you just to look at page 18? Lawyers’ reference: defence document.

JUDGE CUMMINGS: 17?

MISS HUSSAIN: 18.

JUDGE CUMMINGS: 18. Thank you.

MISS HUSSAIN: (**To the witness)** Could I just ask you to read the top half of that page?

1. Yes.
2. I suggest he sent to you on 30th October, 2009, a PowerPoint presentation and you expressed to him that it looked great.
3. Yes.
4. Does that assist you to recollect?
5. Yes.
6. Do you actually now recollect it?

A. No, I don’t recollect it---

1. You don’t.
2. ---but I can read it.
3. And he was provided certainly, wasn’t he, with a whole list of potential partners to whom he needed to make approaches and recruit to the course?
4. Yes.
5. Were you aware of Mr. Joynson having been issued with an Edge Hill University laptop and phone?
6. I wasn’t aware.
7. Were you aware that he was based at home?
8. I wasn’t aware.

Q. Is it possible that he was based at home and you just didn’t know about it or can’t

recollect?

1. It’s possible.
2. He was good, wasn’t he, at reaching the targets that were set---
3. Yes.
4. ---by the university?
5. Reaching the targets that were set by me, that’s all I know about.

Q. And the targets that were set by *you* were in line with that which were set by those above

you.

1. Yes.
2. If you could put that slim bundle to one side, thank you, and turn please to the grey

folder, divider 11, please? You see, I suggest that Mr. Joynson wasn’t as you’ve

described “a liability” he was performing well and to describe him as a liability is not

right. *You* were responsible for---

JUDGE CUMMINGS: What do you say to that you are challenged on your description of

him as a liability?

1. I disagree.

MISS HUSSAIN: Page 11. This is the first of the probation reports that you wrote. Is that

right?

1. Page 11?
2. Sorry. Just one moment. Sorry, wrong noting of the reference. Page 44, please. Divider 11, page 44. The bottom of that page, could you just read what it is you have written about his knowledge?
3. “Chris has developed a thorough understanding of the National Award for SEN Co-ordination and of the Edge Hill model. He has quickly developed a clear understanding of partnership work and is developing an understanding of the importance of information management.”

Q. And then under “Skills,” ignoring the blank page. Are you okay to read? I don’t…

1. Certainly. “Chris has a wide range of skills, particularly around partnership work which have already proven to be invaluable. He has across the last term further developed his information management skills and has always welcomed support in this regard.”
2. And insofar as “Attitude”?
3. “He has” excuse me, “Chris has an exemplary attitude. He is hardworking, committed and extremely professional and is an asset to the team.”
4. And, “Time-keeping and reliability was outstanding.”
5. Yes.

Q. And then it’s signed off and there was one day of sickness.

1. Yes.
2. And so far as the second report could you please turn to page 49 which is where it starts but read…So, so that we can orientate ourselves this date now is 5th July, 2010.
3. Yes.
4. Under “Knowledge”?
5. Excuse me.
6. Page 50.
7. “Chris has demonstrated a thorough knowledge of partnership strategies, enabling him to fulfil objectives 1, 2, 5, 6, 7, 8 and 12. He has shown real initiative in his role and is now being proactive in negotiating developments around his role in preparation for the second phase of the project. He is also working towards full achievement of objectives 3, 4, 9 and 10 and the first steering group will take place in the autumn term which will enable him to work towards achievement of objective 11.” Excuse me.
8. And “Skills”?
9. “He has a wide…Chris has a wide of skills, particularly round partnership work which have already proven to be invaluable. He is continuing to develop information management processes for partnership aspects of the award and is keen to develop new initiatives in this regard.”

Q. And “Attitude.

A. “Chris has an exemplary attitude. He is hardworking, committed and extremely

professional and is an asset to the team.”

Q. And “Time-keeping.” Again, “Sickness one day, time-keeping and reliability

outstanding.” And could you just read the, “Any further comments”?

1. “Chris has proven to be an invaluable member of the team.”
2. And that would have been your comment obviously there, wouldn't it?
3. Yes.
4. Thank you very much. Those are all the questions I have.

JUDGE CUMMINGS: Thank you. Mr. Swift.

**Cross-examination commenced by Mr. Swift**

Q. Miss Hallett, just a few questions. Your Honour, I adopt the cross-examination of my

learned friend, so just a few more questions if I may. **(To the witness)** In terms of the

timing of your statement, we know it’s already been put to you and agreed that’s

February 2017.

1. Yes.
2. So when you made your statement were you aware of the nature of the allegations that had already been made in respect of Mr. Smedley and Mr. Joynson?
3. I only insofar as what was reported in the newspaper.
4. And in terms, so you were still working at Edge Hill?
5. Yes.
6. So that was all you knew from what you read in the newspaper?
7. As far as I’m aware that’s all anybody knew in my company.
8. There’d been an investigation going on for about two years, hadn’t there?
9. I had no idea.
10. Were you aware of that?
11. No.
12. No idea at all?
13. No.
14. Who asked you to make the statement?
15. Erm---
16. Was it a police officer or was it a member of the faculty?
17. The police officer.
18. And was it the police officer who presented you with invoices?
19. Yes.
20. I appreciate you’ve been asked to look at a lot of documents this morning and a lot of emails. Did you take any time yourself before you made the statement to go back to check, to check records, to check material that may have been available to help you?
21. I no longer had any access to all of that. But I doubt that I would because I didn’t know what I was making a statement about. But I didn’t the answer is ‘No’.
22. You didn’t. But you did when the officer asked began to ask you questions. You obviously were aware then precisely what it was he wanted to speak to you about.
23. I don't understand your question, sorry.
24. Well---
25. The first question was did I check.
26. Did you check? So when you sat down with the officer, well, first of all, did the officer

when he was making the arrangement to take the statement indicate what it was he wanted to talk to you about?

1. Yes.
2. And the nature of the questions that he’d be asking you?
3. As I recall it was, erm, “Any knowledge you might have about,” I mean I don’t really recall.
4. Well I think there was a questionnaire initially, wasn’t there, from the police---
5. There was a questionnaire.
6. ---asking you whether you recognised T. J. Consultants?
7. Yes.
8. Yes? So you understood the nature of the questions that you may be asked---
9. I understood---
10. ---even in general terms.
11. ---in general terms.

Q. And you knew that it would relate to Mr. Joynson and Mr. Smedley---

A. Yes.

Q. ---and the time that Mr. Joynson was (if I put it in inverted commas) “associated with

you” in a working capacity.

A. I assumed it might be.

Q. And you didn’t make any checks of any documents that you had or the university had to

help you?

1. No.
2. No? Was there any reason for that?
3. Erm, it didn’t occur to me. As far as I recall, it wouldn't occur to me to do that.
4. You’ve been shown some invoices this morning, and they may still be open in front of you.
5. Yes.
6. They’re on page 4 and page 6 of the jury bundle.
7. Of the?

MR. DYER: Divider 6.

MR. SWIFT: I’m sorry, divider 6, page 4 and 6.

1. This one?
2. Yes, the larger one.
3. Okay. Divider 6.

Q. And you’ve already---

A. Sorry, I’m not there yet.

Q. Certainly.

A. Did you say page 4?

Q. I think page 4 and page 6 are the invoices that you were shown.

A. Okay.

Q. And they were the subject of the information that you gave or what you were saying in

your statement, so you were being asked about those invoices. Do you recall---

1. I…They look like the ones---
2. The police asked?
3. ---I was asked about.
4. And within the statement that you made to the police you were expressing surprise, weren’t you, effectively - I’m generalising it. But effectively surprise that claims were being made for this work---
5. Yes.
6. ---and invoices were being generated---
7. Yes.
8. ---for this work? Now you’ve had the opportunity to reflect on the emails that have been presented to you, and now you know that Mr. Joynson didn’t begin work until 2010 in terms of being employed by the university, you can see that this was in respect of work when he was not employed---
9. Yes, it certainly seems to be.
10. ---so carrying on the SENCO PDO work at that fixed rate and would have to invoice the university for that work to get paid, wouldn't he?
11. That’s what it looks like. I mean, I don't know anything about invoicing or consultancy---
12. No.
13. ---so I don’t make any suppositions about that.
14. No. No. But he was doing the work, he was invoicing, we’ve seen you’ve reflected on the emails that you’ve seen this morning---
15. Yes.
16. ---encouraging him to invoice or Dave Lowe who I think is---
17. Yeah, I passed on a message from Dave Lowe.
18. Yeah, “Send your invoices in.”
19. Yeah.
20. So now, with hindsight, looking at all, all of this material and from what you’ve been presented with today, and I appreciate it’s a lot of information, these invoices self-employed capacity, working in respect of the SENCO PDO(?) work.

JUDGE CUMMINGS: She said she does not know anything about invoicing or

consultancy.

MR. SWIFT: Your Honour. Your Honour, just one point then, please? (**To the witness)**

You’ve made reference to claiming for expenses. That was within your statement as well.

1. Yes.
2. Has that surprised you that someone was claiming for expenses?
3. No, no. All staff can claim for appropriately authorised travel expenses in certain, so, for example, if I go to a conference you have to fill in a form asking permission. Once that’s approved, you can you get the insurance document and you can make the claim.
4. My error. You were surprised that that was on the invoice I think.
5. I think I was just surprised at the invoices in general.
6. But if you are a visiting lecturer, or if you are a consultant then you can’t use the university expenses system, can you?
7. No.
8. No. Do you recall that you---
9. Can I just correct you? You cannot use it other than what I’ve just said: the specified, if you’ve asked for permission to travel for work and so on.
10. Very good. Now just changing topic, please. In relation to the employment of Chris Joynson at the university, when he got his job, and you’ve reflected on the emails relating to the advert for the job which appear to have been there’s reference to them in October of 2009, does that timescale would that fit with your understanding of the adverts for jobs generally within the university, three or four months ahead of---
11. Yes, that---
12. ---the post being taken up?
13. Yes. That tends to be my experience.
14. So that seems to fit, an advert around about October with employment in---
15. That, that seems to fit.
16. ---end of February.
17. Yeah.
18. Now, think back carefully please, I appreciate we’re going back a number of years, isn’t it correct that you in fact sat on the interview with Mr. Joynson when he---
19. I don't recall that at all.
20. All right.
21. That’s absolutely not anything I recall.
22. Now, let’s just deal with that. You’re not, you’re not ruling that out, well, are you ruling that out or are you saying you just cannot remember?
23. I just cannot remember.
24. Can I suggest that you were and in fact you were sitting on the interview with Mr. Townley?
25. I cannot remember.
26. Reflecting, does that seem likely: he was your line Mr. Townley was your line manager---
27. Mr. Townley was my line manager, yes.
28. ---you were involved in the project.
29. Yes. It seems likely. But I cannot remember.
30. I won’t press you any further on that. And just one further matter, I think we need to go back to where you begun your evidence in terms of securing the contract for this work, government funding, the need to meet targets. Would you agree your concern seemed to be in terms of the suggestion that this should be rolled out very quickly, from your point of view the prestige of having won the award and from an academic viewpoint wanting to grow that slowly for you to control it?
31. Erm, yes to a degree but also more so about the needs and rights of the children that SENCOs are in charge of. So, of course, there was a thing about my reputation and the university’s reputation, but equally we owed it to SENCO to do it properly---
32. Well I appreciate that.
33. ---which was the base one of the bases---
34. Yes.
35. ---for my concern.
36. So that was your concern, and I’m not suggesting that that wasn’t an appropriate concern you having made the bid and set this programme up and got the funding. Would you agree from, well, in relation to this and generally your experience at the university that there were tensions between the academic world so to speak and the desires to grow the university from the business side?
37. I wouldn't, I wouldn't know. I can only talk about my experience.
38. But---
39. And that is my specific experience---
40. So---
41. ---of having won a bid.
42. Yes. So from your experience then it gives the example, doesn’t it, because you secured the bid and wanted to grow it slowly but felt you were being pressed by the business-side of the university to expand rapidly and recruit?
43. That’s my specific example. But I can’t generalise from that.
44. No, no. But you agree that that is what was happening.
45. Yes.
46. I’ve no further questions thank you, your Honour.

JUDGE CUMMINGS: Thank you.

MR. DYER: I don't have any re-examination. Does your Honour have any questions?

JUDGE CUMMINGS: I do not. Thank you very much for coming. That completes your

evidence.

THE WITNESS: Thank you.

JUDGE CUMMINGS: As I say, please do not speak about your evidence to anyone who

may yet be due to give evidence. Thank you very much.

THE WITNESS: Okay. Thank you.

JUDGE CUMMINGS: Please.

**The witness withdrew**

MR. DYER: Your Honour, the next witness is Helen Adams. We could at least make a start

on her evidence.

JUDGE CUMMINGS: Thank you.

**The witness HELEN ADAMS to the witness box and sworn**

JUDGE CUMMINGS: Are you happy standing or would you prefer to sit?

THE WITNESS: I’ll stand.

JUDGE CUMMINGS: Thank you.

**Examination-in-chief commenced by Mr. Dyer**

Q. Thank you. Could you give your full name to the court, please?

A. Helen Adams.

Q. Thank you. I’m going to ask you questions, and if you could direct your answers to the

back row of the jury so everyone can hear what you have to say?

1. Okay.
2. Is it right that you have worked in the Finance Department of Edge Hill University?
3. That’s right. Yes, I did.

Q. When did you start working there?

A. Erm, 1990.

Q. Is that part of the Finance Department for the whole university---

A. It is. Yes.

Q. ---rather than for a specific faculty?

A. Yes. It’s for the whole, the whole university.

Q. What’s your current position?

A. I no longer work at Edge Hill.

Q. Right. When did you finish?

A. Erm, April 2013.

Q. All right. In 2009 then what was your position at Edge Hill?

A. Management accountant.

Q. All right. I’m going to ask you briefly, if you look at the documents in front of you, if

you turn back to the front, it’s been opened at a certain page if you’d just turn back, you’ll

see numbers on the dividers. Do you see that---

1. Yes.
2. ---the coloured dividers?
3. Uh-huh.

Q. If you look behind number 3. I just want to have a look at an overview of the

structure of the university. If you just take a moment to look at that.

1. Okay.
2. Obviously, it’s not the whole university.
3. No.
4. It has part of the Faculty of Education---
5. Yes.
6. ---and also some other positions within the university, including some of the positions

in Finance and Human Resources. Do you see that?

1. Yes.
2. So, to the right side we have under the Deputy Vice Chancellor Steve Igoe, that’s the right-hand side, a Director of Finance who is Carl Gibson---
3. Yes.
4. ---there is also a Director of Human Resources, Ann Collins. Do you see that?
5. Yes.
6. And then underneath Carl Gibson we see your name. Is that right?
7. It is. Yes.
8. Management Accountant. So does that really indicate the position as at 2009 in general terms?
9. Yes, it does.
10. Thank you. Obviously, there would be other members of staff, but that was your position in the hierarchy of Edge Hill. Is that right?
11. Yes, it was, yes.
12. So, would you have dealings with all of the faculties then yourself?
13. Yes. Yes, I, erm, covered all of the faculties---
14. Right.
15. ---and all of the admin areas as well.
16. Right. And just so we have an overview of your role then, could you just very briefly tell us what your job was?
17. Erm, I was responsible for putting the budgets together for the whole university, erm, I also was over the Payroll Department, erm, and I had staff under me, erm, helping with the budgets and payroll. Erm, part of my remit was to check employment status of anybody who came to claim, erm, fees or anything from the university, which included visiting lecturers, part-time contracts, and also the full-time payroll for full-time lecturers and administration staff.
18. Right. Thank you. So that was your, your job, you didn’t delegate that part you did it yourself. Is that what you’re saying?
19. No, I did it myself, yes.
20. Right. And you were answerable to Carl Gibson. Is that right?
21. Yes.
22. Did you have much contact with Robert Smedley, the Dean of the Faculty of Education?
23. Erm, mostly by email or telephone. Erm, when it came to budgets, then now and again I would have face-to-face contact to answer queries and to put the budgets together.
24. What about Christopher Joynson did you ever meet him?
25. No, never.
26. Were you in the same or a different building to Mr. Smedley?
27. A different building.
28. Right. The same site or not?
29. The same site, yes.
30. All right. I want to ask you to have a look at another document in this bundle. If you could turn to divider 20, so, near the back, if we can go back there. “Page 1” at the top corner you see just behind this divider. Do you see that?
31. Yes.

Q. There are some emails here, and we can see that certainly there’s one from you at the top

of this page. Is that right?

1. It is. Yes.
2. As far as these are these emails are concerned, and that one in particular, do you recall that email at the top of the page?
3. I do.
4. Before we look at the detail of that, could you just tell us what your understanding was as to the position of what it was you were dealing with?
5. I was asked to make some payments to Christopher Joynson for work that he’d done for the university. And I was asked how the payments should be treated. I advised that I thought it should be a Visiting Lecturer, erm, claim form. Mr. Smedley asked if he could be set up as a part-time lecturer.
6. If you just pause there for a moment. What’s the difference, what’s the significance, of a visiting lecturer as opposed to something else?
7. Erm, a visiting lecturer may only visit the university on one occasion. And that being the case, I was allowed to put through one claim, erm, in a financial year without any deductions. Erm---
8. Deductions? Tax, national insurance.
9. Tax or national insurance. So we had a process in place where we put them on the payroll anyway and allocated, erm, a tax code which meant no tax and no national insurance, so that if that person did come back within a three-month period, which was the rule, erm, if they came back within three months then we had to deduct tax and national insurance. Erm, so that was a safeguard to make sure that we didn’t miss the treatment of any claims that came through.
10. All right. So, if it was a one-off or not very often, then Visiting Lecturer was an option. Is that right?
11. Yes. Yes, that’s right.

Q. But if they were doing more work on more occasions then---

1. Erm, if they were doing work, erm, as a part-time contract lecturer then there would be a contract in place, erm, via HR Department and monitored by the faculty that they were working for. They would have set hours, and they’d have to fill time sheets in to say that they’d completed the hours, which would then be signed off by the dean of the faculty and then forwarded to Payroll for processing. On that occasion, erm, there were no specific hours, so I advised that a part-time contract, in my opinion, wasn’t the right way to go.
2. Right. So here your contact, we can see, is with David Lowe.
3. Yes.
4. And how had it come about that you were speaking with David Lowe or contacting having contact with David Lowe?
5. David was the Administration Manager for the faculty---
6. Right.
7. ---and he would undertake instructions from the dean, erm, and then come to me and ask the questions of how the payment should be processed.
8. Right. So we can see that you sent an email on 16th June. So this is June of 2010---
9. Yes.
10. ---if you look at that top email---
11. Yes.
12. ---and it’s “Re. payment.” And it’s to, “David Lowe and Robert Smedley.”
13. Uh-huh.
14. Is that right?
15. Yes.
16. And it says, “Hi, Robert and Dave. Given the unusual circumstances around this one, I’ve spoken to HMRC to get clarification on this.” Is that correct?
17. That’s correct. Yes.
18. And then, “As the work related to a period prior to his employment with Edge Hill and is based on results for the work completed, they are happy for me to pay an invoice from Christopher Joynson as before.” So just pausing there. “as before” he’d already been paid on invoices---
19. Yes.
20. ---for work he had done before he was an employee. Is that right?
21. That’s right. Yes.
22. But this time we know he was an employee by June because he became a full-time employee on a salary in February of 2010.
23. That’s right.
24. So, you were being asked about an invoice which was being submitted in around June, is that right---
25. Yes.
26. ---but it was for work that actually was carried out before he started his job?
27. That’s what I was told, yes.
28. Right. And you’ve obviously set out the response of HMRC there as to how it might be that he could be paid on an invoice. Is that right?
29. Yes.
30. And then below that, “This is on the understanding that I include the payment on an annual return, stating the amount and date of the payment to ensure there is no loss of tax due to HMRC.” Just tell us what that involved.
31. Erm, yes. I had to contact HMRC and explain the circumstances of the payments. Erm, given the fact that, erm, Mr. Joynson was now on the full-time payroll I had to, erm, establish his employment status. And there’s certain questions that I would ask, erm, such as: who determines where the work takes place? Erm, whether if Mr. Joynson couldn't do the work who would replace him? The materials that he would use whether they were his own materials or whether they were Edge Hill’s, erm, to try to determine myself what I thought the status was. And then I would go to the Revenue and Customs and seek their, erm, further advice to make sure that the decision I was making was correct. In this particular instance, erm, one of the questions was, from the Revenue, was Mr. Joynson undertaking work that was of a specialist nature? And the answer from Mr. Smedley was, “Yes, it was,” and that, “nobody else in the institution had the skills to undertake this particular work.”
32. All right. Just pause there for a moment.

JUDGE CUMMINGS: Just a minute, please. Thank you.

MR. DYER: I just want to take it slowly because I think we need to deal with it in stages. As

far as this email is concerned---

1. Right.
2. ---we’re in June and it’s discussing an invoice relating to work that actually was completed---
3. Yes.
4. ---before he started his employment. So, at that stage what was the important question there as far as HMRC were concerned?
5. Whether it was of a specialist, erm, a specialist knowledge that he used to complete the work, and, erm, whether or not it could be paid without deductions because it was before he actually started his employment.
6. Right.
7. And on that occasion they said he could be treated as self-employed.
8. Right. So this relates to certainly an invoice in June that was paid for work done before he had actually begun as an employee at Edge Hill. Is that right?
9. Yes.
10. So, following on from that you’ve said in this email, “If you ask Christopher to submit an invoice, I will ensure it is processed.” Do you see at the bottom of that email?
11. Yes.
12. Was that invoice then processed?
13. It was. Yes.
14. I wonder if we can just have a look. Just bear with me a moment. If we have a look – sorry to move around this jury bundle. If you look at the divider that’s number 6, so move back in the jury bundle---
15. Yes?
16. ---this is an invoice from 24th June, so it’s just a little later in 2010. Sorry, page 20. Sorry, my fault. Page 20.
17. Okay.
18. So you should see an invoice there which has an invoice number: CJEHU19, and an invoice date of 24th June, 2010. Is that right?
19. Yes, that’s right.
20. And it’s for twenty-four days consultancy. But it relates to a period from 1st September, ‘09, to 31st January, ‘10. Is that right?
21. Yes, that’s right.
22. So is that the invoice that was being submitted for payment?
23. As far as I can remember, yes.
24. Just dealing with this document it has stamps on it, and we can see that, there’s, “Finance. Received 28th June.” Yes?
25. Yes.
26. That’s presumably the date it comes into the finance office. Is that right?
27. That’s right. Yes.
28. There’s another stamp with the “Cost Centre” and so on. Who is it that’s responsible for that stamp and those numbers and figures?
29. That’s Finance as well and the top number is a requisition that would have been put on by the Faculty of Education.
30. Is that, “Joy 2093”?
31. Erm…
32. Well at the top, sorry, at the top of this document?
33. No, sorry, that is the supplier code.
34. Supplier code, sorry.
35. Erm, the “R155241” would be a requisition put onto the system electronically by the Faculty of Education.
36. Right. When you say, “by the Faculty of Education” is that someone in the Finance Department of the Faculty of Education or do you not know?

A. It’d probably be, erm, somebody instructed by Dave Lowe, the Administration Manager.

Q. We can see the name “Dave” underneath this…

A. He would sign that to say that he was happy with it.

Q. Right. So, is that an indication that he’s happy with it then or is that something else?

A. Well his name’s been written on by finance so I don’t really know---

Q. All right.

A. ---to be honest.

Q. Thank you. Well we can see the “Cost Centre: GED.”

A. Yes.

Q. And there’s an is it an account code?

A. An account code and a purchase order number.

Q. Right. So, there’s a purchase order, is there, as a result of the submission of the invoice or

what happens?

1. Erm, the requisition, the R number 155241, would be put on by the Faculty of Education. Erm, it would then be authorised by Mr. Smedley, and then finance would do, erm, a purchase order run which would turn the requisitions into relevant purchase orders, and then---
2. Is this all happening---
3. Sorry.
4. ---after receipt of the invoice?
5. Erm, yes it would be sometimes.
6. Right.
7. Sometimes it would be before receipt of the invoice and sometimes, if it was, erm, something that was being rushed through, it could be at the same time as the invoice was received, it would be put on retrospectively.

Q. Right. So, actually the purchase order what does that involve you doing if I can ask?

1. It’s just, erm, an electronic run from the finance systems that picks up all the requisitions of a certain date when we run the routine.
2. Right.
3. It creates a purchase order, and then when the invoice, erm, is actually on the desk of the purchase ledger clerk she would match that against the order---
4. Right.
5. ---and if it matched it would be matched off and paid on the next payment run.
6. So the information on this invoice, as somebody is looking at it---
7. Yes.
8. ---in the Finance Department, they need to check it cross-check it with a requisition. Is that right?
9. Yes.

Q. So somebody would have to have put in a requisition relating to this work. Is that right?

A. Yes. I mean, it says, “L1” at the side which is line 1 of a purchase order, so it would have

been electronically turned into an order---

Q. Uh-huh.

A. ---and it might be several requisitions that make that order. So this was line 1 of the

purchase order.

Q. All right. We don't want to get too bogged down in the detail---

A. Ha-ha.

Q. ---of your accounting system---

A. Uh-huh.

Q. ---but is it somebody in the Faculty Finance Department that would be dealing with the

requisition?

1. Yes.
2. Right. So, David Lowe or whoever---
3. Yes.
4. ---in the Faculty Finance Office. Is that right.
5. That’s right. Yes. Yes.
6. So at your end---
7. Uh-huh.
8. ---it’s a question of checking the requisition against the invoice. Is that right?
9. It’s checking the purchase order against the invoice.
10. All right. But the purchase order---
11. Comes from the requisition.
12. ---comes from the requisition.
13. Yes.
14. Sorry, it’s a bit complicated. But that’s the way it works.
15. Yes.
16. I see. As far as authorisation is concerned then and budgets, you’ve referred to Robert Smedley. Is that because of the GED on this invoice or is that for some other reason?
17. That’s the cost centre that it would be costed to within the Faculty of Education.
18. Right. But you said this would have been authorised by Mr. Smedley---
19. The requisition, the electronic requisition on, erm, the finance system, erm, would have been put on by the Faculty and authorised by Mr. Smedley---
20. Right.
21. ---and somebody else possibly that he’d authorised to be able to authorise for the school of education.
22. Okay. So, if I can just try to clarify that, but correct me if I get it wrong, but before the university Finance Department get hold of it somebody in the Finance Department of the Faculty of Education has to have made sure there’s a requisition---
23. Yes.
24. ---and a purchase order?
25. A requisition.
26. A requisition.
27. An authorised requisition.
28. All right. An authorised requisition. The person authorising it does it have to be a signatory on the cost centre at this---
29. It does, yes.
30. Right. And GED it’s agreed that Mr. Smedley was a signatory on that.
31. Yes.
32. Does anybody else then have to authorise it for the payments to be made to your understanding or not?
33. Erm, once it’s authorised as a requisition and becomes a purchase order, it’s completely authorised.
34. Right.
35. So it would just then be matching the invoice to the order, if we had an authorised order we would make the payments.
36. Right. Thank you. Now, you spoke of deductions and information a report to HMRC.
37. Yes.
38. As far as this invoice is concerned, or an invoice being paid at a time when somebody is an employee, you as the university, as the employer are not making deductions of tax and national insurance in relation to *that* invoice. Is that right?
39. That’s right. Yes.
40. But you do have to report the income to HMRC.
41. Yes, that’s right.
42. Right. Does that apply across the board in relation to any full-time employee or employee who is also receiving other payments?
43. It’s anybody who receives a payment, erm, without deductions of tax and national insurance, and the, erm, agreement in place with HMRC was anyone who earned over £1,000 as an individual without deductions would be, erm, sent - as I report to them at the end of each financial year - so that they could match the records with self-assessment.
44. Right. I’m going to ask you to look at some other documents. I am sorry if I’m jumping around a little bit. But if you could go to divider 18, and if I could ask you to turn to page 19 of divider 18 hopefully you see there at the top of the page it’s an email from Robert Smedley to yourself. But I’m going to ask you to go to the bottom of the page and you’ll see it says, “Hi, Helen”---
45. Yes.
46. ---towards the bottom?
47. Uh-huh.
48. Does everybody see that? This is an email, if we just look over the page to page 20 we’ll see it’s from Robert. We can’t see all of it. But he’s obviously thanking you for all your help. But it’s from Robert Smedley. Okay?
49. Yes.
50. So, if we turn back to 19 we can see at the bottom of the page it says, “Hi, Helen.” And it’s an email from him on 7th January, 2011. Yes?
51. Yes.
52. And this says, “We have a small number of staff that undertake work on top of their full-time contract and last term I checked this out with HR as to whether individuals could claim additional payment hours for this work if I authorise to say it was above and beyond their contracted full-time post. HR confirmed with me that this was fine and acceptable.” If we just pause there. Is this something you were aware of when you received that email or was it news to you?
53. I wouldn't know what HR had said to Mr. Smedley---
54. No.
55. ---to be honest.
56. But the reference to “the small number of staff who undertake work on top of their full-time contract,” were you aware of what that was or was it news to you?
57. It was news to me.
58. Right. Thank you. It goes on, “We have a case of an individual, who acts as a consultant in their own time and hence is also registered as self-employed. They have undertaken a significant number of additional hours and weekends, Saturdays, last term and in my view we have to pay for them, given the HR position and advice.” Now, you’ve already said you don’t know what the HR advice would have been. Is that right?
59. That’s right. Yes.
60. Okay. “I just wanted to check that if they submitted an invoice to us as ‘self-employed’ then this would not cause us or them any problems. For information, all the staff” - and he indicates three – “that I’m talking about are on full-time contracts with us.” Do you remember the email?
61. Not particularly, no.
62. All right. Well, if you look at the next one up it’s in fact it’s Mr. Smedley again. “I’m assuming that from a finance perspective this is fine? I now have a number of invoices coming through and need to authorise and get them paid. I’ll authorise with Dave in the usual way and he’ll process.” So it’s a follow-up, it seems, it’s ten days later. And then 24th January I think there’s an email from you to Robert. Is that right?

A. Yes.

Q. And you apologise for not getting back. “It is perfectly acceptable to both employed and

self-employed in a different capacity at the same time.” Is that true?

1. It is, yes.
2. “However, I would need to check out the status for the individual before payments can be made unless we have already carried out the checks previously. Could you please supply the name of the employee who wishes to invoice Edge Hill? I can make the relevant checks if applicable.” Now, after these years you may not remember the email. Does it jog your memory or not that?

A. Not about particular employees---

1. Okay.
2. ---because I had a lot of those to deal with.

Q. Yeah.

A. Erm, but in each case I would check it out with Revenue and Customs.

Q. All right. Well, we see a response from Mr. Smedley, who says, “The invoice coming

through relates to Christopher Joynson, who has worked for us before as self-

employed. I believe you checked this out last time when he was set up with the tax.” So

that obviously is a reference to Mr. Joynson in this case---

A. Yes. Uh-huh.

Q. ---and we’ve already seen in June 2010 with the work that related to his pre-employment

that went through and the invoice was paid.

A. Yes.

Q. Here, it seems to be something different, so and you’ve told us about the checks with

HMRC.

A. Yes.

Q. So what would then take place, or what did take place, as a result of these emails?

A. Erm, I would’ve asked the, the same sort of questions, erm: was it a specialist activity he

was undertaking, erm, whether we dictated when he did the work just to decide on his

employment status at that time, and if I was unsure I would go back to Revenue and

Customs---

Q. Right.

A. ---for more clarification.

Q. So, what were you told about the work that was to be claimed for on the invoices?

A. Erm, I was told it related to the same sort of work he was doing before he was employed

at Edge Hill, and again that he had specialist skills that nobody else in the university had.

Q. Right. So that…it’s not your personal test it’s a test from HMRC. Is that right?

A. Yes, there’s a number of standard questions to ask.

Q. Yeah. And as a result of receiving that information, were invoices then approved and paid

for Mr. Joynson?

1. Yes. Yes, they were.
2. If we, sorry, briefly go back to divider 6, this time page 21, so 19th January, 2011, this one in fact is, well, it’s “Saturday masterclasses,” this one is thirteen days of masterclasses. And those dates are actually 2009 just to 15th January, 2010. So that one, we can see, pre-dates the time that he actually started his employment---
3. That’s right. Yes.
4. ---but over the page, page 220 - I should say, sorry, in relation to page 21 the, yes, sorry, yes. Page 22, we can see that it goes beyond the time of his employment at the university his employed role at the university. It goes up to 19th February, 2010. And that’s 4th March, 2011. Is that right?
5. Yes.
6. I don't know whether that is a convenient moment, your Honour---

JUDGE CUMMINGS: Certainly.

MR. DYER: ---to have a break.

JUDGE CUMMINGS: Certainly.

MR. DYER: Thank you.

JUDGE CUMMINGS: Quarter-past two, please, ladies and gentlemen. Thank you very much.

**The jury retired to the jury room for the luncheon adjournment**

JUDGE CUMMINGS: **(To the witness)** Quarter-past two as well. Please do not discuss your

evidence with anyone else either at court or elsewhere.

THE WITNESS: Okay.

JUDGE CUMMINGS: Thank you.

THE WITNESS: Thank you.

**The witness left the courtroom**

JUDGE CUMMINGS: Any matters arising?

MR. DYER: No.

JUDGE CUMMINGS: Thank you very much. 2:15. Please do not wait. Thank you.

**Case adjourned**

**Case resumed**

JUDGE CUMMINGS: Thank you. Can I mention to you all that there has been an informal

communication from the jury via the court staff, really to the general effect that they are

finding it quite hard going. And that is not intended, I do not believe there is any criticism

of anyone, it is simply the detailed nature of the material.

MISS HUSSAIN: Yes.

JUDGE CUMMINGS: And this was coupled with an enquiry about the possibility of a day

off tomorrow. Well, I have not given them an answer to that but the answer to that is

‘No’. But tomorrow, I anticipate, may be a half-day---

MR. DYER: Yes.

JUDGE CUMMINGS: ---because of the afternoon legal argument.

MR. DYER: Yes.

JUDGE CUMMINGS: But just more generally I would just like to consider really how best

to manage the situation. The Wednesday the 27th is also a half-day. So that is Wednesday

week.

MR. DYER: Uh-huh.

JUDGE CUMMINGS: And then next Wednesday is the day when you have matters you

need to attend at.

MISS HUSSAIN: Yes.

JUDGE CUMMINGS: And have you finalised that in discussion, can we proceed on---

MR. DYER: Well certainly we are content for that, and as far as the timetabling---

JUDGE CUMMINGS: So next Wednesday will be a half-day as well. And particularly

given this communication---

MR. DYER: Yes.

JUDGE CUMMINGS: ---now from the jury, unless it really is demanded I think we would

sit at 10 or 10:30---

MR. DYER: So be it.

JUDGE CUMMINGS: ---rather than 9.

MR. DYER: Yes.

JUDGE CUMMINGS: More generally, I am just wondering whether we should, if it can be

accommodated, sit slightly shorter hours and really that I think if we can achieve it at all

we can achieve by finishing a little earlier in the afternoon each day.

MR. DYER: Yes.

JUDGE CUMMINGS: But tell me your feelings about that. Are we likely to run into

difficulties at the far end of the timetable? Can we afford to proceed in that way?

MR. DYER: Well, if I can say this, your Honour?

JUDGE CUMMINGS: Yes.

MR. DYER: I sent a communication to my learned friends in relation to certain witnesses,

probably ten or fifteen witnesses, who I don't believe need to be called as witnesses if I

put it that way---

JUDGE CUMMINGS: Yes.

MR. DYER: ---which will hopefully reduce my estimate by a couple of days in any event.

We are running a little behind but not that far behind actually where we wanted to be and

I anticipate, depending on any rulings on bad character, I anticipate that we will maintain

our progress and perhaps do a little better, a little better, than I predicted; and so, there is a

little wriggle-room if I put it that way.

JUDGE CUMMINGS: Thank you. Anything to add?

MR. SWIFT: Your Honour, no. I would say, I think I speak on behalf of my learned friend

and I, I think the shorter days would certainly assist in terms of conference and

preparation. Your Honour can see the volume of paperwork in a case---

JUDGE CUMMINGS: For sure. Yes.

MR. SWIFT: ---where instructions are flowing.

JUDGE CUMMINGS: Okay.

MR. SWIFT: So that would assist. And, your Honour, I’ve seen the list as highlighted in

relation to question marks over witnesses. I think that’s something we can look at

tomorrow, tomorrow afternoon as well. In relation to the legal argument, there have

been certain lines of enquiry which my instructing solicitors have been follow in the light

of disclosure.

JUDGE CUMMINGS: Yes.

MR. SWIFT: I haven’t properly been able to reflect on the totality of that and how that might

impact upon the bad character application, so I’ll certainly do that before lunchtime

tomorrow. I’m merely flagging the possibility that I may ask your Honour to put that

legal argument back but I appreciate---

JUDGE CUMMINGS: Ooh!

MR. SWIFT: Well, your Honour, I don’t make it now---

JUDGE CUMMINGS: No.

MR. SWIFT: ---and it may be, it may be, I’m just better placed to provide your Honour with

further background in relation to the application which can be considered.

JUDGE CUMMINGS: I am very reluctant not to use---

MR. SWIFT: No.

JUDGE CUMMINGS: ---tomorrow afternoon for that and, in addition, I would like to avoid

any last-minute material. I want to be in a position where I have read everything before

we start tomorrow morning---

MR. SWIFT: Yes.

JUDGE CUMMINGS: ---and then can proceed straight with the argument in the afternoon.

MR. SWIFT: Your Honour, I raise it.

JUDGE CUMMINGS: No, noted.

MR. SWIFT: As I say, I have not been able to properly reflect on it.

JUDGE CUMMINGS: Noted.

MR. DYER: In the---

MR. SWIFT: Your Honour…Sorry.

MR. DYER: Sorry. No, you go.

MR. SWIFT: I was also going to say it was hoped that, as I understood it, there may be some

further information in relation to the investigation that’s ongoing in relation to Mr. Igoe. I

think last week I understood the position there may be more clarification or further

clarification or information tomorrow. I may be wrong in that assumption.

JUDGE CUMMINGS: Well---

MR. SWIFT: We’ve heard nothing since.

JUDGE CUMMINGS: ---the query whether there is any other time when the bad

character could be dealt with, such as, next the half-day next Wednesday, giving the jury a

completely free day that day but not a half-day tomorrow.

MR. DYER: Would your Honour just excuse me for one moment?

JUDGE CUMMINGS: Yes.

MR. DYER: We’re just going to check, your Honour. Certainly, it’s my recollection that it

was a week on Friday, not this Friday---

JUDGE CUMMINGS: Oh.

MR. DYER: ---that we are to respond.

JUDGE CUMMINGS: Ah. Right.

MR. DYER: I may be wrong about that and I may have lost track of time. But I’ll just check.

JUDGE CUMMINGS: Me, too. Maybe it is my…

MISS WRIGHT: It’s tomorrow.

MR. DYER: Oh, it is tomorrow. It’s my fault. But, yes---

JUDGE CUMMINGS: Yes.

MR. DYER: ---then next Wednesday may be a better time actually.

JUDGE CUMMINGS: Okay.

MR. DYER: But---

MR. SWIFT: And we could accommodate witnesses, as we have been doing, around, around

that.

JUDGE CUMMINGS: All right. All right. So I can tell the jury essentially: slightly revised

sitting times; we will have a day off next Wednesday; we will have a half-day the

following Wednesday.

MR. DYER: Yes, sorry, a day off on Wednesday because we are already a half day. Yes,

sorry.

JUDGE CUMMINGS: Yes.

MR. DYER: Yeah.

MR. SWIFT: And tomorrow.

JUDGE CUMMINGS: Just to…

MR. DYER: (To Mr. Swift) We’ve got other legal argument tomorrow.

JUDGE CUMMINGS: Yes.

MR. DYER: Yeah.

JUDGE CUMMINGS: Next…Next Wednesday is Miss Hussain’s commitment---

MISS HUSSAIN: Yes.

JUDGE CUMMINGS: ---so we were not going to sit in the afternoon anyway.

MR. DYER: Yes, that’s right. Yeah.

JUDGE CUMMINGS: So if we simply have a no jury morning---

MR. DYER: Yes.

JUDGE CUMMINGS: ---then we can deal with bad character.

MR. DYER: Yes.

JUDGE CUMMINGS: And then the following Wednesday, the 27th, that is a half-day.

MR. DYER: Yes, that’s a half-day anyway.

JUDGE CUMMINGS: Yes.

MR. DYER: As far as tomorrow is concerned, your Honour---

JUDGE CUMMINGS: Yes.

MR. DYER: ---even if we’re not having the bad character application made by Mr. Smedley

---

JUDGE CUMMINGS: Yes.

MR. DYER: ---there are, as I understand it, some arguments in relation to admissibility in

relation to witnesses next week and we can usefully use that time in order to argue about

that.

JUDGE CUMMINGS: So a half-day tomorrow for the jury but for---

MR. DYER: Yes.

JUDGE CUMMINGS: ---different reasons.

MR. DYER: Yes.

JUDGE CUMMINGS: Yes. Okay. All right.

MR. SWIFT: And, your Honour, any spare time we can put to reducing the witnesses and

admissions.

JUDGE CUMMINGS: Certainly. Thank you. **(To the court usher)** Thank you very

much, the jury, please. Could we have the jury before the witness? I would just like to

say a few words to them if I may.

**The jury re-assembled in the jury box**

JUDGE CUMMINGS: Thank you. Ladies and gentlemen, before we resume with

the witness could I just say a few words to you about timetable? I said at the outset of the

trial process, when I indicated the sitting hours I said words to the effect, “It may not

sound like much of a working day, but you may find that it is quite hard going once we

into it,” and I believe you may be finding that that is indeed so. Could I say this to you?

First of all, you have my sympathy, this is a long process and it is a detailed process and

it is taxing from your point of view. Can I offer you this encouragement? Experience has

tended to show that as longish trials progress it gets easier to follow because you just have

a rolling improvement in your understanding of the case and the issues become clearer,

the same points seem to be being returned to, things become easier to follow.

In terms, however, of the sitting day, I do intend to make some adjustments really to

reduce the time that you are in court. The adjustment is slight in this sense: I would like

to carry on sitting the same hours in the morning, so 10:30 until 1 o’clock, but with the

twenty-minute break - and I have been trying to insist on that the last few days - but in the

afternoon we will finish earlier and I will aim to finish by about 4 o’clock each day to

make that a bit more manageable.

The other thing is that, and I think I may have mentioned this at the outset, the trial

process very often does throw up part-days or sometimes whole days off from your point

of view from time to time in the trial, and there are some of those approaching. So may I

tell you what those are? Tomorrow, Friday, so far as you are concerned we will only sit

tomorrow morning. So, you will finish at lunch. Next Wednesday from your point of

view we will not sit at all; I have other things I have got to do, so we simply will not

Wednesday is a free day for you next week. And the following Wednesday, Wednesday

27th, from your point of view that will be a half-day; again, we will sit in the morning only

and your time will be free from lunchtime.

So that, I hope, brings a bit of light at the end of the tunnel, or oxygen into the tunnel or

however one looks at it. But, as I say, a half-day tomorrow, a full day free for you next

Wednesday and a half-day the following Wednesday, and if there are any such occasions

that are thrown up in the course of the trial I will let you know as soon as I am able. But

for the time being can we continue with the existing evidence? As I say, we will not sit

past 4 o’clock if we can try to arrange that today. Thank you. Please.

MR. DYER: Thank you, your Honour. Perhaps the witness could return.

JUDGE CUMMINGS: Thank you very much.

**The witness HELEN ADAMS resumed in the witness box**

JUDGE CUMMINGS: Thank you very much. You are still under oath.

THE WITNESS: Thank you.

JUDGE CUMMINGS: Thank you.

**Examination-in-chief recommenced by Mr. Dyer**

Q. Thank you, Mrs. Adams. Could I ask you to, once again, look at the bundle that you have

and turn to divider 18 and find the page number 9 at the top?

(MR SWIFT: What did you say?)

MR. DYER: 9. Page 9, behind divider 18, sorry. Sorry, page 9, divider 18. Unfortunately,

it’s not printed very clearly, but it’s 15th October, 2009, and it’s an email from David

Lowe to you, is it?

1. Yes.
2. And the subject is “Self-Employed.” And you can see it says, “Hi, Helen,” and it’s signed off “Dave.” Is that right?
3. Yes.
4. And you told us before lunch about the questions that you would ask that HMRC would want you to ask.
5. That’s right.
6. And the answers to those questions which would then allow you to make an assessment

as to how someone can be paid. Is that right?

1. That’s right.
2. And is that what this email is about?
3. It is. Yes.
4. Would you just have a look at that for a moment? There seem to be questions, I think they’re in **bold**, and then answers underneath. Is that right? Or is it the other way round? Sorry, it’s the other way round.
5. It’s the other way round, yes.
6. Yeah.
7. Yeah.
8. So are those the questions that you have posed and the responses from David Lowe?
9. Yes. Yes, they are.
10. And that’s in relation to Mr. Joynson because it says, “As discussed briefly yesterday, with regards to Christopher Joynson, Consultant, doing work for Faculty of Education in relation to EHU Fosse Primary School improvement project and partnership development work. I discussed briefly the following with Robert and his responses in **bold** are as follows.” And there’s a question: “Would he replace himself or would we replace him if he could not do this work?” And the answer is: **“We would replace Christopher.”** “We” being?
11. he university.
12. The university. Unique tax reference number you had asked for. “Can anyone else on campus do this work?” And the answer is, **“No.”** Is that right?
13. That’s correct. Yes.
14. And, “Who decides when and where he does his work?” **“The Faculty of Education staff,”** and the names there, **“Robert Smedley, Sue Farramond and Peter Townley.”** “Whose materials/resources does he use to do this work?” Answer: **“His own.”** Is that a relevant consideration or not?
15. It can be, yes.
16. “What is the time of his work, i.e. do we tell him times as to when to do the work?” And the answer, **“He has a timeframe as to when he needs to do the work by but he’s not given a daily schedule.”** And it goes on to say he’s asked for the unique tax reference number. And then there’s discussion as to how he can be set up as a supplier on what is it eFin?
17. E-Financial system.
18. Or E-Fin?
19. Yes. It’s the finance software system.
20. Right. So he has to be set up on that. Is that right?
21. Yes, as a supplier.
22. Okay. And there’s a question as to alternatives. “If not, then what is the alternative?” “Can Christopher submit VL claims for the work he does for us? And even if he returns if he is to return to do consultancy work for us on a number of occasions throughout the year?” It says, “He has three invoices,” for Christopher, “require payment towards the end of October.” “So, one way or the other, if it is decided these need to be processed by a VL, we need to get him paid for the work he’s done for us. Thanks for your help.”
23. Yes.
24. The answer in relation to VL – visiting lecturer – was what? He is saying, “There are three there,” and he’s asking whether that’s the alternative?
25. Yes, it is an alternative, erm, he would go on the payroll as a visiting lecturer and we would take tax and national insurance if he hadn’t if he’d already had one claim before without deduction.
26. Right. So was it an option in this case or not?
27. It was an option, yes.
28. Right. And was there a reason why that wasn’t the option that was taken?
29. Erm, because Mr. Smedley asked if he could be a part-time lecturer. Erm, the reason for the questions beforehand were to determine whether he could be a part-time lecturer in which case he would have a timescale that he had to complete the work in, erm, and he would have to complete time sheets. But that wasn’t the sort of relationship he had with the institution. So, in my opinion, at the time it was either a visiting lecturer or I would find, erm, from HMRC, erm, his employment status and whether he could be paid as a self-employed person.

Q. Right. But the result was that you concluded he could be paid as self-employed. Is that

right?

1. Yes.
2. Right. And that’s obviously October 2009---
3. Yes.
4. ---we’re going back to. Okay. Thank you. Just putting that to one side. Can I ask

have you yourself ever heard of Forward Education?

1. No, never.
2. Or forward Education Limited?
3. No.
4. You referred to time sheets. For a consultant who is submitting invoices what is the position with time sheets?
5. It would just be an invoice. He wouldn't complete time sheets.
6. Right. Thank you. Thank you. There may be some more questions for you. If you wait there.
7. Thank you.

JUDGE CUMMINGS: Very good.

MISS HUSSAIN: No questions. Thank you.

JUDGE CUMMINGS: Thank you.

MR. SWIFT: Your Honour, there are. May I just check one matter please before I

start?

JUDGE CUMMINGS: Please do.

MR. SWIFT: Thank you.

**Cross-examination commenced by Mr. Swift**

Q. So, Miss. Adams, it seems that your evidence comes to this so far as Mr. Joynson

is concerned, and correct me if I’m wrong: there’s an approach in 2000 and I’m looking at

the last email you’ve been asked to look at---

1. Uh-huh.
2. ---with regard to Fosse Primary School and some partnership development work. Presumably you didn’t know what Fosse Primary related to?
3. No.
4. No. I’m not suggesting you should you’re dealing with all the invoice-side of things and

presumably thousands of invoices.

1. Yes.
2. But so in 2009 we know that Chris Johnson wasn’t employed by the university there, that looks to be the reason why the questions are being raised, “How do we set him up on the system”---
3. That’s right.
4. ---on the university system – “to get paid?” Can I suggest, or can I put it to you, the request from Robert Smedley wasn’t to set him up as a part-time lecturer?
5. My recollection of it was he asked me if he could be set up as a part-time lecturer and my response was I didn’t think it was appropriate---
6. Right.
7. ---because he didn’t have, erm, given times, erm, that could be monitored by the faculty.
8. Okay. So just pause there for a moment. Is that you thinking back, doing your best to try to think back, as to what the initial approach had been?
9. No, I remember it clearly.
10. You remember it from 2009?
11. I do, yes.
12. And are you saying that that was, was that request by email, by in person, through Dave Lowe?
13. I don't remember how it was asked. I think it came through David Lowe, who was the, erm, Administration Manager.
14. Right.
15. But I couldn't swear to that because I don't remember.
16. So when you say Robert Smedley asked you?
17. It always came via his administration manager.
18. But something that somebody else had said and was relaying it to you?
19. Probably, yes.
20. Okay. Notwithstanding, analysing what request was for---
21. Uh-huh.
22. ---in your mind you thought that that part-time lectureship position wasn’t the best.
23. I thought it was inappropriate, yes, because a visiting a part-time lecturer would have a set timetable by which they had to work, they had to fill-in time sheets for the hours that they worked which then were checked off in the faculty office against the contract and submitted. Now Mr. Joynson didn’t have a set timetable, so for that reason I thought it was inappropriate.
24. Yes. So, using your experience you thought that doesn’t quite fit with the role.
25. That’s right. Yes.
26. Is that right?
27. Yes.
28. Is that a fair way of putting it?
29. Yeah.
30. So you check with the Revenue---
31. I did.

Q. ---as to the best way forward.

A. Yes.

Q. Now you’ve made reference to I think you said, “special skills” or, “unique skills”?

A. Yes.

Q. Now was that a question that was being asked by the Revenue?

A. It’s a standard question from the Revenue as to---

Q. Right.

A. ---the specialism or of a skill.

Q. But was that being asked in this situation or are you generalising?

A. I asked it in every occasion where I was approached to pay somebody without deduction.

Q. For every, for every consultant?

A. Yes.

Q. Or for every body or person working in---

A. For every individual---

Q. Yes.

A. ---that wanted to send an invoice.

Q. Right. So…And that was applicable across the whole university.

A. It was, yes.

Q. And that would apply then for consultants who were registering students to courses?

A. I’ve never come across that sort of situation, so I can’t really answer that.

Q. Well, individuals and companies were invoicing the university in relation to registering

students.

MR. DYER: Well, with respect, a company is a different proposition.

MR. SWIFT: Okay. **(To the witness)** So it’s different if it’s a company?

1. It’s all under IR35 rules of HMRC---
2. Right. Right. Okay.
3. ---employment status.
4. The question as to skills is that reflected in the that we’ve just all looked at? The one, you may still have it open in front of you. If not - do you have it in front of you? I think it’s page 9.
5. Yes. It does, it does---

Q. So, so this is the request in respect of specialised skills, is it?

1. Well the general question was---
2. Vocal---
3. ---“Can anybody in the university, apart from Mr. Joynson, do the work?” The answer to me was, “No, he has a specialist skill and we don’t have that specialist skill in the university.”
4. Right. But just looking at this email---
5. Uh-huh.
6. ---and just so I understand what you say, the questions posed as you understood them, with all your experience, from the Revenue in terms of setting up somebody like this---
7. Yes.

Q. ---are those as highlighted on this email?

1. Well on the email it just says, “Can anyone, can anyone else on campus do the work?”
2. Yes.
3. And the answer to me was, “No.”
4. Right. So, so do you agree with it? So the questions as to “unique or special skills” are really as outlined on this email, that---
5. It doesn’t actually say “specialist skill”---
6. No.
7. ---on this email but the conversation with the admin manager would have been along those lines---
8. Right.
9. ---because he had an understanding of employment status issues as well.
10. So, you have no clear recollection of what that---
11. Not in this---
12. ---conversation---
13. Not in this email.
14. ---was. Not, well, do you have a clear recollection of..?
15. Yes, I do.
16. From 2009?
17. Yes.
18. Really?

JUDGE CUMMINGS: “He had an understanding of” what “as well,” sorry?

THE WITNESS: He has an understanding of the rules around employment status issues.

JUDGE CUMMINGS: Thank you.

THE WITNESS: And I have a clear und a clear recollection of this because I remember the

name because it the name is an unusual name and I had to look at the claim because the

name meant something to me; I have a friend of my son’s with the same name, so I took a

special interest in this one because I thought it might have been that person but looking at

the name it wasn’t.

MR. SWIFT: So it wasn’t him. But just so I’m clear, so just let’s look at the questions then.

“Discuss briefly with Robert.” So this is Mr. Lowe in response to you, in response to the

questions that you would have posed. “Would we replace him?” Sorry, “Would *he*

replace himself or would we replace him if he could not do this work?” “We would

replace Christopher.”

1. Yes.
2. So what was your understanding of that answer?
3. Well, it’s one the rules of employment status that: (a) if the person doing the work couldn't do the work for any reason, as a self-employed person they would be responsible for finding a replacement. If they weren’t self-employed then the university would find a replacement. But that’s only one of the questions that you would ask.
4. Right. So, when it says, “We would replace,” well it depends how you express it, doesn’t it? Either, “*We* would replace Christopher,” or---
5. So the university would replace him.
6. ---or, “We would replace Christopher.” Now does that mean you would replace him from somebody within the university or you would look to recruit?
7. You would look to find somebody else with the same skills as Mr. Joynson.
8. All right. “Can anyone else on campus do this work?”
9. At the time that was my role to ensure that the university was protected, that no national insurance or PAYE was avoided and therefore no penalties would be placed on Edge Hill.
10. Right. So you’re protecting the university.
11. Yes.
12. In relation to that question, “Can anyone else on campus do this work?” “No.”
13. Yeah.
14. Was that a sort of was that a standard response you got from the faculties, the departments?
15. Well I spoke to them that many times we had an understanding of what self-employed status meant. So that question, although it seems quite simple on the email, the administration manager of the faculty would understand why I was asking that question.
16. Right, and if it had been answered ‘Yes’, “Can anyone else on campus do this work?” “Yes”?
17. Then I would have been leaning more to employment than self-employment.
18. Right.
19. And I would have continued to probe until I found where I thought the employment status lay, and if there was any grey areas I would go to Revenue and Customs.
20. Right. So, in terms of can anyone else do it, it’s in terms of trying to make the best assessment as to what category to fit them in---
21. That’s right. Yes.
22. ---as a…yes---
23. Yes.
24. ---but not by reference to any unique or special skills.
25. Well the question was asked whether anyone else could do the work and whether he had a specialist skill that he was employing to do this work that we couldn't provide anywhere else in the university.
26. But it doesn’t say that on this.

A. It doesn’t on the email, no.

1. In any event, you suggested that a part-time lecturer wouldn't be appropriate because of the type of work he was doing.
2. Yes.
3. So you understood the sort of work he was doing, you had, I’m not suggesting you can remember now but you had, an idea that that wouldn't fit.
4. I had an idea it wouldn't fit because it was I was told it was of a research nature and there were no special times that he had to complete the work.
5. Right.
6. One of the other questions was, “Who defines when he does the work?” And the answer to that was, erm, “He had a timescale by which he”---
7. Right.
8. ---“had to complete it.”

Q. To do it himself, if he was writing something up---

A. Yes.

Q. ---it’s when and if, and, and then---

A. As long as it was completed by a specific date in the future.

Q. I understand. Okay. So, that’s 2009 and clearly it’s open, details are being given, it’s

not secretive, is it?

1. No.
2. People’s names. And do you remember the invoice coming through eventually?
3. Not the specific invoices, no---
4. No.
5. ---there’s a lot of them.
6. Okay. And would you have to make a return to the Inland Revenue as far as the university’s concerned showing that you’d paid Mr. Joynson on that invoice?
7. Yes. At the end of every fiscal year I would send copies of invoices and a list.
8. So again, it’s not something that’s being hidden from anyone---
9. No.

Q. ---and the Revenue would get to know the details.

1. The Revenue would get to know the details from---
2. Trying…
3. ---the university.
4. And then trying and then and that allows them to then marry-up any returns.
5. With self-assessments, yes.
6. Thank you. Jumping on to 2010, which is I think where you started giving your evidence this morning, so that’s the approach whereby Mr. Joynson is now employed but seeking to claim for work which he did prior to employment.
7. Yes.
8. Are we do we agree that the same process would then be undertaken?
9. The same process would be undertaken. Yes.
10. With the same disclosure from Mr. Joynson and the same reporting to Customs?
11. Yes.
12. And then it’s repeated again in 2011.
13. Yes.
14. And that’s the email that we looked at I think before lunch, isn’t it, at page 19, divider 18? Let’s just actually look at that for a moment, please?
15. Sorry, which one?
16. It’s divider 18---
17. Divider 18.
18. ---page 19. Yes. Do you remember that email?
19. I do. Yes.
20. Yeah? So at the middle of the page, the 24th of January, “It’s perfectly acceptable to both employed and self-employed in a different capacity at the same time.”
21. Yes.
22. So that was the correct position---
23. Yes.
24. ---so far as the university was concerned.
25. Uh-huh.
26. No reference to “special,” or “uniqueness,” or “special skills”---
27. Not in the email, no.
28. ---within that. No?
29. Not in that, no.

Q. Now, was that would that have been done? Wouldn't it have been done? Or were you

just…or do you not know?

1. Yes, it would have been done but it’s not in the email.
2. Right. You say that just as a matter of course.
3. Well, yes, it was the standard procedure to ask those questions.
4. Would your Honour just excuse me for a moment just to double-check?

JUDGE CUMMINGS: Certainly.

MR. SWIFT: I do need to put this to you, I think I know your response but I do need to put

this to you: I think you suggested that Robert had asked you, you asked Robert about the

specialist skills. If I haven’t put that to you can I suggest that was never asked of him.

1. Not of Mr. Smedley, no, it would have been asked of the administration manager of the faculty.

Q. I’ve no further questions. Thank you, your Honour.

JUDGE CUMMINGS: Thank you very much. Mr. Dyer?

MR. DYER: I don’t have any re-examination, your Honour.

JUDGE CUMMINGS: Thank you.

MR. DYER: Does your Honour have any questions?

JUDGE CUMMINGS: No. Thank you very much. Thank you for coming. That completes

your evidence. I say this to every witness: please, do not discuss your evidence with

anyone. In particular, not with anyone who is due to give evidence.

THE WITNESS: Okay.

JUDGE CUMMINGS: Thank you.

THE WITNESS: Thank you.

**The witness withdrew**

MR. DYER: Your Honour, the next witness is Maureen Wilkes, who shouldn't take long.

She’s going to help us with the process of approving invoices---

JUDGE CUMMINGS: Thank you.

MR. DYER: ---and will hopefully clarify it a little more.

JUDGE CUMMINGS: Thank you very much.

MR. DYER: And then hopefully we can have a break.

JUDGE CUMMINGS: Thank you.

MR. DYER: So I’ll call Maureen Wilkes. Sorry, for your Honour’s benefit it’s page 290.

JUDGE CUMMINGS: Thank you.

**The witness MAUREEN WILKES to the witness box and sworn**

JUDGE CUMMINGS: Thank you very much.

THE WITNESS: Thank you.

JUDGE CUMMINGS: Are you happy standing or would you prefer to sit?

THE WITNESS: I’ll sit down if that’s okay.

JUDGE CUMMINGS: Please, please do. Mr. Dyer?

**Evidence-in-chief commenced by Mr. Dyer**

Q. Could you give your full name to the court, please?

A. Erm, Maureen Wilkes.

Q. Thank you. I’m going to ask you some questions. If you could try to keep your voice up

and speak to the back row of the jury so everybody can hear what you have to say.

1. Okay.

Q. Could you tell us do you work at Edge Hill University?

A. I do.

Q. And what’s your job there?

A. Erm, I am Deputy Director of Finance.

Q. Right. Is that for the university as a whole?

A. It is, yeah.

Q. And how long have you worked in that role?

A. In that role, erm, about four years at the university, about twenty-five years.

Q. Right. So, if we go back to your previous job then were you doing something similar or..?

A. I was the Financial Accountant, so similar.

Q. Right. So, are you familiar with the procedure for the payment of invoices at Edge Hill ?

A. Yes.

Q. And are you familiar with the procedure that was in place in 2009/2010 onwards?

A. Yes.

Q. Yes? Thank you. I’m going to ask you some questions about that, but in order to assist

I’m just going to ask if we can look at documents. I’m going to ask that the jury have a

copy of these documents, your Honour. I’m going to ask that they go in the jury bundle.

In fact, it’s just two pages.

JUDGE CUMMINGS: Right.

MR. DYER: If we could distribute copies. I think we should have sufficient and perhaps the

witness could have a copy as well. **(Copies of the documents were distributed to the**

**jury)** Oh, sorry, there’s a copy for the witness here. Thank you. Sorry, I was going to

ask, your Honour, that these go at the back of divider 4.

JUDGE CUMMINGS: Thank you.

MR. DYER: Divider 4 at the moment goes up to page 11. I’m sorry, I should have written

the page numbers on this. It’s just two pages. So, at the moment---

JUDGE CUMMINGS: These will be 12 and 13, will they?

MR. DYER: Yes. If we could call them 12 and 13. So, SI121 would be page 12 and SI122

in the top corner on page 13. Apologies. And so if they go behind page 11, which is the

Joynson Payment Summary. Thank you. **(To the witness)** Now I just want to use these

documents to help to explain the process for authorising invoices. If you have a look at

the one that’s now page 12, SI121. Do you see that one?

1. Yes.
2. I’m afraid the copying isn’t, isn’t the best. But this relates to “Joy 2093” which we know as the invoices for C. J. Consultants. Is that right?
3. That is correct.
4. And this is a document that’s been prepared by your department in relation to those invoices. Is that correct?
5. It was.

Q. And we can see the “Supplier Code” down the left-hand side and the “Supplier Name”

next to that. The “Period” is that the month or..?

1. Erm, it’s the month within the accounting year.
2. Right. Thank you. We’ve got the “Transaction Date” and then the “Reference.” That’s the reference from C. J. Consultants on the invoice. And then there’s “Our Reference,” which is the Edge Hill reference on an invoice. Is that right?
3. Yes, that’s correct. That’s the purchase order number.
4. And then “Gross Value” of those invoices. And then the final two columns really what I’m going to be asking you about, there’s “Requisitioner” and “Approver.”
5. Correct.
6. And I just want to deal with the process for that’s involved in the successful payment of an invoice that’s submitted to the university.
7. Okay.
8. Just dealing generally with “Requisitioner” is it necessary to have a requisitioner?
9. All orders must have a requisitioner.
10. Right. And what does that involve?
11. The requisitioner has rights to enter the details of an order on the system.
12. Right. Just pause there. Is “the system” is that the e-financial system?
13. It is the e-financial’s finance system.
14. Right. So it’s the university financial system---
15. Yeah.
16. ---which is online, is it?
17. Yes.
18. Yeah. As far as that is concerned, do various people have access to it?
19. Yes.
20. All right. And as far as requisitioning work is concerned, who can do that?
21. Erm, a requisitioner is normally an admin person, and they will have a role that gives them rights to enter onto the system for their particular area.
22. Right. Okay. Well, on this first document we can see at the bottom of this, in fact it’s reverse chronological order, so at the bottom we have David Lowe as a requisitioner.
23. Yeah.
24. And so is he someone who has authority to raise a requisition?
25. He has authority to raise a requisition.
26. And to do that does he have to log on?
27. He has to log on with a username and unique password for himself.
28. Right. Okay. So, what sort of information has to be input on a requisition?
29. A requisition would contain the supplier code and---
30. Is that, in this case, “Joy”---
31. It is. Yes.
32. ---“2093”? Right.
33. Erm, it would have the description of what they were requiring to order, the goods or service. It would have the coding, the cost centre, which would be the department coding and the account code that would be the description of the type of expense, for example, Temporary Staff. Erm, it would have the amount, erm, and then the cost.

Q. Right. Now in some cases clearly there’ll be an order a requisition and an order before

there’s delivery of the service or the goods.

1. Yes, correct.
2. Particularly the goods because presumably there would be an order and then the goods received. Is that right?
3. Correct.
4. But that isn’t always the case, is it?
5. No.
6. Right. So there has to be in every case a requisition. Is that right?
7. Correct.

Q. And once that detail is on the system, what next has to happen in the process?

A. Somebody with approval rights for that cost centre, that department, needs to log onto

the system and click the Approved button for that particular requisition.

Q. Right. So, we can see here, we can see the first, well, the last one in the list but the first in

time the “Approver” is “Robert Smedley,” there are others we can see, but Robert

Smedley is the approver. What does that tell us?

1. That he has logged on, checked the details of that requisition and clicked Approve, that he is happy with that as budget holder.
2. Right. And so presumably the same would apply to the Peter Townley one and the Bill Bruce there are a few of those as well?
3. Yes.
4. Right. As far as the requisitioner is concerned, in this case we can see there’s David Lowe, a Janet Geld is it Geldherd? Geldhard?
5. Yeah, I think it’s pronounced like that.
6. And Lyndsey MacDougal who are the three that we see on this document. So, once there’s the approval, what happens then?
7. Erm, once the requisition is approved on the system, the finance system will convert that into a purchase order---
8. Right.
9. ---give it a unique purchase order number.
10. Right. Is that a digital document or is it a digital document or a hard copy document or, or what?
11. It is digital, we will print out a hard copy which then gets sent to the supplier.
12. Right. Once you have the purchase order, what happens next?
13. In order for us to pay an invoice that would match that purchase order, the purchase order has to be electronically receipted on the system. That receipt is our confirmation from the department that they’ve received those goods or services and they’re happy with them, and that purchase order is now fully completed and can be paid.
14. So, who can do that; who has the authority to do that, to say, “Well, it’s okay to pay because we’ve received the goods or services”?
15. The requisitioners or the approvers in the department would all have the right to receipt the order.
16. Right. Thank you. So once the order is receipted, what happens then?
17. The Finance Office will have an invoice, that invoice will be matched against the order and entered onto the system and paid.
18. Is that the university Finance Department?
19. It is.

Q. So your department---

A. Yes.

Q. ---that do that. Now that process, there are a number of stages to it that you describe, but

there can clearly be cases where the invoice is presented after the work is done.

1. Yes.
2. In that case do you still have to have a requisition on the system?
3. Yes. The whole process has to be completed before we would pay any invoice.
4. So, in theory, an invoice could be presented for payment, for argument’s sake to somebody in a faculty, and the whole process could then take place over that day to result in the approval of the payment. Is that right?
5. It could, yes.
6. Right. In normal circumstances then, in the usual scenario, where does the final invoice for the work go?
7. The final invoice, erm, is instructed we instruct the supplier to send the final invoice to finance. Because if there’s a correct purchase order on the system, there should be no need for the department faculty to have the invoice.
8. Right. Well in this case, we know that the invoices have come to the faculty and then been paid, in general terms.
9. Yes.
10. Would there still be a purchase order sent out, a hard copy, to C. J. Consultants or not?
11. It would probably be unlikely if the goods and services had already been received, so we would probably get a message, “Please don’t send that purchase order.”
12. Right.
13. Or, “Send it directly to us and we’ll deal with it”.
14. Okay.

JUDGE CUMMINGS: So it would be unlikely the purchase order would be sent where,

sorry?

MR. DYER: To C. J. Consultants.

JUDGE CUMMINGS: To the supplier.

MR. DYER: The supplier, your Honour, yes.

JUDGE CUMMINGS: It would be sent instead where?

1. Erm, we if goods and services have already been received---
2. Yes.
3. ---and the purchase order doesn’t need to go out, sometimes we’re asked to send it to the

department and sometimes we’re asked just to not send it anywhere.

Q. Thank you.

**Evidence-in-chief recommenced by Mr. Dyer**

Q. Could we just look at the next page?

A. Uh-huh.

Q. It’s a similar document. So, page 13. This is FOR2008 and is for Forward Education, the supplier code for Forward Education.

A. Yes.

Q. And the same information is provided here. Is that right?

A. That’s correct.

Q. But there’s no there’s actually no reference I think for the Forward Education invoices because they don’t have a reference number of their own. But we still have the requisitioner and the approver. Is that right?

A. We do, yes.

Q. And we see the same people, as I say the three people who are involved in requisitioning. The approval in relation to these invoices is always Robert Smedley. Is that right?

A. Correct.

Q. I just want to deal with one other matter.

JUDGE CUMMINGS: So it is a different supplier code.

MR. DYER: Yes.

JUDGE CUMMINGS: Just a minute, please. Thank you.

MR. DYER: **(To the witness)** Well, in fact there’s also a different supplier name of course

because rather than the name of an individual, Mr. C. Joynson, it’s the name Forward Education, isn’t it?

1. That’s correct.
2. Yeah. If you put those to one side for a moment. Could I just ask you to take hold of the lever arch file just for a moment? Perhaps you could just turn do you see the dividers---
3. Yeah.
4. ---can you find number 6 and turn to page 23, please? This is an example of a C. J. Consultants invoice and I just want to identify some of the information on it. At the top right-hand corner do we see the supplier number handwritten?
5. Erm, correct.
6. It’s actually written twice for some reason: “Joy 2093”?
7. Yes.
8. Is there a requisition number?
9. Yes. The requisition number is the “R166409.”
10. Whereabouts do we, oh, sorry, just below.
11. In the middle at the top.
12. So, yes, so it’s handwritten on this document. So that’s the requisition number. So who writes that on?
13. Erm, the Finance Department will have written that on.
14. Yeah. The order number?
15. Is in the box stamp near the bottom, which is the “PO94225.”
16. And how does that come to be on the document?
17. Again, that’s written on by the Finance Department as they’re processing it.
18. Right. There’s an account code there, I can’t quite the copying’s not great but---
19. “51220.” That is Temporary Staff.
20. Right. And the Cost Centre: GED.
21. GED is one of the, erm, departments within the Faculty of Education.
22. Right. One of the, one of the is it one of the budgets in the Faculty of Education---
23. Yes.
24. ---or cost centres in the Faculty of Education?
25. Yes.
26. All right. So, thank you for that. If you could turn over a couple of pages, we’ll see a Forward Education – it’s page 25, we’ll see a Forward Education – invoice. And do we see at the top again the supplier code for that “FOR2008”?
27. Correct.

JUDGE CUMMINGS: Page 25, is it?

MR. DYER: Yes, sorry, page 25.

JUDGE CUMMINGS: Thank you. No, no, thank you.

MR. DYER: Sorry. And the Requisition Number in the top corner, is it, “R167706”?

1. Yes. Yeah, that is correct.
2. And on here at the bottom we can see again it’s “GED”---
3. Yes.
4. ---the Cost Centre and the Account Code “54061.”
5. Uh-huh.
6. Do you know what that one is?
7. Facilities hire. Sadly, I know most of them.
8. Facilities hire?
9. Yeah.
10. So, who would have entered that or why is it facilities hire, do we know?
11. The requisitioner would have entered the account code, and that would have been checked by the approver before it was approved.
12. Right. Yes, I think it’s the order number but we can’t quite read it, but it’s “PO95179”, is it?
13. Correct.
14. And that’s the order number, the purchase order number, is it?
15. It is.
16. Thank you. Thank you for that. I don’t have any further questions. I don't know if my learned friends do?

MISS HUSSAIN: No questions. Thanks.

MR. SWIFT: I have none thank you, your Honour.

JUDGE CUMMINGS: Thank you very much.

MR. DYER: Thank you. Is that a convenient moment, your Honour?

JUDGE CUMMINGS: It is. I am very grateful to you. That completes your evidence, you

are free to go.

THE WITNESS: Thank you.

JUDGE CUMMINGS: Please, do not discuss your evidence with anyone please, especially if

they due to be a witness themselves.

THE WITNESS: Okay.

JUDGE CUMMINGS: Thank you very much.

THE WITNESS: Thank you.

**The witness withdrew**

JUDGE CUMMINGS: Can we take ten minutes, ladies and gentlemen? Thank you.

**The jury retired to the jury room**

JUDGE CUMMINGS: Anything arising?

MISS HUSSAIN: No, thank you.

MR. DYER: No.

JUDGE CUMMINGS: Thank you. Ten minutes please. Do not wait for me. Can we

Resume at twenty-past? Thank you.

**Case adjourned**

**Case resumed**

JUDGE CUMMINGS: Thank you.

MR. DYER: Your Honour, the next witness is David Lowe. His first statement is at page 53.

JUDGE CUMMINGS: Thank you.

MR. DYER: There is another statement at page 311.

JUDGE CUMMINGS: Thank you very much. Are we ready for the jury? Thank you.

MR. DYER: I don’t anticipate we’ll finish this witness, your Honour, today but…

JUDGE CUMMINGS: Right.

MR. DYER: …so we’ll finish at 4.

JUDGE CUMMINGS: Pick a suitable moment whoever is on their feet.

MR. DYER: Me, I think.

JUDGE CUMMINGS: Thank you.

**The jury reassembled in the jury box**

JUDGE CUMMINGS: Thank you very much. Mr. Dyer?

MR. DYER: May it please your Honour, the next witness is David Lowe.

JUDGE CUMMINGS: Thank you very much.

**The witness DAVID PAUL LOWE to the witness box and sworn**

JUDGE CUMMINGS: Thank you very much. Are you happy standing or would you prefer

to sit?

THE WITNESS: Erm, I’ll sit if that’s okay.

JUDGE CUMMINGS: Certainly.

THE WITNESS: Thank you.

JUDGE CUMMINGS: Mr. Dyer.

**Examination-in-chief commenced by Mr. Dyer**

Q. Mr. Lowe, could you give your full name to the court, please?

A. Yeah, it’s David Paul Lowe.

Q. Thank you. I’m going to ask you questions, if you could direct your answers to the jury

everybody has to hear what you have to say.

1. Okay.

Q. Do you work at Edge Hill?

A. Yes.

Q. And what is your job at Edge Hill?

A. Erm, Finance and Resources Manager for all the Faculty of Education.

Q. Right. And how long have you held that post?

A. Erm, about ten years.

Q. Thank you. And does part of your role involve the processing of invoices that need

paying by the university?

1. Yes.
2. I want to ask you about Robert Smedley. Was he the Dean of Education in around 2009 or in fact when you started probably?
3. Yeah, yes when I started, yes.
4. Yeah. And was he your line manager at Edge Hill?
5. Yes. Yes.
6. And how would you describe your working relationship with Mr. Smedley?
7. Very good.
8. And how much contact did you have with him day to day?
9. Erm, daily. I met, met him; more or less every day.
10. In person?
11. In person.

Q. Right.

A. Erm, if he wasn’t in the office, on email.

Q. Were your offices close together or not?

A. Yes, next door.

Q. And I think it’s agreed that he was very hardworking and very driven and committed to

the Faculty of Education---

1. Yes.
2. Is that right? As far as personal life was concerned, did you know much about Mr. Smedley or not?
3. Erm, little, little things, not much. He, he, he didn’t, erm, I got the impression he didn’t wanna talk about his personal life.
4. Right.
5. But I knew, knew little.
6. Thank you. I want to ask you about Christopher Joynson. Do you remember when you first became aware of him?
7. Erm, yes. Erm, well I, I, I become aware of the name from, erm, Robert Smedley I think via an email saying he’d done some work for us.
8. Right. I see. So, that’s the first you’d heard of the name. You don’t think you’d met him in person and you thought you’d heard the name on an email?
9. Yes.
10. Or seen, sorry, read the name on an email.
11. I’d read the name on an email, yes.
12. Thank you. I want to ask you about some of those emails, I’m going to ask you to use the bundle of documents you’ve got in front of you.
13. Sure.
14. If you look behind divider 18, there are some documents that you have looked at, because you have produced some of them, which are emails.
15. Yeah.
16. If we look behind divider 18 at page 1, we see two emails from 9th September, 2009. Is that right?
17. Yes.
18. And the first – we have to look at the bottom one first---
19. Uh-huh.
20. ---and it’s from Robert Smedley to you. Is that right?
21. Yes.
22. It says, “I need one of school contacts linked to the Leicester project.” Do you know what that relates to or refers to – it’s a long time ago?
23. Erm, not really.
24. Okay. Did you yourself really involve yourself in, in that side of things or were you more involved in just the finance?
25. More involved in the finance and the…

Q. Okay.

A. Yeah.

Q. So, anyway, at the time he said, “I need one of school contacts linked to the Leicester

Project to undertake some work for us on a consultant basis. If I want to pay him via VL”

- visiting lecturer?

A. Yeah.

Q. ---“does he need to complete any paperwork relating to bank, etc, and if I paid him on a

consultancy basis, i.e. he invoiced us, would that mean that we would have to set him up

as a supplier? Is this complex? I’m conscious that I’ll be using him for lots of project

work throughout the year. Thanks.” And it’s from Robert Smedley. Now, there isn’t

actually a reference to the name there but there is a response from you, isn’t there?

1. Yeah.
2. And what’s your response to his email?
3. So I’m saying, erm, “If he was to complete…If completing as a visiting lecturer he would need to complete a his bank details on a form.”
4. Right. So there’s a special form for that?
5. Yeah.
6. And then if he was to invoice what?
7. So, “If he was to invoice us,” erm, “we would he would need to be set up as a supplier on the university system.”
8. Yeah.
9. Erm, “He would need to be set up and registered as a business in order to invoice us. And setting up a new supplier’s straightforward and I’ll get all the details from the invoice he provided.”
10. Right. Over the page, and this is again 9th September, so page 2. 9th of September.
11. Yeah.
12. Here it’s indicated there’s a VL form - so it’s a hard is it a hard copy document then?
13. Yeah. It’s a physical document, yeah.
14. Should go to Christopher Joynson.
15. Yeah.
16. There’s an address given in Northumberland.
17. Yeah.
18. And it’s said to be his parents’ address. And that’s Mr. Smedley asking you to send it out.
19. Yeah.
20. All right. As far as you’re aware, was Mr. Joynson paid as a VL, or visiting lecturer, or not as far as you can recall?
21. Erm, I don't recall he was paid as a VL.
22. Right. But the form seems to have been posted. Is that right?
23. Yeah. That’s, that’s the markings on at the top on the right-hand side of the document that’s me saying I posted it out, erm, the day later---
24. Oh right, 10th September---
25. ---the 10th of September.
26. ---yeah, we just can’t read that.
27. Yeah. Erm---
28. Yeah.
29. ---and the “FF” and the date’s there and the “Await VL form” that’s my system, erm, to ensure that the VL form should be coming in and, erm, I should be getting that signed by Robert Smedley.
30. So it’s a reminder, is it?
31. It’s a reminder, yeah. It’s something in advance.
32. Right. I see. So have you printed out the email with the reminder on it then?
33. Yes.
34. Right.
35. Erm, well I printed out the email that email, erm, and I’ve, yeah, put that in a Follow File---
36. Right.
37. ---to come back to.

JUDGE CUMMINGS: In a Follow File?

1. A Follow File, yeah---
2. Yes.
3. ---kind of---
4. Yes.
5. ---erm, something in advance that would remind me.
6. Thank you.

**Examination-in-chief recommenced by Mr. Dyer**

Q. If we turn over the page to page 3, so the email at the bottom: “14th September”---

A. Uh-huh.

Q. ---“Hi, Dave.” Can you see that one?

A. Yeah.

Q. “I’ve been looking at the Fosse Ofsted Project costs, etc. I know that you have sent a

claim to Christopher Joynson” - is that a reference to the VL form or something else?

1. That’ll, that’ll be reference to the VL form.
2. All right. ---“and that the school made claims last year.” Do you know what that relates to “The school made claims last year”?
3. Yeah, I think there were, erm, there were some invoices from the school Fossey (sic)---

Q. Right.

1. ---in relation to that.
2. Invoices from Fosse.

A. Fosse.

Q. Well we may as well look at those now just briefly. Sorry to jump about. But if you can

just turn back to divider 10 and the last couple of pages of divider 10. It’s pages 26 and

27. I think you recovered these invoices. Is that right?

A. Yes.

Q. So these are the invoices that you found in relation to Fosse. Is that right?

A. Yes.

Q. Did you find any others or just those two?

A. Just those two.

Q. Right. So, there had been some payments to the school actually for supply teachers and

some travel expenses.

JUDGE CUMMINGS: Just give me those references again, sorry.

MR. DYER: Sorry, that’s divider 10, page 26 and 27.

JUDGE CUMMINGS: Thank you.

MR. DYER: It’s the Fosse divider.

JUDGE CUMMINGS: Yes. Thank you.

MR. DYER: Sorry to jump about---

JUDGE CUMMINGS: No.

MR. DYER: ---but if we go, if we go back to divider 18, page 3, sorry. So, clearly there had

been some cost, the school made claims. The email goes on, “But did Christopher claim

anything himself last year? I can't remember signing anything. If not, then he has a lot of

days to claim for by my calculation. What is the limit on VL claims?” And then he talks

about the research dimension of the project. “It’s partly covered by Nichola’s salary.”

Now, it’s an email to you. Do you know who Nichola is?

1. That will be Nichola Whiteside.
2. Right. And why, why do you think it’s Nichola Whiteside?
3. Erm, the only Nichola I can think of that was working at the university at that time (chuckled).
4. All right. Okay. It’s a long time ago.
5. Yeah.
6. “Nichola’s salary. So that is in the budget” - so, it seems to be referring to the Fosse budget. But did you know anything about the Fosse budget?
7. Not that I can recall.
8. Okay. ---“and not a problem. Chris will be doing some work for us this term and I guess Martin will also have someone working at a daily rate to complete the research.” Martin?
9. Ashley.
10. Yeah, Professor Ashley, yeah.
11. Professor, yeah.
12. Right. Okay. So he sent you that email. And then you responded in the email above. Is that right?
13. Yes.
14. “Nothing on file to show Christopher claiming anything last year as a VL.” And then you say you’ve “discussed with Helen Adams visiting lecturers/external consultants.” Can you just explain what you had discussed with Helen Adams to your recollection; can you just read that---
15. Yeah.
16. ---there?
17. So, erm, “A VL/external consultant should not be seen to be storing up hours and claiming on one VL claim to avoid paying tax and NI. VL claims should be submitted in the month the lecturer/consultancy, consultancy work took place.”
18. Right. Well is that a reflection of your discussion with Helen Adams?
19. Yeah, yeah.
20. Right. So, what was the upshot, what was the conclusion then, we can see what you’ve written?
21. “If Christopher will be doing lots of project work, work for us then Helen suggests we should be getting him set up as an associate tutor. Or if he is a registered business or self-employed as a consultant then for Christopher to invoice us for the work.” So---
22. Right.
23. ---kind of saying if he was doing, if he was doing one-off type work it’s a VL claim---
24. But it needs to be submitted within the month or something like that.
25. It should, yeah, it should be done.
26. Right. This doesn’t seem to have been that. Is that the conclusion that you reached that it..?
27. Erm, no, I was just giving, I was just giving Robert the---

Q. Okay.

A. ---the facts.

Q. All right. And well just tell us about Associate Tutor then.

A. Erm, an associate tutor would be, erm, someone who does work for us, erm, on a part-

time basis, erm, someone a bank of, erm, a bank of, erm, tutors---

Q. Uh-huh.

A. ---people, teachers, ex-teachers that we can that are on a zero-hour contract, that we can---

Q. Right.

A. ---draw upon.

Q. And are they paid through PAYE or not?

A. Yes.

Q. Right. I see. And then the other option is as a business or self-employed consultant---

A. Yes.

Q. ---and invoiced for the work.

A. Yes.

Q. So you’re setting out there the options.

A. Uh-huh.

Q. And then at the, sorry, at the top, that’s you to Robert, and then there’s a short email, isn’t

There? “Thanks. The problem is that most of the work relates to last year. Will you talk

to me Monday morning?” And so do you remember talking to him?

A. Erm---

Q. ---that Monday morning or not?

A. ---I can't recall. I think in my statement I can't recall what we talked about on the, on the

Monday.

Q. All right. So you can't recall---

A. What the Monday morning conversation was.

Q. ---so long ago. But that would be usual for you to speak to him about things because you

were in an office next door I assume?

A. Yeah, yeah.

Q. Right. Do you recall now what did happen in relation to the manner in which he was to

be paid?

A. Sorry, can you?

Q. Well, what was the conclusion – you may not remember the conversation but..?

A. The conclusion was, erm, to be paid by an invoice.

Q. Right. Okay. Well let’s just have a look at page 4 then.

A. Uh-huh.

Q. If we look at the bottom, we’re on to 21st September and this was actually Sue

Farramond emailing you.

A. Yes.

Q. “We need to pay Chris Joynson on a Visiting Lecturer form for two weeks. Do you know

how much Robert will be paying?” So this is to do with the rate of pay.

A. Uh-huh.

Q. And you respond to that. Is that right?

A. Yes.

Q. And what’s happening here are you copying-in or what’s going on; are you copying-in

Robert Smedley and Sue Farramond to this or..?

A. I probably would have had if we’re agreeing rates of pay.

Q. Right.

A. Erm, obviously Robert’s guiding me in terms of what we should be paying.

Q. Right.

A. The normal rate is what I’ve suggested.

JUDGE CUMMINGS: The top email appears to be and the email chain appears to be from

this is witness to Robert Smedley and Sue Farramond.

MR. DYER: Yes. Yes, thank you, your Honour. **(To the witness)** So you’ve clearly said,

“Hi, Sue. Christopher Joynson should be paid at a VL rate which is £37.47 per hour---

1. Uh-huh.
2. ---"for his work.”
3. Uh-huh.
4. And you ask Robert if he’s okay with this. And what’s his response?
5. So, erm, he’s saying, “It could be at the top of Grade 7,” erm, “so we need to determine how many hours and where and the budget this is”---
6. Right.
7. ---et cetera.
8. And then you indicate, “The top of Grade 7 is £38.60 per hour.” Is that right?
9. Yes.
10. Right. And so, who actually had the decision as to the rate of pay?
11. Robert Smedley.
12. And why was it you’d suggested the VL rate?
13. Erm, I was suggesting that that’s the normal VL rate, what we would normally pay per hour for a visiting lecturer.
14. Thank you. If we turn over the page to page 5 here, “Hi, Dave,” so this is at the bottom,

“This is fine and please process GED, please. Do you need me to sign a copy?” Signed

“R.” So this is 28th September.

1. Uh-huh.
2. What’s happening here?
3. So this suggests, erm, that we’ve talked about paying as a VL, Robert’s emailed me because there’s an attachment to this email---
4. Yes.
5. ---erm, an invoice, and he’s telling me where to code it.
6. Where to code it. Right. Okay.
7. Yes. And it’s, and it’s okay to pay.
8. Right. Okay. If we just have a look at - so the date of that – stay on that page for the moment - the date of that is 28th September---
9. Uh-huh.
10. ---and then there’s your response which is the same day, isn’t it?
11. Yyyes.
12. It says it’s actually, sorry, it says, “Invoice for Fosse Project,” it’s not very clear, I’m afraid, my copy but it’s the invoice for the Fosse Project. And you say, “This should be fine. I don’t need you to sign. I will use this email as proof as okay to pay. I’ve noticed the invoice was not made out to Edge Hill University but I’ve added these details onto the invoice. Thankfully it was a word document.” So it had come to you as a Word document and you were able to add in the name of the university.
13. Edge Hill University at the top.
14. “I’ll get him set up as a supplier on e-Fin” (e-financial system) “and pay this invoice. It should be paid towards the end of October.” Is that right?
15. (No Answer)
16. Now, if we just pause there for a moment and move back to divider 6, page 1 is the invoice for Fosse.
17. Uh-huh. Uh-huh. Yes.
18. And we can say the invoice date is 28th September.
19. Yeah.
20. So, how have you come by that invoice; how did you get hold of that invoice? Is it from---
21. I think it was---
22. ---the email suggested it was an attachment.
23. Yeah---
24. Is that right?
25. ---it was attached to the email from Robert---
26. From Robert Smedley.
27. ---to me. Yeah.
28. All right. So it’s come electronically from an email from Robert Smedley.
29. Yeah.
30. Okay. And you’ve added in “Edge Hill University” at the top.
31. Yeah. Uh-huh.
32. Is that the only thing you did to it?
33. Erm, I probably would have coded it up, maybe. No.
34. Coded it up.
35. No, that’s not me coding it up, sorry. No, that’s all I’ve done.
36. Well let me just ask you what do you mean by “coding up”?
37. Okay. So, erm, Robert suggested, well, Robert said it needed to be paid from a cost centre.
38. Yeah.
39. So we have a number of cost centres and we have a budget for the faculty.
40. Right. So, GED?
41. Is a cost centre---
42. Right.
43. ---within the faculty known as---
44. Well which cost centre is it?
45. It was General Educational.
46. Right. Okay. And “5266O” is the account code. Do you know about the account codes or not?
47. Yes.
48. What’s that refer to?
49. I think that was the account code for consultants.
50. Okay. So, this invoice, the first invoice we have in time, do you have to then raise a requisition for it is that what has to happen?
51. Yes.
52. And---
53. It’s a process for payments, yes.
54. Yeah. And in this case, you’re receiving an invoice after the work has been completed.
55. Correct.
56. And so what do you actually do to raise the requisition?
57. Erm, firstly, I would’ve needed to make sure that the supplier was set up on the system.
58. Oh, of course, because, yeah, a new supplier.
59. The new supplier.
60. Yeah.
61. Erm, I would then raise a requisition on the system, on the e-Financial’s accounts system.
62. Right. So do you have to log-on to do that?
63. Log-on.
64. Right.
65. Raise a requisition.
66. Yes.
67. Erm, when raising a requisition make sure it’s coded correctly on the requisition.
68. Right.
69. Erm, and then I think at the time I would have had to submit it to the budget holder---
70. Right. And---
71. For, for approval.
72. Right. So you’re the requisitioner---
73. Uh-huh.
74. ---and for approval of this first invoice – it’s a long ago---
75. Uh-huh.
76. ---but do you remember yourself who actually approved it?
77. It would have been Robert.
78. Right. Is that, that approval, is that done by him logging-on or by signing something or what?
79. Yeah. So I would have had to approve I would have used the email that we’ve seen previously in terms of saying “It’s okay to pay,” to then raise the requisition. I would do my part of it. It would then go to Robert. I would send Robert an email to say, “You need to approve requisition number” whatever that requisition number for this would have been.
80. Right.
81. Robert would have logged-on, erm, and pressed the button to approve/authorise that requisition.
82. I see.
83. The requisition would then become a purchase order.
84. Right, even though it’s already been supplied?
85. Even though all the goods and services have been supplied.

Q. Right.

A. Erm, as I know that this or as Robert has told me that this work has been completed, I

would then receipt in the purchase order.

Q. So you would receipt it to say that the work has actually been done.

A. Yes.

Q. And you’d have authority to do that on the e-financial system. Is that right---

A. Yes.

Q. ---because you know from the email, you’re happy because you’ve had an email and you

know the work’s been done?

A. Robert’s telling me the work’s been done.

Q. You don’t have direct knowledge of that type of work being done because it’s not your,

not your job.

A. No.

Q. Okay. Thank you. If we just have a look, sorry, back behind divider 18, sorry. I think if

we turn to page 11 of divider 18, these are emails I think setting up Mr. Joynson as a on

the supplier as a supplier. Is that right?

A. Yes.

Q. And Lyndsey Jennings is somebody who’d do that, is it?

A. Yes.

Q. And so you’re sending details for Mr. Joynson; his address and bank details. Is that

right?

A. Yes.

Q. So that’s the same day, so it’s all happening on 28th September. Yeah?

A. Yes.

Q. If we turn back a page to page 10, it’s a little difficult to read this but if we look in the

middle of the page---

A. Uh-huh.

Q. ---you are sending an email to Mr. Joynson at his Yahoo email address.

A. Yes.

Q. You’re telling him who you are---

A. Yeah.

Q. ---you’re wanting to get him paid and asking for his UTR that’s unique tax reference

number. Is that right?

A. Yes.

Q. Because you need that to set him up.

A. Yeah. I think I got that information from Helen Adams.

Q. All right.

A. And she needed that to set him up.

Q. Okay. And the response from Christopher Joynson is saying he’s getting it from HMRC.

Is that right?

A. Yes.

Q. Turn back another page to page 9, we’ve already looked at this today, but this is from you

to Helen Adams. Is that right?

A. Yes.

Q. And these are answers to questions that have been posed as to the type of work that Mr.

Joynson would be doing. Is that right?

A. Yes. Yeah.

Q. Is this something you were used to discussing with Helen Adams and others in the

Finance Department or not?

A. Yyyes. Yeah, at times, yeah.

Q. So the types of questions that were being asked were you familiar with those questions or

not?

A. (No Answer)

Q. Have a look at them.

A. Yeah.

Q. And the answers that you have given were they from your own knowledge or from

somebody else?

A. I would have got them from someone else.

Q. Right. And where would you have got the information from in this case?

A. Probably in discussions with Robert.

Q. All right. And as far as the, well we can see that there’s a question, “Can anyone else on

campus do this work?” “No.” These questions, insofar as they’re framed here, is that you

using the questions directly that have been sent to you by email or is that you writing the

questions yourself do you know?

A. That’s me writing the questions that I would have got from Helen Adams.

Q. Okay.

A. And in **bold**, in bold is my response to those questions.

Q. Right.

A. So I’ve gone away and found out the answers to the questions.

Q. Right. So, “Can anyone else on campus do this work?” And you were told, “No”.

A. Yeah.

Q. We can see the other answers there. Do you now recall the conversation in which you

were given these answers or not?

A. No.

Q. Okay. We can see that – I’m not reading through all of it because the jury have already

seen it, but I think you’ve probably had a chance to look at it as well---

A. Uh-huh.

Q. ---is that right?

A. Yes.

Q. We can see at the bottom of this email that there’s reference to the details, “You need tax

reference number,” and so on. “And you have three invoices” – the last paragraph – “for

Christopher that now require payment towards the end of October. So, one way or the

other, if it’s decided these need to be processed for a VL then we need to get him paid for

the work he has done for us, so thanks for your help with this.” This is the I think it’s 15th

October, 2009. If you turn back to page 8, sorry we’re going backwards and I’m sorry the

date isn’t quite legible but it follows on.

1. 7, 17th.

Q. I think it’s the 16th/17th, isn’t it?

A. 7. Yeah, the 16th/17th.

Q. So, 16th October. “Good news.” This is you to Robert---

A. Yeah.

Q. ---saying that, “Helen Adams said it’s fine to submit invoices for the work he does and

she checked the HR website and he’s self-employed!” Is there a reason for the is it an

exclamation mark or..?

A. Yeah, it probably is.

Q. All right. Is there a reason for that or..?

A. Erm, probably because we had invoices come in that had been sitting on my desk---

Q. Right. Waiting to be paid.

A. ---waiting to be paid.

Q. So there’s some urgency. Is that right?

A. Some urgency.

Q. I see.

A. I know Robert wanted them to be paid.

Q. Okay.

A. So it’s me just saying, “Good news.”

Q. And you say, “I’ll get a requisition on for his invoices next week to process the invoices

for payment”.

A. Yeah.

Q. Okay. At page 7 it’s just Christopher Joynson actually providing his unique tax reference

number, isn’t it?

A. Yes.

Q. And page 6 is the same to Helen you giving it, passing it on to her.

A. Yeah. This was probably all prior to him being okayed or settled by Helen Adams.

Q. Yeah. And following on from that invoices are paid. Is that right?

A. Yes.

Q. Right. Okay. As far as the cost centre is concerned, would that always be the same,

GED, or would it vary---

A. Erm---

Q. ---would you need to see invoices?

A. It could vary unless I was, unless I was told where it was to be paid from.

Q. Right. Is that something you would ever decide or is it always somebody else?

A. Erm, I think I’d ask the questions from the budget holder where it should be paid from---

Q. Okay. Thank you.

A. ---or who, yeah, who’s asked them to do the work.

Q. Right. Okay. I’m just going to move on. I wonder, well, I’m going to move on to

something else, your Honour. I don't know if it’s too early to break.

JUDGE CUMMINGS: No. That is fine. 10:30.

MR. DYER: Certainly.

JUDGE CUMMINGS: Thank you very much. **(To the witness)** Could you be back to re-start

for 10:30?

THE WITNESS: Sure.

JUDGE CUMMINGS: Thank you. You are in the middle of your evidence, please do not

discuss the case or your evidence with anyone.

THE WITNESS: Okay. Thank you.

JUDGE CUMMINGS: Thank you.

THE WITNESS: Thanks a lot.

JUDGE CUMMINGS: Thank you.

THE WITNESS: Thank you.

JUDGE CUMMINGS: 10:30 please. Thank you, ladies and gentlemen.

**The jury were released for the day**

JUDGE CUMMINGS: And, please, no need to wait. Thank you very much.

THE WITNESS: Okay.

JUDGE CUMMINGS: Thank you.

THE WITNESS: Thank you.

**The witness left the courtroom for the day**

JUDGE CUMMINGS: Anything arising?

MISS HUSSAIN: No, thank you.

MR. SWIFT: No, thank you, your Honour.

JUDGE CUMMINGS: Can you give me any indication what is likely to

need decision tomorrow afternoon?

MR. DYER: Yes.

JUDGE CUMMINGS: Or is that crystallising…

MR. DYER: Well, I have indicated to my learned friends that I rely on the entirety of the

evidence of Davinda(?) Jandoo(?) as relevant to the third limb of Count 4 and I

understand, although I don't know the detail, that there is objection to some of it, I don't

know which parts. I have sought some clarification as to the defence case because I’m

not really clear what the defence case is. The page reference is…

MISS HUSSAIN: 2.4.4.

MR. DYER: 2.4.4?

MISS HUSSAIN: 2.4.4.

MR. DYER: Yes, 2.4.4. Yes.

JUDGE CUMMINGS: Thank you. (A pause) All right. Thank you.

MR. DYER: I should say, I’m sorry, your Honour, I should say as far as that statement is

Concerned, the only part that I wasn’t going to adduce because there is going to be further

discussion about it is the detail of the caution and the – it’s on page 2.4.8. I can obviously

avoid that. Sorry, I should have said that.

JUDGE CUMMINGS: Okay.

MR. DYER: So it’s the top of page 2.4.8.

JUDGE CUMMINGS: (A pause) Miss Hussain, do you want to flag up the general areas of

objection or would you rather leave that till tomorrow?

MISS HUSSAIN: No, I can do it now. My concern with the statement is striking a proper

balance between that which the Crown obviously want to establish as part of that

particular on Count 4. But, for example, her opinion that, “Joynson was a liar who

seemed to lie about so many small things, there’s nothing genuine about him. I believe

that his life is a web of lies. Most worryingly, I think he believed the lies that he told.”

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: “I regret...” That kind of expression, in my respectful submission, would

really be going further than that which would be required in order to establish the

particular, the particulars underlying - in fact I think it’s point 3. I’ve got an old version.

Is it point 3 still? Yes. - point 3. A good deal of what she speaks of obviously goes

towards matters in issue relevant to the count but not all of it.

JUDGE CUMMINGS: No.

MISS HUSSAIN: And so what I would have hoped is that we could, either by agreement and

if not by agreement with your Honour ruling on it, set the parameters. Can I also inform

the court that, and there’s a document, I don't think it’s in contention that his employment

at this school was on a fixed term contract. But what happened, and I’m not sure to what

extent the Crown is aware of this but I will share the material with them, once he was

suspended by Miss Jandoo(?), she made a complaint to the local authority. As a result of

his suspension, obviously it took time for these matters to be investigated, during that time

the full term of his fixed term contract came to an end. Subsequently those investigations

in fact, although there was an investigation started, it never progressed. Warwickshire

local authority wrote to him because of the complaint made by Miss Jandoo(?), but there

was never a hearing or any determination, and as part of that investigation the local

authority had gathered materials which they sent to Mr. Joynson because it was relevant

to that investigation process. One of the documents that was contained within that pack is

a letter from Monarch which is the agency through which he was employed by Miss

Jandoo(?) and I’m going to share the document with my learned friend in which there is

reference made to what was disclosed to Miss the head teacher---

JUDGE CUMMINGS: Yes.

MISS HUSSAIN: ---Miss Jandoo(?) So that is just a bit of additional information that the

court wouldn't have been aware of.

JUDGE CUMMINGS: And---

MISS HUSSAIN: So---

JUDGE CUMMINGS: And some of the, I mean in terms of the charge that the Crown have

laid and what they have set themselves to prove---

MISS HUSSAIN: Yes.

JUDGE CUMMINGS: ---if I can put it that way, the Crown say, focussing on this particular

limb of the charge, that in the job application that led to your client’s first salaried role at

Edge Hill, in the job application he represented that the reason for leaving his

employment at Livington(?) Primary School was, as it were, simply he came to the end of

a fixed term contract in August 2007. So the Crown say, first of all, that is what he said in

his application. Pausing there. I do not think that is controversial, is it, that that is what

the application said?

MISS HUSSAIN: That’s right.

JUDGE CUMMINGS: But the Crown by implication say that that assertion was untrue and

as I understand it in its simplest form, Mr. Dyer will correct me, that the Crown’s case is

that it was untrue, or at best misleading, to suggest that he simply came to the end of a

fixed term contract, there was more to it than that. He left in advance of the normal end

of the fixed term because he was suspended---

MISS HUSSAIN: That’s right.

JUDGE CUMMINGS: ---and that in turn had a background to it. So that is what they are

alleging and what they set out to prove. Now, the Crown in principle must be entitled to

adduce evidence if they have it to demonstrate, well, what I have just indicated, to

demonstrate, if they can, that your client did not simply reach the end of a contract, he left

employment prior to that because he was suspended.

MISS HUSSAIN: Yes. Which is agreed.

JUDGE CUMMINGS: Right.

MISS HUSSAIN: He was suspended.

JUDGE CUMMINGS: Yes. All right. Well I will say no more. But, save to say, that it was

my impression when I first read the statement that there was material there which was at

least arguably extraneous to the specific allegation the Crown make. But I will hear

argument about that. And, in particular, you have eluded to it, the opinion evidence

offered by the witness, which obviously in its terms is adverse to your client. So, but

there we are. I will hear what is said tomorrow. But if that sort of material is sought to be

put in by the Crown, I will need to understand clearly the basis for it being admissible---

MR. DYER: Yes, your Honour.

JUDGE CUMMINGS: ---not merely adverse but opinion. All right. Thank you. That is

helpful. I have an idea, I think, where the battle lines are drawn and we can deal with that

tomorrow afternoon.

MISS HUSSAIN: Thank you.

JUDGE CUMMINGS: Anything else?

MISS HUSSAIN: No.

JUDGE CUMMINGS: Thank you. Please do not wait. 10:30. Thank you.

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