**IN THE CROWN COURT**

**AT LIVERPOOL**

Order No: **Crime 373**

CAO No (if applicable): **N/A**

Case No: **T20167064**

The Queen Elizabeth II Law Courts

Derby Square  
Liverpool, L2 1XA

Date(s) of hearing: **3rd October 2017**

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**Before:**

His Honour Judge Cummings QC

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

**Ms L Wright and Mr J Dyer** appeared on behalf of the prosecution

**Mr S.G. Swift** appeared on behalf of the first defendant

**PROCEEDINGS**

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[10.36 a.m.]

[On resumption]

JUDGE CUMMINGS: Morning, ladies and gentlemen. Mr Dyer, I believe you have got an updated index for the jury bundle?

MR DYER: That is right, your Honour. We can distribute that now. Members of the jury, we would like you to remove the index and replace it with this one. It should include everything that is now in the jury bundle, including the documents we inserted yesterday. You will have to forgive some of my numbering and some of the gaps in the alphabet, but it should represent the page numbers that you have.

JUDGE CUMMINGS: If you would hand your old ones to the end of the row Mrs Jones will collect those.

[Same handed]

MR DYER: I should say if anybody finds they are missing a document that is on the index I do not think that will happen, but if it does of course we will rectify that, but you should have everything in there.

JUDGE CUMMINGS: Thank you very much. So, Mr Swift, in principle we move to Mr Smedley’s case -

MR SWIFT: Your Honour, yes.

JUDGE CUMMINGS: - and you had indicated to me that your client does intend to give evidence.

MR SWIFT: He does, your Honour, yes.

JUDGE CUMMINGS: All right. Ladies and gentlemen, then can I just a say a few words about that. In our system no accused person is ever under any obligation to give evidence, but all are entitled to. As you have heard, Mr Smedley is about to exercise that entitlement. He will go into the witness box and he will give evidence. Plainly, the fact that he is an accused person in the trial cannot and does not count against him in any way. Make such allowance as you consider appropriate for the fact that he is doubtless under a degree of strain, maybe nervous, particularly in the early stages of his evidence, but aside from that simply judge his evidence in the same fair way that you would that of any other witness. Thank you.

MR SWIFT: Thank you, your Honour. Mr Smedley, if you would please come forward.

# Robert Smedley, sworn

# Examination by Mr Swift

Q. Full name Robert Smedley?

A. Robert Smedley, it is.

Q. 52 years of age?

A. Correct.

Q. You are a man of good character, no convictions, no cautions?

A. Correct.

Q. I think it is right you are originally from Liverpool?

A. Yes, I am.

Q. No siblings, but from a large family?

A. Yes, a large extended family which has always been a close-knit family across Merseyside.

Q. Grown up and early education in and around Liverpool?

A. Yes, yes.

Q. Now, can I ask you please to deal with your education and a higher level in terms of degrees obtained, where they were obtained initially and how matters progressed?

A. Well, when I went to university I always knew that I wanted to teach or be a teacher of some kind and I’d also thought that there was a possibility of me joining the church, so the first degree that I did was a Bachelor of Arts and I did that in an unusual combination of mathematics and religion -

Q. Just slow down a little please.

A. Sure.

Q. Mathematics and religion?

A. Yes, and from that I specialised then. I knew that I wanted to teach mathematics and I knew that was my real love and I specialised as a pure mathematician and at Liverpool University I did a BSc there following the BA that I’d done.

Q. So that was a second degree?

A. That was a second degree, yes. I did that one in two years and at the university I won the university prize for mathematics that year that I graduated and it led to me staying on in terms of doing research, so I was originally wanting to do a doctorate and I started with an MSc and it was after the MSc that I decided from teaching undergraduates at the university that teaching was definitely the thing for me.

Q. Right, just pause there for a moment. [Pause] So did you then go into teaching from the university?

A. I did, an opportunity arose which was an unusual opportunity. It arose in Clewett, as it was then called, in Wrexham. There was an opportunity where they couldn't appoint anybody with qualifications to teach A Level mathematics and it was an area that I was particularly interested in. I applied for that job and I secured the post as a teacher of A Level mathematics and I taught GCSE there as well.

Q. So that is in Wrexham, is that right?

A. That was in Wrexham, yes, yes, and across the Wrexham schools.

Q. When you say “across the Wrexham schools” can you explain that? Beyond the school that you were in?

A. Yes, there was a – the way it had been re-organised in Wrexham there was a sixth form college, so the sixth formers were all brought together in a college from the schools and there was quite a lot of unrest in the schools because the sixth forms had been taken away -

Q. Just slow down a little.

A. Sorry, apologies – because the sixth forms had been taken away from them and so when I started there as a teacher one of the things I identified that needed to happen was that the schools needed to be brought more on-side with the sixth form colleague, otherwise it would have just - not failed, but it would have struggled to succeed in terms of attracting students.

Q. Did you achieve success?

A. Well, we did to a certain degree. The way I did it is I set up - through all the heads of mathematics from the schools I set up a partnership which was about promoting mathematics and with the college and the sixth form supporting younger students in school with mathematical activities and also I won sponsorship from a local radio station for prizes in terms of maths competition, etc.

Q. From that role can you explain how things progressed to you becoming involved at Edgehill?

A. Well, I was in Wrexham teaching A Level and we’d started the maths competition. I also won some sponsorship for children from the schools to go on a maths weekend away to Colomendy in North Wales and the idea was that I have a great belief that in society we have an approach to mathematics that is wrong, it closes it down for so many people, adults and children always feel quite confident about saying that they can’t do mathematics, but you've never heard people saying that they can’t read or write in such an open way and so for me it was about how you make the subject accessible in terms of youngsters. The -

Q. How did you manage to achieve that?

A. Well, the Colomendy weekend, everybody said that the Colomendy weekend, taking 60 children away who – with teachers from schools, taking them away for a whole weekend full of maths activities, they said that nobody would actually engage in such a weekend. We actually had a waiting list -

Q. Slow down.

A. Sorry.

JUDGE CUMMINGS: No, it is fine for me, please.

THE WITNESS: And we actually had a waiting list and it was as a result of the successful series of weekends that we did at Colomendy which were actually termed “master classes” and the – I was approached by Bangor University to act as a visiting lecturer so -

MR SWIFT: Just pause a moment. In terms of “master class”, is that a term that you formulated, did it come from somewhere else?

A. Master classes, I've been familiar with master classes because when I was at Liverpool University I volunteered as a student to be involved in master classes that the university ran for local schools across Liverpool and those master classes for high flyers in terms of children who needed to be stretched and pushed and I had a view that actually master classes did not just need to be about high flyers, it needed to be something which was making the subject accessible for everybody who was in school. Anybody who was struggling in terms of mathematics, why couldn’t they engage as well? And so, when we ran the Colomendy weekend as a series of master classes it was actually open to everybody in the schools. It wasn’t just open to high flyers.

Q. I think you progressed through Bangor University moving to Liverpool Hope University as a senior lecturer?

A. Well, at Bangor University I was only a visiting lecturer, so they’d invited me in to act as a visiting lecturer whilst I was still teaching in Wrexham because they were training teachers, but they didn’t have anybody with expertise in terms of the teaching of A Level mathematics and, in particular, mechanics, which was a very difficult area to get experts in, but it was through the work at Bangor University that an opportunity arose then at Liverpool Hope University in terms of the next step for my career. Somebody approached me and said had I seen the job advertised, they thought that I should look at it seriously, which I did and I applied for that post.

Q. So, you obtained the post as senior lecturer at Liverpool Hope?

A. Correct.

Q. Was that also working in conjunction or partnership with Liverpool University?

A. It was. When I moved back to the Liverpool area and I was teaching at Liverpool Hope University and I was approached by the University of Liverpool to chair a very prestigious group that they had, Mathematical Education on Merseyside, which had run for a number of years and what they wanted me to do was they wanted me to take over the chair of that group, which comprised of teachers but also experts from the university as well, so that was a real privilege, one, to be invited and then, two, I did that for a couple of years in terms of whilst I was at Hope.

Q. Did the master classes continue?

A. They did. When I went to Liverpool Hope I was teaching both undergraduate students who were doing mathematics as part of a degree, but I was also teaching trainee teachers, so people who were training to teach mathematics in secondary school, and one of the challenges was always, even at that stage, was finding schools that would engage, and I mean engage in a really active way, with the university in terms of not just offering a place for trainee to practice, but in terms of mentorship as well, proper mentorship and training on the job and what I did was took with me the ideas from Wrexham, from University of Liverpool and I set up and won sponsorship from Girobank, as it was then called. I won some money from Girobank to support, again it was 50 to 60 children, to go to Colomendy to do a weekend of master classes. Parents could join us as well. Teachers were there. The students were there and the staff from the university. We paid for the coach and everything about that work that we did. It was hugely successful because it locked the schools into the partnership, but it wasn’t just that, it was actually that the children who went they themselves kept in touch with Liverpool Hope University, as it was then, letting us know how they got on and, in fact, when I went to Edge Hill one of the children who’d been at one of those Colomendy weekends when they were year 8 turned up at Edge Hill as a student and was recalling how fantastic it had been for them and it’s what I believe that education needs to be about in terms of encouraging young people to engage in a way that is appropriate for them and not for the adults who are standing in front of them.

Q. Now, Mr Smedley, before you arrived at Edge Hill University, which I think was in 1997 -

A. Correct, yes.

Q. – can I ask you to confirm as well as the projects you have described, I think it is correct, is it, you also are published in academia?

A. Yes, when I was at Liverpool Hope I was approached by Oxford University Press and Oxford wanted me to – they knew a contact that I knew down in Oxford and they wanted me to write a book which was focused on pure mathematics at A level in terms of how we could put something out in the market to schools that would cover both those people who were applying for Oxbridge entrance, but also those students who were doing A Level mathematics who did it for the love of the subject and they might not get more than a grade D, but actually that was an achievement and how could we - within a text book how could we actually achieve that spectrum and so I worked with a colleague down in Oxford and Oxford University Press over a period of three years writing the book, which now is exported to other parts of the world, in fact it’s still published and it’s been translated into different languages, including Welsh. They wanted it translated into Welsh for the Welsh schools.

Q. So, Edge Hill in 1997, how did you come to take up a post there?

A. Well, I was at Liverpool Hope, I was very happy at Liverpool Hope, very happy indeed. It was a very, very good institution and an opportunity arose at Edge Hill, they’d advertised for a head of mathematics which was a promoted position for me from my position at Liverpool Hope and they hadn’t appointed. One of my colleagues had gone for the job actually and they didn’t appoint and they went back out to advert again and I made some enquiries to Edge Hill, which was then a college of higher education, in terms of would I be the type of person maybe that they were looking for or not and I got a very helpful response. I applied for the job. I was interviewed and I took a post on 1st February 1997 as head of mathematics.

Q. Just slow down a little.

A. Sorry, I’m aware that -

Q. So, 1997 you take up the post -

A. Yes.

Q. – in terms of the – I am not sure it is the correct phrase, but the statum or what you found at the colleague at that time, how would you describe it?

A. I would describe it historically it had always been a teacher training college, Edge Hill in Ormskirk, and I would describe the department that I went into as quite challenging and I mean that in the sense that I think it was a college of higher education that was trying very hard to be something else and that wasn’t wrong at all because that was about being ambitious as an institution, which was very important, but when I took up the post it wasn’t until I took it up on that 1st February that I realised what actually needed to be done within the mathematics department, but I had some very, very good staff in the maths department when I joined there and I knew that if I could get them on-side with me we could actually make real inroads in terms of helping the whole institution move forward.

Q. Did you have a vision as to how matters would progress?

A. Yes, yes, I did. It was about standards and quality. It was about how can we ensure that if somebody as a student decides to go to Edge Hill College Higher Education to undertake what was then a degree, a joint degree in, say, mathematics and English, how could we ensure that when they were qualified they were able to compete in the marketplace with somebody who had done a joint maths degree from a more traditional university and that was a major challenge because you were talking about college of higher education that was much smaller, very small compared with the likes of Liverpool University, Warwick University, etc, but that was my vision in terms of improving the quality and standards.

Q. As part of that could I ask you to deal please with the millennium? Was there any particular project that you focused upon?

A. Yes, when I joined in 97 what I tried to do was I tried to utilise a lot of the ideas that I’d used successfully in my career to date, so the whole notion of getting the schools heavily involved, integrating them and the Colomendy weekend, for example, with the students, with the children from school, could I secure more sponsorship funds to make that happen? Well, I did and I did secure more funds to make that happen. The schools were new schools, they weren’t the same schools as Liverpool Hope, they engaged. It was very successful, but then I had an idea with some of my trainees actually that in the year 2000 how might we celebrate that year 2000 as a significant event in terms of from a mathematical point of view? And what -

Q. Just slow down a little bit.

A. Apologies. And what we created was we created what was called the Millennium Challenge and it was a mathematics competition, but it was a mathematics competition that would go national to every secondary school in the country and it was a massive undertaking. The court have heard from Amanda Groom[?] and Amanda Groom worked with me at the time actually, very heavily in the administration of the whole of that competition in the year 2000. Again, I secured sponsorship so that we could have the competition rolled out, we could have prizes and it was a competition with a difference because you could not enter the competition as an individual, you had to enter the competition as a group, so within each of the secondary schools that applied those youngsters had to operate as a group. I think it was a maximum of six people in the group and the culmination of the competition, stage two, was those students coming to Edge Hill University in the summer term, staying overnight in halls of residence, experiencing university, which many of them might not have done. The schools that we had were very varied, from the private sector right the way through to states schools, but also schools from very deprived areas in the country and they spent a whole day in their groups presenting around the university and it culminated in a big prize giving at the end of the day.

Q. So, this was countrywide interaction?

A. It was countrywide, yes. I didn’t want something that was just local for two reasons. One, because I believed in the project. I believed that we have to promote education and learning as a country and, secondly, because as an institution we needed to put ourselves on the map. We were still a college of higher education and, you know, the ambition was to become a university. People needed to know who we were.

Q. Mr Smedley, I think it is correct, isn’t it, you became the Head of the School of Education in 2000 and that was a permanent position in 2001?

A. Correct, correct.

Q. Thereafter Dean at the university following a restructuring at the colleague?

A. Correct?

Q. Is that correct?

A. Yes, that is correct.

Q. From that position of Dean then, how did you plan to grow the university, to expand it, to recruit, to change its status?

A. Well, if I can just take you back slightly to Head of School, when I was appointed Head of School on a one year temporary basis the then chief executive, John Cater, had said to me that he wanted to see what I could achieve within a 12 month period because I had made it clear to him my views that if the institution was striving to become a university then, because of its history in terms of teacher education, the education faculty, as it became, was an important part of that success. You couldn't just dismiss it. So, he gave me 12 months to see basically what I could do and I undertook a complete analysis of what I found when I took over the Head of School of Education. I presented that analysis to what was called “directorate”, which I think the court has had reference to already in terms of who directorate comprised of, and the post was then advertised externally the following year on a permanent basis and I decided that I was up for the challenge and I applied for the post. I was interviewed and I secured the post of Dean and that was 2001.

Q. In terms of continuing contributions to the college and moving towards university status, how did that develop and how was that achieved?

A. Well, one of the things which I had found when I took over the School of Education was it was very small. We had probably about 24/25 staff and there were some quality issues and challenges. The budget was, in my view, unsatisfactory in lots of ways. There wasn’t sufficient budget in terms of to enable the school to grow and achieve what it wanted, but on the national front nobody knew who we were, so I would go along – I would make sure I would go along to events in London, for example, and when I went along to events in London people would ask me where I was from and I would say Edge Hill College and they would say “Where’s that?” and in a way it was one of the first things that I just knew I had to address if, in a field of education, we were going to be successful. I needed people in London who basically were influential to know who we were and to actually make sure that they recognised us for quality and standards as an institution, as well as a faculty of education.

Q. So, is the aim to develop national contracts, raise the profile - appreciate I am summarising – and look for funding?

A. The profile was absolutely crucial. We had to have a higher profile than we did.

Q. Mr Smedley, can I ask you just to pause there for a moment. That is in question. In fact, the university or the colleague became a university in 2006?

A. Yes.

Q. I think opened by the Princess Alexandra?

A. No, you’re referring there to the Faculty of Education building. One of the things that the institution did was they recognised – the Governors recognised that what needed to happen was investment and what they did is they started to invest in the growth of the campus and in 2004 I started to work with the architects and the project planner for a brand new build, a £9.2 million build on campus and that was purely for education.

Q. That was moving towards 2006?

A. That opened in 2006 -

Q. As a university?

A. - and it was opened by Princess Alexandra, but also at the same time we secured what was called Taught Degree Awarding Powers, TEDAP as it’s known within the sector, and Taught Degree Awarding Powers was really, really very important for us as an institution, very important indeed.

Q. Now, moving forward with the development of the university, could you explain please the importance of the continuing partnerships to the university?

A. Yes, within the education that was the area I was responsible to the institution for and one of the things that I needed to do was, in putting us on the national map, I didn’t just want people to know where we were, I wanted people to come to us as first choice, so, for example, when the Secretary of State for Education, you know, had an idea in terms of “Is this a wild idea or not that will work for government? Who do I approach?” and I wanted them to actually approach Edge Hill University.

Q. Can I ask you to just pause for a moment, just draw in in terms of partnerships, that was an important aspect of the development of the university?

A. Well, yes, because what I’m describing to you could never have been achieved without the partnerships because no government would approach us if they thought that we were not reputable within the whole community of schools nationally. So, if they thought we operated with 25 schools that’s insignificant to the government, but if they thought and they knew that actually schools nationally recognised us and worked with us then that actually had impact because they knew that we were a lever into the schools nationally to make things happen.

Q. In relation to those partnerships nationally and locally partnerships were developed in St Helens with schools, with Everton Football Club. I am not asking you to expand in relation to that, but can you confirm that as a fact that -

A. I can, can I choose one of those examples? Because I believe it demonstrates the point that I was trying to drive forward for the faculty and the institution in terms of impact with the government to recognise what it was we were doing. So, may I?

JUDGE CUMMINGS: Please do.

THE WITNESS: So if I chose the school in St Helens, there was a school in St Helens, Sutton High School, and Sutton High School had had a chequered history, you know, real successes, it had struggled to secure headteachers on a permanent basis and what the DFE wanted to do, the Department for Education, is they wanted the school to become an academy and, in fact, it was forced down the road of an academy and at that time with an academy it was required that it had sponsors and the then Principal of St Helens College, Pat Bacon, she approach me and asked would I be prepared to represent Edge Hill University with herself in being a key sponsor in terms of opening the new Sutton Academy in St Helens. It took two years of our time and what we did is we worked with parents who were hostile to the change, we worked with pupils, we worked with the staff, the teachers and we worked also in terms of creating what was to become a brand new build in St Helens for the school. We appointed a new senior team to the school and that kind of initiative, from my perspective, was exactly what universities, particularly like Edge Hill University, should be doing and should be engaged in, as well as the business of being a university. For me it was the extended definition of being a university out in the community and hence why I gave so much time to such projects in that way.

Q. Well, let me move you forward to one of the projects please. The jury have heard about or it has been dealt with within the trial, the Fosse Project.

A. Yes.

Q. May I ask you to focus upon that?

A. Yes.

Q. At that time, and there is no issue, Mr Joynson is at Fosse School. Deal please initially with your knowledge and association with Mr Joynson before contact is made with him in 2008.

A. Sure, Mr Joynson, I knew Mr Joynson’s father, who was very active as an NUT member and it was then in 2002, I think it was, that Christopher Joynson applied to come to Edge Hill University as a trainee on one of our teacher training programmes and when he applied, as with all trainees that apply for teacher training programmes, we had a responsibility to undertake a CRB check. So, with all trainees if they’re applying for teacher training it’s just automatic they have a CRB check and that whatever comes up on somebody’s CRB, however minor, however serious that might be, they have to meet with a panel -

Q. Right, and that took place in relation to Mr Joynson?

A. That took place in relation to Mr Joynson.

Q. He completed his training at the college?

A. He did, he did. He was accepted on to the programme. He completed, he graduated and then he went off and taught.

Q. In the years leading up to 2008/2006/2007 were you aware of what Mr Joynson was doing?

A. No, no, no, I wasn’t.

Q. Teaching or – no?

A. The first contact, real contact that I’d had directly was through my PA and that was in the summer term of 2007 and the message that had been left for me from my PA was that Christopher Joynson had been on the telephone and that he wanted a reference from me and he wanted to know whether the university could write something that would explain that to come on to the teacher training programme his CRB had been checked, it was appropriate and that he had been taken on a qualified with qualified teacher status.

Q. I think the references are within the jury bundle.

A. Yes.

Q. Now, focus please, Mr Smedley, on the events that led up to 2008.

A. Yes, then in 2008, 12 months later, Christopher Joynson had secured a teaching post. He’d been a consultant, he’d been a maths consultant for 12 months, I think, and he’d secured a post through some of the work that he’d done at Fosse Primary School. They wanted to offer him a fixed term contract. He started that job in 2008 and the school, as the court has already heard, had gone into special measures. He contacted me to say “We’re in a difficult situation. Maths is in a difficult position in the school. Is there anything that the Faculty of Education, Edge Hill University could do to support us here at Fosse Primary School in terms of developments with the staff, with the children, promote mathematics?” Well, to be honest, anybody approaching me with an idea like that I would immediately jump at such an opportunity.

Q. So, did you make contact with the school?

A. I did, I -

Q. Did you make contact with the headteacher?

A. I did, the headteacher I visited. I met with the headteacher, Julie Dale, and Christopher when I was down there. We had joint meeting. Julie Dale was very supportive. She’d been sort of flown into the school to take over and make things happen in an interim period. She was very excited about the whole initiative, as we were, in terms of, from my perspective, this was an opportunity to operate again outside North West region, so it puts us on the map nationally, but also it provided an opportunity to have impact in terms of with a school that led to improvement and, thirdly, from my perspective, don’t forget at this point now we are a university and one of the areas in the Faculty of Education that was week was our research, so what I was trying to promote was practice based research. So not looking at research in education in dark corners of a room that didn’t matter to anybody, but actually if you're going to run a project in a school then actually can we research the impact of that project because we can learn from doing it and that allows us to then expand the project and run it elsewhere in the country.

Q. Let me ask you to pause there for a moment please. Just looking to the loose leaf jury bundle that we have at page – I think it is just underneath the coloured brochure.

JUDGE CUMMINGS: Right, the jury have this please?

MR SWIFT: Yes, they do have this. [To the witness] So looking briefly at page 1 of the bundle, so there is reference there, if the filing system works, exhibit 1, so this is a letter from Christopher Joynson and Mrs Dale. So, we have looked at this before, this relates to the arrangements that were being put in place in respect of this association between the university and Fosse?

A. It was, this was one of the strands of the Fosse Project. There were a number of strands to the Fosse Project. This strand that you're referring us to here was about a group of children at Fosse that would be identified by the school that would visit the university in an attempt to show them that university is for anybody at all. So, you don’t need to be anybody special and actually this was about aspiration building and that was an absolute key strand within the Fosse Project for those people and one of the things we were doing we gave those children then the red carpet treatment, if I can put it like that, when they came. So, lunch was laid on for them, they were given a tour of campus, the facilities and in terms of “Wow ...” you know “... could I come to a place like this?” “Yes, you could.” So, this was one particular strand that then Chris and Julie had written to parents about in terms of bringing them up to the university.

Q. Putting it succinctly, if you can, the other strands of the project, how would you summarise that?

A. Well, in summary, there was a whole curriculum strand in terms of what type of curriculum was going to be delivered to the different year groups as part of this mathematical project in terms of promoting mathematics. There was a strand also which was about staff development, so in terms of the teachers in the school who lacked confidence in mathematics, because don’t forget in a primary school mathematics is not always the specialist area or subject, so people can lack confidence in that way. So how could we overcome that with the teachers themselves and there was also the research and evaluation strand as well as part of the project.

Q. I will come to that in a moment, if I can. Just whilst that bundle is open, could we look briefly at exhibit 4, that should be the document, I think it was accepted, from The Times Educational Supplement “Send in the student SWAT team”.

A. Yes.

Q. How did this article come about?

A. Well, one of the things that I was keen to do was if we were investing in a project like the Fosse Project we wanted it to have impact, but we also wanted the country to know how universities might work with schools because this wasn’t just all about Edge Hill University. We couldn't deliver to all schools across the country, but it might give ideas to other professionals in terms of what to do. I contacted the TES and after much effort got Kerra to make contact with me and hence the article came about and it attracted that national attention and that was really important to us because that resulted in other schools spotting it in the TES and approaching us about “We saw what you did with Fosse Primary School. Is there any way you could do XYZEE with us?” and that was very important in terms of our profile, but also in terms of impact that we were having with schools as a faculty.

Q. You made reference to one of the strands, the importance of one of the strands was the research aspect. Can I ask you look in the jury bundle, the larger jury bundle, behind divider 10 please. This is documentation we asked during the course of the trial Professor Ashford?

A. Ashley.

Q. Ashley addressed. May I ask you to look please at page 4 behind that bundle, “Training and Development Agency for Schools” and the figure there if you look down £4,500 and that is repeated in other documentation and we have looked at already the report that was prepared in relation to Fosse. Now, does that figure have any reference to the invoice that was submitted by Christopher Joynson in relation to the Fosse work?

A. No, none whatsoever.

Q. Could you explain the significance of that figure and the documents that are contained behind this bundle?

A. Yes, absolutely. When the Fosse Project was initiated as an idea in terms of with Julie Dale and Christopher it was very much focused in terms of that mathematical development, the staff development within the school. I had in my mind the fact that we needed to promote research. We needed to get research out there. The staff needed to be generating research articles. What I’d done behind the scenes is I’d made an approach through my contacts to the DFE and the TDA, the Training Development Agency, was an arm of the Department for Education and through those contacts I said to them “I've got this wild idea and it’s happening. We’re going to run it anyway. However, would you be willing to contribute something towards a research and evaluation strand because it’s going to be very important from our point of view that we get research out of it, but also what the DFE recognised was that they couldn't do anything with the outcomes of the Fosse Project unless they knew that it had been researched and there were research findings as to its impact. So, the DFE could not support anything that looked as though it was an idea that somebody had in an institution and then basically there was no formal evaluation of it. So, what they did is they said “Well, from ...” – I think they have an initiative or they did have an initiative funding – “... we can allocate ...”

Q. Just slow down a little.

A. Sorry. “We can allocate four and half thousand pounds” and I grabbed the opportunity. I thought fantastic, let’s put that towards the research strand and the page one that you see there in that section, that’s what I had asked Martin Ashley to put together because the DFE had said to me “Robert, can you just put something on a piece of paper for us?” They've obviously got their own audit trails. “Something on a piece of paper, we don’t want a big long document, just something in terms of the four and a half thousand pounds, what is it? What’s it about?” and Martin had very kindly put that together for me so that I could take that with me and that was the first – that’s what the first page represents.

Q. So that is funding is for the research into the impact of the project?

A. Correct, yes.

Q. Now, by reference to the invoice that was submitted by Christopher Joynson in relation to this project, and that is first invoice in the bundle behind divider 6, for £5,250, in terms of that the CJEHU1, in terms of monies paid in respect of that invoice, what did that reflect?

A. Well, what – when Christopher Joynson undertook the Fosse Project lead, which was from my meeting with Julie Dale and himself, which was in the December 08, the whole project ran right the way through until it culminated in the May of 2009 and throughout the whole of that time the only discussion that I had had with regards to financial was with them with regards to we were prepared to spend money on resources for the school to make the project happen, we were prepared to spend money on supply cover if that became necessary either through staff development or release of staff and Julie Dale was aware of that and she was very grateful for that to be in place. Neither myself nor Christopher Joynson had had a conversation or was even in my mind that he would be paid for that project at that point in time. The reason that came about in the September of 09 was because we had been awarded as a university in August 09 for the financial year 9/10 £50,000 from the DFE and the £50,000 that we had been awarded was for partnership activities. That was what it was in title. That is what it stated on the payment BACS that comes into the university and what the DFE wanted universities to do that were delivering teacher training was they wanted to allocate them a pro rata sum of money, depending on their size, and they were leaving it up to the universities how they spent that money on partnership activities.

Now, there was always a slight tension at the university when monies came in which were for a specific purpose such as that and where they could easily get lost in the university massive budget and pot and – but I was always crystal clear because I used to get the documentation from the DFE, so I was always crystal clear and worked very well with Carl Gibson, who the court has heard from, around “Carl, we’ve had this in. I’m just notifying just to let you know that this has arrived.”

Q. So just narrowing the issue in terms of money and the invoice and the work undertaken on the invoice?

A. Yes, I said to Christopher Joynson once we got – there were a number of partnership things which had gone on with different schools and I had said to Christopher Joynson the project was just fantastic. We’d had the TES article. We’d had a fantastic – what I believed to be a fantastic research report that I was able to present to the DFE. We’d had the DFE interested in the project and interested in rolling it out and we’d also had Christine Gilbert, who was the Chief HMI of Ofsted, up to the university to meet with Christopher and to talk about the project, how it was enrolling, what was happening. It was hugely significant for us as a university and I said to him “We do have some funding. I’m conscious it’s taken a huge amount of extra time in terms of what you've done, so you can actually put a claim in for that work” and that is how that invoice came about in September 09.

JUDGE CUMMINGS: Just a moment please. [Pause] Can I just make sure I understand the essence of that; are you saying, Mr Smedley, that at the time of the project itself, so December 08 through to May 2009, that there was no discussion about or contemplation of Mr Joynson being paid for it by the university?

A. That's correct.

Q. But then in August 2009 the university gets this sum of money from the government Department for Education to use, essentially, as it wishes in respect of partnership work -

A. Correct.

Q. – and at that stage you speak to Christopher Joynson and say “You've put in a huge amount of extra time, you can put in an invoice for that”?

A. Correct.

JUDGE CUMMINGS: Thank you.

MR SWIFT: In terms of Mr Joynson’s entitlement to be paid for that work and the work undertaken you are satisfied that that was -

A. Absolutely, it was – the project – there was a huge amount of work that went on from the December right the way through to the May in terms of all those particular different strands that were being developed. The curriculum that Chris was looking at for members of my team, so what my team were doing, because there were other people involved in the project from the Faculty of Education, they were putting together “Right, this is a proposal that I've got for year two” and that was being sent to Christopher and Christopher was then commenting on that in terms of was that appropriate, wasn’t it appropriate, what might be integrated, what have those children previously done -

Q. That work beyond his role as a teacher?

A. Yes, yeah – well, I certainly believed it was beyond his role as a teacher. He was the lead for the project. He was undertaking that work, balancing it with everything else that he was doing and the other thing that I would say is that that wasn’t unusual from our point of view. So we would always if we brought teachers in, say, from school to deliver something at the university or they were delivering a project on behalf of the university, we would always, as a professional organisation, we would always recognise the work that they did and say “You can claim for that work that you've done” and I think we heard from one of the witnesses that in fact that was the case with her as well. It was just standard professional practice that people would be paid.

Q. As a result of the university’s involvement with Fosse and you speak of the success of that programme, how did you move that project forward?

A. Well, one of the – there were a number of ways in terms of moving the project forward. I was -

Q. Let me ask to focus in particular on one feature of the case we have heard about, the Steps to Success.

A. Yes, what I wanted to do was I wanted to somehow capture what we had done with Fosse Primary School and I wanted to capture it in a way that we could package it and that we could go out there nationally to schools and say “If you have a challenge, if you have an issue, a problem, then actually we’re the people to talk to. We’re not saying we've got the answer to every problem because we didn’t have and we wouldn't have, but what we are prepared to do is we’re prepared to work with you to formulate a solution to that problem.” So, the idea with Steps to Success is, as with all marketing, you need to give it a name and it was a name that I just came up with in terms of why can’t we create this programme, which is support for schools that schools determine and control, and we call it Steps to Success. So, it didn’t matter where a school was, but it could be in special measures, it could be a grade one school, but actually how could it improve to the next step beyond that grade one as well, so hence the name. It was how we formulated that Steps to Success programme, how did we articulate it so that schools would understand it?

Q. How was that achieved?

A. Well, it was achieved in a number of ways. Inspire, which was the publication, which we had an idea of and we thought that what we were doing is capture a number of case studies. There was another case study which I asked Chris to pick up on which was David Barker, so the court has already heard from David Barker -

Q. Did that relate to Evelyn School?

A. It does, it does. Evelyn School was a school where I was a governor and it was an outstanding school, so it was a completely different kind of project, but they were targeting science and they wanted the parents to be involved in the science curriculum with the children. David was leading on it, but what we needed to do is how did we capture that as a case study, like we’d captured Fosse, and then articulate that and get it out there nationally so that schools would see us as that first choice provider.

Q. You say that you commissioned Mr Joynson to undertake that work?

A. Yes, I did. I did.

Q. In relation to the Inspire publication, I can see you are looking at that one in front of you, I think in fact there is a copy of it behind divider 24 produced by Miss Bloyce. That there is a colour copy, perhaps you should just have a look at this, with your Honour’s agreement and my learned friend, this is the one of the original ones -

MR DYER: Yes, so it can have an exhibit number, your Honour. It was done by a witness the jury have colour copies, so they might as well have the original as an exhibit.

JUDGE CUMMINGS: Certainly.

MR DYER: I think it will be 19.

MR SWIFT: I think 19.

JUDGE CUMMINGS: 19, thank you. Exhibit 19.

MR SWIFT: I am not suggesting it is handed round the jury now, your Honour. It is replicated within the bundle, but it is available.

JUDGE CUMMINGS: Thank you.

MR SWIFT: [To the witness] So that publication, who was responsible for that in terms of the material that is in it?

A. Chris. I’d asked Chris to just lead on it. We just needed something out there. One of the problems in a big institution is that things take forever to happen and I’m afraid in the world of education and if you're going to lead the way things have to happen, you just have to make it happen and so getting somebody to take control of it and actually write the stuff, get it published, talk to the photographers, get the photographers where they needed to be and actually in terms of the company that produced it as well, this wasn’t produced in-house, it was a glossy. We needed it turning round fast. How do we get it out there? Let’s not waste time because things just – if they take forever you’re talking about projects that are then out of date, so – and hence why I commissioned the work.

Q. Also in relation to that, can you deal with Pinehurst School?

A. Yes, yes, Pinehurst School was a contact, I think the court has already heard, from Greg Parker and there were two aspects to the Pinehurst School. As the court has heard, the headteacher had contacted through her contacts with the university, she’d taken over the school, she wanted to know how we could help. Greg knew the headteacher. He knew about the Fosse Primary Project. He had approached Chris and said “Would you be prepared to come with me to Pinehurst to talk to the headteacher about Fosse, how it worked and what you did, how the university supported the project?” and we had no idea, I don’t think, at that time in terms of what the headteacher was looking for and at the time that was pre-employment, so Chris was acting as a consultant and I said to him “If you are going to Pinehurst ...” and I don’t have a problem with that at all, so I didn’t have an issue with that, I thought it was a great idea “... then not only do I want you to explain to the headteacher about the maths project at Fosse, what I want you to do is I want you to listen to what the headteacher is requiring, how she interacts with Greg ...” and I think it was Sue Harrop who was there as well “... and how you capture that so that we can create a model that is captured in an article and get that out there so that headteachers and schools can relate to what is written. If you don’t write it in a way that people can relate to then they won’t think it’s for them” and that was the Pinehurst then. That’s what it was, it wasn’t a maths day, it wasn’t activities in the school – well, not to my knowledge. There were two strands to what Chris was asked to do.

Q. We see an invoice within the bundle at page 3, it is CJEHU3, relating to Pinehurst Primary School, the S2S Project. It is on page 3 behind divider 6.

A. Yes.

Q. Does that reflect what you have just described?

A. Correct, yes. It could be done in one day in terms of he was travelling from somewhere, his home address, he was travelling, he was meeting Greg, Greg was taking him over to the school and that was the focus in terms of what that time that he spent at Pinehurst was about and it was about capturing that, as well as explaining to the headteacher what had happened at Fosse so she was aware of it.

Q. The publication that we have seen, Inspire, was that the only publication?

A. No, there was another two versions of Inspire and what they did is they became Impact, so what we did as a faculty is we decided that we had too many different publications, so there was the cost of it, but there was also in terms of it being confused with people who were receiving them and so what we did is we created a publication called Impact and we did it as a tabloid size so that when it landed in schools it would stand out, teachers would see it as unusual and “Oh gosh, what’s that?” and it was colour. They cost us a lot of money to have done and what that did is that then incorporated all the different kinds of projects that we were running as a faculty, to sell what we were doing.

Q. I am not going to take you through all of the invoices, but within the batch that runs from 2 to 20 there are various invoices from Christopher Joynson in relation to the Steps to Success and this project. What do they reflect?

A. They reflect the case study work that was undertaken, together with the work in terms of producing the publications. I had requested through freedom of information after I’d left the university because I didn’t have access, I’d requested all marketing materials, but the university said that they didn’t have all the marketing materials at the time.

MR SWIFT: Very well. Your Honour, that may be an appropriate moment.

JUDGE CUMMINGS: Certainly, 20 minutes please, ladies and gentlemen, five past 12. Thank you.

[The jury left court]

JUDGE CUMMINGS: Mr Smedley, you have heard me say it to other witnesses, you are in the middle of your evidence, that means you cannot discuss your evidence with anyone. It does not mean you cannot speak to people, just do not talk about your evidence or the case. 20 minutes please.

[Short adjournment]

[On resumption]

JUDGE CUMMINGS: Ready for the jury?

MR SWIFT: Your Honour, yes.

JUDGE CUMMINGS: Thank you.

[The jury returned to court]

MR SWIFT: Mr Smedley, within the invoices at the batch 2 to 20 in terms of CJ Consultants, in addition to the S2S invoices the jury have seen a number of invoices relating to PDO SENCO and SENCO work within this period. Who was commissioning that work? Was that you?

A. No, what happened is that people in the faculty found out that there was a very good resource available in the form of Christopher Joynson. He wasn’t employed at that time, he was acting as a consultant and Peter, Peter Townley had spoken to Chris about interested in partnership work with schools trying to secure placements for trainees. That was the basics of the PDO ITT work; contacting schools, trying to secure a school in partnership that would take on trainee, that would take 10 trainees, whatever it was, it was a bonus. That was the initial contact and Sue Faramond[?], who the court has heard from, reported to Peter and she headed up ITT Partnership, so she worked specifically around that. Mark Rawsthorne, who also the court has heard from, and he was a PDO on a permanent contract full time, working away at it and co-ordinating things. So, what happened was that Sue Faramond and Mark Rawsthorne then contacted Chris. He was available and they were allocating him schools to contact, phone, make journeys to if necessary to go and visit and secure the placements in that way and Sue rightly so, Sue Faramond was asking Chris for reports on “You know, you contacted 20 schools, can I see where you’re up to in terms of how many did you actually secure? We just need to keep a record of that.”

MR SWIFT: If you just pause for a moment -

JUDGE CUMMINGS: Just a moment please. [Pause] So you did not commission Mr Joynson to do that work, it was Sue Faramond and Mark Rawsthorne?

A. And Peter Townley initially, yes.

JUDGE CUMMINGS: Thank you.

MR SWIFT: If you turn please in the loose leaf bundle to exhibit 3, there are a series of emails principally being sent, it seems, by Mr Townley. If you look to page 4 of that bundle, for example, there is an email Peter Townley to you: “Fiona is very impressed with Chris’ commitment and enthusiasm. He’s going to work with a range of local authorities prior to Christmas in lieu of the appointment of a PDO.” Does that reflect what you are talking -

A. No, no, no, it doesn’t because that is in relation to the PDO SENCO work, which was different to the PDO ITT work which I've just spoken about.

Q. Could you explain the difference and the significance to the jury?

A. Yes, absolutely. The PDO ITT work which was securing placements for trainees that I've just spoken about in terms of Peter Townley, Sue Faramond and Mark Rawsthorne, that was happening. In that autumn term of 2009 we secured a bid with the Department for Education to deliver SENCO training to teachers and the court heard from Fiona Hallett, an expert in the field who we had on the staff. In terms of that contract, what we had to do – and the DFE were very, very clear about this – we could not go straight to schools to secure the teachers. They wanted it delivered through the local authorities because what they didn’t want was they didn’t want the local authorities taken out of the equation because local authorities were being sidelined anyway nationally, so what we had to do was we had to form partnerships with the local authorities and it was the local authorities and their experts that then got the teachers from the school, the SENCOs, on to the Edge Hill University training programme that we’d got and that work relates to that page 4 that you have just brought the court’s attention to. On 20 October Peter writes to me about Christopher Joynson to say “Fiona is very impressed with Chris’ commitment and enthusiasm” because Chris had started by that point trying to get the local authorities on board for the PDO SENCO job.

Q. So, within this period this is all pre-employment -

A. Yes.

Q. – by Mr Joynson as the PDO ITT -

A. Correct.

Q. – and the PDO SENCO work -

A. Correct.

Q. – being undertaken?

A. Yes, he was also doing to the S2S which you've already asked me about.

Q. Can you assist in terms of how it was that the PDO SENCO post arose?

A. Well, because we’d won a contract that was potentially worth £2 million a year to us if we could recruit the teachers, then all the time I was talking to directorate about the fact that as we expanded we had to appoint staff. You cannot expand a faculty of education in the way that we were expanding without investing in full time permanent staffing. Yes, you need flexibility, but you need a core, so one of the things that I’d managed to do was persuade them that we actually put in place a post which was actually a fixed term contract and the reason it was fixed term -

Q. Could you just slow down a little?

A. Sorry. The reason it was fixed term was because it was a contract with the DFE that was not forever, so the contract with the DFE could be terminated after 12 months, after two years, after three years. So, we had to be very careful in terms of how we went to advert for posts, but that’s how that post came about. We had to have to somebody full time working just getting the local authorities on board and recruiting the teachers to that contract if we were going to succeed and hold on to it.

Q. Whose idea was it to recruit Christopher Joynson to that role?

A. Well, I think the court has already heard that the post was advertised and when the post was advertised it was Peter Townley and Fiona Hallett who had the first hand experience of Chris and the work he was doing on PDO SENCO. I didn’t, I wasn’t working with him on the project. They approached Chris, in fact wrote to him and said “The job is being advertised, we hope you're going to apply for it.” He was tried and tested in that way and he applied.

Q. Just pause for a moment. Do we see that at exhibit 3 of the loose leaf bundle on page 1? It is an email, you are copied into that email, to Mr Joynson and looking through the thread of that letter towards the bottom, Wednesday, 10th -

A. Wednesday, 14th October, at the bottom.

Q. 14th October.

A. No, no, no, actually that trail of emails there is when Peter Townley at the bottom writes to Chris he says “Thank you for all the partnership research work you’re doing at present, it’s really appreciated.” Chris is – he’s referring there to the ITT PDO work that Chris has been doing as a consultant. “I wondered if you might be interested in a short term opportunity working as a PDO for the new TDA contract, Project Manager Fiona Hallett.” So that was Peter sort of getting that initial contact with Chris about as a consultant picking up the PDO SENCO work in that autumn term. So that wasn’t about actually him applying for the post.

Q. It was in relation to extra work?

A. That was in relation to the consultancy work for the PDO SENCO in that autumn term and he says “I'll get Fiona to contact you and discuss the work schedule”, which is what happened and Chris undertook that work.

JUDGE CUMMINGS: Just a moment. [Pause] So this is about him being encouraged to undertake additional work as a contractor, it is separate from what you have been speaking, which is the advertisement of the full time post?

A. Correct.

JUDGE CUMMINGS: Right, I understand. Thank you.

MR SWIFT: So in relation to the first period of employment with Edge Hill University the PDO SENCO role, could I ask you to deal with this please; there was the post approval form in relation to that job, we see it behind divider 11 at pages 1 to 4, I ask you in particular to focus upon the issue in terms of the removal of a CRB requirement in respect of that initial position.

A. Yes, absolutely. At the time in autumn 2009 – and I think the court has already heard this, so sorry for repeating myself – repeating this, but it was an evolving issue in relation to CRB because HR themselves at the university were trying their best to make sure that we were guided in terms of what we were to do and Claire Tyman[?], who the court has heard from, was my business link person and she was always very thorough and -

Q. By your business link person what do you mean?

A. Well, she was my point of contact, so I would meet with Claire regularly from HR. I would run past her any issues that I had. She would run past me any concerns and she was very thorough. She would always investigate things for me, so I gave her a list of seven things and she would always come back to me with a response of some kind and the advice was that “Robert, we cannot blank it, CRB everybody that is appointed to a post in the Faculty of Education” and the reason was because the people that were getting jobs in the Faculty of Education, even if they were going into school they were going into school in a supervised capacity, say to observe trainees, they might be sitting at the back of a classroom. They were seeing classes as a one off, never unsupervised, never one to one and also she was saying that legally the university was in a position where they just could not carry on this blanket approach which had occurred. So, there were a significant number of posts in the faculty that did not carry with them an automatic CRB requirement and hence that change because that specific post was not even going into schools, as that post was advertised. So what HR were saying to me is that “It’s working with local authorities, we can’t do blanket CRB anyway” and that was why for that post and other posts at the university the CRB was not a requirement.

Q. May I ask you to look at page 4 behind divider 11, that is the Phil Jones email to Catherine Law[?].

A. Yes.

Q. So “Robert has asked that the requirement for the CRB checking be removed for the SENCO Partnership Development Officer post as they will only be visiting local authorities. Could this be done before it’s put on the website?”

A. Correct, that was the contract with the DFE. The contract with the DFE for the SENCO Project was working with local authorities.

Q. It has been suggested you deliberately removed this CRB check requirement -

A. Deliberately -

Q. - in order for Mr Joynson to be -

A. Absolutely not.

Q. – employed in post.

A. No, and we can see that from other posts in the Faculty of Education that I followed the advice of HR in terms of there are other posts, there were other posts over a period of a number of years right up to when I left in 2014 that did not require a CRB and HR were fully aware of that, supported it and all the approval forms are signed by HR. There was no issue over it. There was just no issue within the university over it.

Q. To your understanding of the position in relation to consultants that were used by the university -

A. Yes.

Q. – were they required to have CRB checks?

A. No. No, consultant or visiting lecturer because they both fall under the same category at the university. If you think of consultants you think of visiting lecturer and you think of associate tutors. An associate tutor, there were systems in place at the university for an associate tutor, if the post required it, for them to be CRBd because an approval form like the one that we here had to be completed. For visiting lecturers and for consultants, they fell outside of that approval process completely. So, there was no CRB requirements. We had consultants in the faculty that we brought in that were from school, they’d left school, if they’d have applied for a post working with children in another school they would have had to have gone through a CRB check. They came to Edge Hill as a consultant and there was no CRB check required because they were working in that capacity either as a visiting lecturer or as a consultant.

Q. Now, what involvement did you have in relation to the application process, the interview that took place in relation to Mr Joynson to that first PDO SENCO role?

A. Well, Phil Jones, who the court has heard from, he was my executive assistant and he organised all the interview schedules for me, so he would always say to me “Robert, we've got this list of the interviews coming up, panels” and so I was very clear with Phil that I was aware at that particular point in time when he was putting the panel together, I said “I know that Christopher Joynson is applying for that post, so I’m certainly not going to chair that panel ...”

Q. Just pause for a moment. If you can, can you recall the number of applicants that were being interviewed for that position?

A. I wasn’t involved in the short listing or the interviewing, so I don’t believe I can comment accurately on it, no.

Q. Very well, you cannot deal with that. So, what you are saying is you removed yourself from that interviewing process?

A. From the whole process. I didn’t – I wasn’t involved in short listing.

Q. Why was that?

A. Because I’d made it clear that I was connected to Christopher and his family, so we were friends as – and that connection meant that I removed myself. I’d done it with another post in the faculty when one of my friends applied for a position as a head of area. I’d removed myself from the whole process.

Q. Do you know who interviewed him?

A. Yes, I do.

Q. Who interviewed him?

A. Peter Townley and Fiona Hallett interviewed him.

Q. We know that that appointment was from 8th February -

A. Yes.

Q. – of 2010 in that role.

A. Yes.

Q. Now, in terms of your understanding of that PDO SENCO role and what that work covered, could you tell the jury please?

A. Yes, it was absolutely crystal clear when the job was authorised, ie the post was authorised, as you can see here on the authorisation form, it was directly linked to the TDA SENCO contract. That was why it was fixed term. That’s why it was not a permanent post because it was not related to anything else at all. That was the focus of the post and we needed that because if we were to generate the one and half, two million pounds, the students, the reputation for SEN as an expert centre we had to recruit those local authorities and hence the teachers that followed. So that particular post, fixed term, SENCO focused, recruiting local authorities that in turn recruited the teachers to our SENCO programme at the university and that was the post. It was a massive job actually.

Q. Would that incorporate S2S work?

A. No, and at the time when the post – when you put a post together like that you would never put a post together thinking that somebody was going to apply for that post, so whoever was involved in S2S, so let’s say there was somebody in the faculty, for example, that was involved in S2S, you wouldn't put a post together and add something on to it in that kind of way. It just wouldn't be appropriate at all. So, it was very focused.

Q. In terms of the continuing S2S commissioning of work in relation to Mr Joynson, so in what capacity was he acting when he undertook that work?

A. Well, what – with the S2S work Karen Bloyce, who the court has heard from and met, Karen had returned to her post of Business Development Manager and she’d been on maternity leave and Karen knew that one of the things that I wanted to do was create a complete school activity, school improvement arm to the faculty. So, it goes right back to what I was saying before the break, so the schools, the government came to us as first choice when they needed to solve a problem in our schools and Karen was heading that up. I said to her “We’ve got Chris, he’s worked on the S2S, the Fosse and the Evelyn, he’s put together Inspire, can you just put your heads together?” I wasn’t involved in it. “Can you just put your heads together, two good professional people, and can we get on with it? Let’s get something out there across the country to the schools” and I think we saw a letter that went out -

Q. So as far as Karen Bloyce is concerned, she is employed to deal with the S2S work?

A. She was. Well, as Business Development Manager she was on a management contract and as part of that it was management of all activities which would generate business for the faculty. Now, when I say “business for the faculty” I don’t want people to always think that that business is in the form of money pouring into the faculty and the university because it wasn’t. It was a combination of money coming in through business generation, but also partnerships coming into the faculty through business as well and that’s what Karen did. Karen also she spotted opportunities, so she’d search the web and she’d spot opportunities and say “Robert, just point you in the right direction ...” – I was very busy and had no real time for researching things and Karen was very good at identifying those opportunities for me in that role and she’d sort of pass them my way.

Q. Did Christopher Joynson have any hours on his contract to deal with this continuing S2S?

A. No, no, no. The – I don’t know how much detail you want me to go into in terms of how a contract – how 550 hours worked, how a 37 hours a week worked -

Q. Well, I think we've heard the standard – is it a teaching contract would be 550 hours?

A. Yes.

Q. Some of the witnesses have spoken of abatements and hours being particularly allocated for different projects, is that a way to put it?

A. Correct, so if -

Q. So, did Christopher Joynson have any hours on his contract to cover the S2S, the master classes?

A. No, there were a whole group of people across the faculty who were in roles, for example, Mark Rawsthorne, who was in a role where he was PDO, he was finding placements and he didn’t have hours on a timetable because his work was focused on finding those placements from schools in that particular way. We had lots of roles in the faculty and because of the varied and diverse nature of the work that we did that did not fall into the category, but people who were teaching modules and programmes they did, they did have those hours and therefore, to be fair, if somebody was taking on an additional responsibility then what we did is we said, for example, if you think of 110 hours out of the 550 as equating to one day a week in somebody’s all year round work as a notional figure, then if we gave somebody one day a week you would notionally say to them “There’s a 100 hours there that you will not be given teaching. It’s a fifth of your time for that year, you won’t be teaching, but instead what you’ll be doing is leading on that particular project.” It wasn’t an exact science. I don’t want it to sound as though it was an exact science, it wasn’t. I had many, many discussions with the union over such matters, but it was about how we could be fair in terms of people’s workload and recognising what people were doing.

JUDGE CUMMINGS: Can I just check I understand what you are saying in relation to Mr Joynson; he was contracted on a salary that was, do I understand correctly, purely in respect of SENCO work?

A. Yes, correct.

Q. Therefore, from your point of view anything that he did that was not SENCO by definition was not within his salaried role?

A. Correct.

JUDGE CUMMINGS: Thank you.

MR SWIFT: Could I ask you to turn to the documents which I think are behind divider 24, documents from Karen Bloyce. Included within the documentation there is – I do not have mine numbered – it is costings pro forma, do you have that?

A. Yes. Is that the one on page 2? Yes, sorry, it is, yeah.

Q. Costings pro forma and also the income generating activities pro forma?

A. Yes, on page 5 in mine, yes.

Q. Miss Bloyce gave evidence in relation to these. Could you explain what these documents represent please?

A. Yes, can I talk to the income generation activity on page 5 first?

Q. Yes.

A. The income generation activity pro forma was something which I put into place in education many years ago because we were winning contracts in year, so the budget would be set for 1st August and we might get to December and we might find out from the government that we’ve won a contract for half a million pounds and we've got to deliver XYZ and I needed transparency with the university in terms of if half a million pounds was coming into the university for that project and contract, I wanted it identified in terms of the income and I wanted it identified in terms of what the expenditure against that particular project was going to be. Now, sometimes you would end up in a situation where you might have an income of £500,000 and your expenditure might turn out to be £600,000 and now the reason for that – there could be lots of reasons, but one of the key reasons was we needed to make a decision that if we go for a project what is the significance of the project to us other than just generating money for the university? So, our significance in terms of profile, our impact and in terms of the opportunities it then provided us with to bid for other contracts because we delivered that one successfully. So, the IGA -

Q. Can you apply that principle then to these documents?

A. Absolutely, so what I asked everybody to do in the faculty, not just Karen Bloyce, is if there was something that we were doing then can we try and put just a bit of meat on the bones in terms of what it’s costing us and it might be a loss, but if it’s a loss at least we know it’s a loss. At least we know we’re doing that activity and we might be losing money, but we know we’re losing money. We’re not doing the activity kidding ourselves that we’re actually making money or breaking even in that way. When Bill Bruce arrived at Edge Hill he, as Deputy Vice Chancellor, he identified this as best practice because he was fully engaged in exactly what it was I was trying to identify for the university; things that we would invest in and why we would invest and it was not just for financial gain to the university, so -

Q. So, when we look at the income generating activities pro forma and the right hand column income, effectively what is that representing?

A. Well, I mean I personally think it’s misleading anyway. I don’t think – that’s not income. What – but what Karen’s done is she’s done here what she was asked to do, which was can we articulate the saving to the faculty? That right hand column, that £1,130, that’s really a saving for this project because what we’re saying is we’re saying if we spend as on the left hand column, expenditure, then actually this school they’ll take those trainees, but we won’t have to pay them, so we save in our budget £1,130 and what we spend, if all of that materialises, is £2,690. So, what we've got is we've got a model where we can actually judge in terms of “Okay, we’re desperate for placements, is it worth the difference between those figures?” So that’s not income, but that’s – Karen was just asked to fill that pro forma in because it was a standard pro forma.

Q. If you implemented this project within, for example, [ribbie with ray?] what would you hope to get?

A. Well, we’d hope to get placements as number one, that was absolutely crucial, but, number two, we’d expect to get – well, I’d expect to get a buy-in from the school, so in other words, you know, we often joked about it with headteachers, but it was serious business, was the headteacher prepared to be loyal to us? There was a lot of competition in the North West -

JUDGE CUMMINGS: So establishing an ongoing relationship?

A. Absolutely, keeping the relationship alive so that it didn’t die and Liverpool John Moores got in there before us, you know.

MR SWIFT: Just moving on, in conjunction the S2S, the master classes, so how did they work in conjunction?

A. Well, we’ve had a – I think in court we've had a number of attempts at defining what a master class was -

Q. Well, this is your opportunity to define it for the jury.

A. I came up with the terminology, so therefore I believe it is my responsibility to explain what I meant by it. I've been involved in master classes, as I've already explained to the court, since I was at Liverpool University. Those master classes were for high flyers. The master classes which I then put in place throughout my career, as the court has already heard, were not just for high flyers, but it was for a complete cross-section of people, trying to engage those youngsters into mathematics in that specific case. So, when the S2S Project started to evolve, which is what it was doing, it was evolving all the time, what could we offer schools in terms of what I loosely called a master class, which might be a day, it might be a morning, it might be an evening, it might be for children and their teacher, it might be for a group, a small group of children. Also, what happened is that they evolved into master classes for trainees. Can I explain that one to the court?

JUDGE CUMMINGS: Please.

A. Our trainees, we were turning out over a thousand teachers a year to the teaching profession, every year a thousand teachers to our country’s schools. We were the largest provider in the country. We had a responsibility to ensure that those teachers that went into our schools were of the highest standard that they could possibly be and Ofsted – we used an Ofsted grading; grade one, grade two, so outstanding, good, grade three, requires improvement – and all the time we had to make our trainees stand out when they were teachers out there and so we operated drop in sessions for trainees for lots of things and master classes were one of those things. So, trainees could turn up, they could look at different resources that we’d invested in and used, they could experiment in terms of what they might take into the classroom, they could talk to people about “I’d like to run ...” whatever the project might be in school “... how could I make that happen? How might that work?” and for me that was an enhancement in terms of what we were providing as the Faculty of Education to our trainees, our teachers that were going out into school.

MR SWIFT: Within the body of the invoices from CJ Consultants there are numerous invoices relating to master classes, Saturday master classes?

A. Yes, yes.

Q. Is that reflective of -

A. That is reflective of – I – in terms of the Saturday master classes, Saturday the building was always open, so Saturday master classes could – in terms of drop in sessions or things that were going on in terms of the faculty building and on university campus was things – things would happen all the time, but in terms of those master classes they will have covered a variety of things and Anita Walton, who the court has heard from, Anita was Head of Professional Development and she had a responsibility for NQTs. So, when we turned our teachers out to the schools they were classified as newly qualified teachers NQTs and what we were trying to do is we were trying to offer those NQTs an enhancement programme so when they’re out there in school actually would they come in? So, at one point the course has seen somewhere about NQT conferences, for example, so we had big conference when everybody was together in terms of the NQTs, but we also offered master class CPD sessions for NQTs that could come along and they were advertised and they were marketed to our schools in that way. So, we thought – and I still stand by it – that it was – even if one person turned up to a session then that was worth it in terms of if that person left having benefited and taken that back into school with them or, if they were a trainee, taking it back into their practice in terms of what they did and that’s what we operated.

Q. Was that work being undertaken by Christopher Joynson?

A. Yes, it was. He did a lot I allocated. I’d spoken to Anita and I said to him – I said to her we've got funding in terms of allocating for master classes across the whole of – well, to start with I think it was the whole of – up to summer 2010 to start with and I allocated the funding aside in terms of making sure that that happened. I contacted Anita about it and Anita thought it was a great idea. I mean she was very supportive.

Q. Inside or outside his employed role?

A. No, it was outside. It was outside his employed role. If you asked somebody at the university to take on – let’s say they took on – I don’t know – five months extra work for a Saturday and a Sunday, well, you couldn't without – without adjusting what it was that they were actually doing elsewhere within the week, so nobody had within their job description master classes, if I can use that in its broadest sense in terms of the definition.

Q. Please then deal with the role of consultants, third parties, those utilised by the university outside of a contract of employment.

A. Well, the – as we grew significantly as a faculty of education, and the growth was absolutely enormous in terms of how we were expanding, there was – which I said a little earlier – there was a major reluctance on behalf of the university to invest in full time permanent staffing and lots of reasons, but the point is at the end of the day they would not invest in the way that I believed it was needed to deliver what we were delivering. That meant – I’m not saying they didn’t make resource available, the university did, but what the university did is through the budget process they made available, for example in the Faculty of Education budget, they made available £3 million as part of the Faculty of Education budget for what is the equivalent of zero houred staff. Now what I mean by that is I mean that staff who we've heard in the court as associate tutors, so where associate tutor signs up to the university but they’re not guaranteed hours of work and what was happening was that those associate tutors - the directorate had come to an agreement with the union in 2007 -

Q. Well, Mr Smedley, try not to go into the fine detail, but in principle what you are saying I am not stopping you if it is associate tutors were being used -

A. Well, I believe it’s very – I believe it’s very relevant because – and the reason I believe it’s relevant is because those – the millions of pounds that were put in to support the associate tutors, if that’s the right word, which were basically zero houred staff, there was an agreement with the union that those associate tutors couldn't go over a certain number of hours, so in terms of their 550 allocation. So, what happened was that as a faculty to deal with the work that we had on we had to second people from school and I think the court has already seen that we were spending about a million pounds on secondments from school. We had -

Q. So that is teachers from local schools working at the university?

A. That is teachers that we brought in from local schools. It did help cement partnerships actually with the schools. There were consultants that we used and we brought and so either we – they might have been retired headteachers, I’m just thinking of two of those in particular. They would be – might be teachers themselves from a school that is doing extra work. There were visiting lecturers that we brought in, in terms of people who would be paid on that. At the budget meetings what the university were interested in, and rightly so, was looking at associate tutor budget, looking at the L budget, looking at secondment budget, which came under temporary staffing, and looking at wages and salaries, which were the permanent staff, if you put all of those together were you actually in the red or in the black? That’s what they were concerned about in that and as a faculty we were never in the red in terms of when we looked across the staffing in that way because it was juggling those different aspects of the staffing to make the jigsaw work in terms of the Faculty of Education.

Q. In terms then of using employed staff to undertake additional work is that the practice that -

A. It was – yes, it was common practice in the sense that there were people who were on contracts that were teaching contracts, so there were – what I mean by that is I mean that the main part of their job was teaching and they were being paid extra to teach. So, if you looked at their job description you’d find in their job description teaching, but they were actually then being paid extra to teach as an associate tutor. I’m just thinking of two examples as associate tutors in that way and they were claiming that money because it was above and beyond -

Q. For additional work?

A. For additional work in terms of what they were doing because they were at maximum capacity in terms of their contract.

Q. With regard to consultants, was there, to your knowledge, a procurement practice in operation?

A. No, never, never. I – all the time that I was at the university and I suppose from the year 2000 in terms of heading up education, there was never a procurement exercise for consultants at all and there was one consultant that I used who was very good as an individual in terms of what he did, but he was passed to me, a recommendation from the Deputy Vice Chancellor or both Deputy Vice Chancellors actually passed different people to me and I know there’d been on procurement that had taken place with those people initially, but because they were good at what they did then of course people would recommend them, so “Great, I'll have a word with them. I’ll have a coffee with them.” So, you have a coffee and then from the coffee what leads from the coffee is “Right, okay, that sounds fantastic. Would you be able to take on this? Let’s try something” and so one person I’m thinking of in particular was an expert in clinical trials and what – his expertise was in health, but what the Deputy Vice Chancellor was keen to do, and I was as well, was how might that be applied in education? So, we trialled something in education and we measured the impact and the evaluation of it, that was important to us, but I didn’t procure for him, the university didn’t.

Q. Was there a policy in place to apply, for example, in respect of the work that Christopher Joynson was undertaking?

A. In terms of procurement?

Q. Yes.

A. I've never seen a procurement policy when I was there and I was not aware of any procurement process for consultants.

Q. Letters of engagement, letters of agreement?

A. No, not that I am aware of, not that I have seen, never.

MR SWIFT: Your Honour, I am about to move on to a different topic, so that may be appropriate.

JUDGE CUMMINGS: Thank you. Quarter past two please, ladies and gentlemen. Thank you. You too, Mr Smedley, as I say, you are in your evidence, so please do not discuss it with anyone, that includes your legal team.

[The jury left court]

[Luncheon adjournment]

[On resumption]

MR SWIFT: Your Honour, could I just check are the jury going to be informed we are not sitting on Friday?

JUDGE CUMMINGS: Yes, I should deal with that, I think, at the end of the day. Thank you.

MR SWIFT: Perhaps a 10 minute break in an hour or so?

JUDGE CUMMINGS: Certainly.

[The jury returned to court]

MR SWIFT: Mr Smedley, in terms of the work that was undertaken by Mr Joynson externally to his employment contract, a role as a consultant, may I just ask you in terms of consultant was that a generic term? Did it come with a definition of what a consultant was or -

A. No, it was a generic term that was used and I think the more that the university used people in that capacity the more that the term was used loosely, so in other words you might think of a consultant like a hospital consultant who specialises in a particular area. Well, we did have people like that, so somebody I described this morning, clinical trials, that was his specialist area as a consultant, but it was used as a generic term and people, when they set themselves up in terms of invoicing, would very often call themselves XY Consultants. It was just an easy trading name really in terms of identifying themself in that way.

Q. In terms of Mr Joynson being set up at Edge Hill University as a consultant, to use that word, going back to – well, do you recall initially the approaches that you made as to how that should be done?

A. Oh, I do, yes, yes.

Q. Could you tell the jury please?

A. Yes, when he was initially set up as a consultant, so we’re going back to pre-employment, so it was 2009, I’d spoken to Dave Low, who was my Finance Manager, and he always sort of took advice in terms of the university finance people as well and it was around “Here we have somebody and we’re wanting to pay them for work. What’s the best way of doing it?” It wasn’t my decision. It wasn’t Dave’s decision. I suppose it was joint decision and Helen Adams, who was in Finance, was very helpful as always and she said “You have go to make sure ...” and we had to make sure as a university “... that if somebody is going to submit invoices that they are self employed from the HMRC perspective.” So, I – she was able to check the website and make sure that this person was self employed and therefore the university could process those invoices and she did that.

Q. Let me ask you to -

JUDGE CUMMINGS: Just a moment, sorry. [Pause] Thank you.

MR SWIFT: [To the witness] Could I ask you to turn please in the main jury bundle to divider 18, page 1. Just familiarise yourself with that email, it is dated, looking to the bottom email, 9th September 2009: “Hi Dave ...” it begins.

A. Yeah.

Q. So, this is, on the face of it, your email to Dave Low?

A. Yes, so 9th September, so this relates to the fact that I was fully aware at this point in time that we had the monies from the TDA that I spoke about this morning, the £50,000, and this was as a follow up in terms of my conversation with Mr Joynson to say to him “Look, we've got the monies, you can claim for that” and I was emailing Dave to say this is happening, etc, how do you we do it basically and Dave comes back in his usual way in terms of giving, you know, some options there. If he was to invoice us he’d need to be set up as a supplier because he wasn’t set up as a supplier on the system.

Q. When you say “I need one of the school contacts linked to the Leicester project”, the Leicester project being?

A. The Fosse, that was the Fosse Project.

Q. The Fosse Project?

A. Yes.

Q. So, options VL?

A. Yes.

Q. Or consultancy?

A. Or consultancy, yes.

Q. If you turn to the next page it looks like an email that is later in the day, 12.48 “The VL form should go to Christopher Joynson”?

A. Yeah, so I just provide the details in terms of that going off. So that was the 9th of the 9th.

Q. Then ultimately he was set up on the university system?

A. Yes, Dave will have set him up in the way that he described, just as he would with any supplier.

Q. Not as a VL though, not as a visiting lecturer?

A. No, VLs weren’t set up as suppliers. If somebody was filing in a VL form it would generally be for a one-off, so they’d do something one-off and they’d fill in a VL. We did have people who then submitted additional VL forms on top of that, but Finance in the university would deal with that appropriately, you know, Helen would pick that up.

Q. Now, were you disguising the fact that Christopher Joynson had anything to do with CJ Consultants?

A. No, not at all. This was about we had a project, it had run, hugely successful, we needed to pay basically in respect of how do we do it and I was passing it over to Dave, as my Finance Manager, he was very competent, and also the university Finance. They would advise in terms of exactly how this should be set up.

JUDGE CUMMINGS: Can I just be clear, at page 1, your email to Mr Low on 9th September, says “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 does he need to complete any paperwork” and so it goes on. Was this relating only to future work that you wanted or might want Mr Joynson to do, or was this relating also to payment for the work he had already done at Fosse?

A. Yes, this was relating to the work he’d already done at Fosse actually, this particular email.

JUDGE CUMMINGS: Just a moment please. [Pause] Thank you.

MR SWIFT: As of that date, so we know September 2009, was he employed or not with the university?

A. No, he wasn’t, he wasn’t employed.

Q. Did this issue arise again in relation to Mr Joynson and checks it was an appropriate way of funding?

A. Well, what happened was that beyond this point in time I never thought any more about it, as I wouldn't have, and Dave would organise all such things, but it was then the following year in the summer, so that would summer 2010 – now, Christopher Joynson had then picked up the post of PDO SENCO, so he was now employed and salaried on a fixed term contract, but he’d undertaken work for us which I had said unless this work actually generates something in terms of partnership with schools and we get placements out of it, we can’t pay fully for the work, so let’s see what materialises. So, by the time we go to summer 10 at the end of that academic year what happened was pro formas went into schools and we got feedback from schools as to what they were offering in terms of placements for the next year, so we had an idea in terms of the levels of success that had been achieved and what we needed to do was I said to Dave “Christopher Joynson needs paying for that work. However, I know you've set him up as a supplier, but there’s a difference, he’s now salaried with us, so how do we deal with that?”

Q. So, he is in his PDO SENCO role?

A. He is. He is, so what Dave did, as he always would, is he went to the university Finance Department and he spoke to Helen Adams about “This is the situation that we’ve got, how do we pay for that work?” and again Helen was, you know, very, very helpful and she sorted it out with Dave.

Q. Now look please at page 20 behind divider 6, which is the invoice bundle. Is that the invoice, is that the work to which you were just referring?

A. Yes, that – yes, 24th June 2010, yes, and outcomes with schools had been achieved, yeah. Yeah, that will be it.

Q. So, it is payment for work undertaken pre-employment?

A. Yes, correct.

Q. But he was employed at the point of submitting that invoice?

A. [No audible reply]

Q. Did the issue arise again?

A. Yes, it did, because the third time that it arose was in terms of Chris was still salaried, but he had been asked to undertake work as a consultant, so this time what was happening is he was doing the work and claiming for it whilst at the same time being salaried and so at that point, again, I said to Dave and Dave consulted with the Finance Department at the university in terms of Helen Adams.

Q. If you look please at divider 18, page 19, so that is an email that is dated, looking at the date at the top, 24th January 2011 and midway down that page is an email from Helen Adams?

A. Helen Adams, Finance, yes.

Q. “Apologies for not getting back to you before now, I just haven’t had the chance to catch up on emails. It’s perfectly acceptable to be both employed and self employed in a different capacity at the same time” and she goes on he needs to go on to check his status.

A. Yes.

Q. Now, did that relate to that? Just so we are clear, what did that relate to?

A. This now related to the claims that he would be making when he was salaried and acting as a consultant, so this was about checking was this still appropriate to do and because I’d already spoken to HR because we had a number of staff who were claiming extra on top of their salary and HR had said perfectly acceptable within their contract, so not an issue, providing that we could confirm that it was above and beyond what they were doing as part of their job description and contract.

Q. When you say “perfectly acceptable within their contract” what do you mean by that?

A. Well, within the contract that Christopher Joynson was on then, like most staff, the contract had an exclusivity clause in it and we’d already had an incident with a member of the faculty who had been undertaking consultancy work, but they’d been undertaking consultancy work for another university on top of being salaried at Edge Hill University and I had raised this with HR because I’d said to HR “I don’t think this is acceptable because we are in competition with that university. They hold similar contracts to us and I don’t want records that we develop being used at another university” and HR confirmed with me that yes, I was correct that that was not acceptable because of that, but with people who were doing extra work and it was extra work that they were doing for Edge then there wasn’t the conflict that had been identified with that other particular individual.

Q. In terms of Christopher Joynson’s appointments to other salaried posts and his promotions within Edge Hill, were you involved in the recruitment selection process?

A. No, no, no.

Q. Interviews?

A. No.

Q. The jury have seen a number of emails behind divider 19 at pages 2 to 7 which relate to Mr Joynson’s appointment to Assistant Head of Professional Development. Could you just look at those for a moment please. What involvement did you have in relation to that promotion?

A. I was not involved in the interview or the shortlisting at all for Assistant Head of Area, that was Peter Townley and Anita Walton that undertook that interview and the whole recruitment and selection process. The involvement that I had is indicated here and that was before the post was advertised, so the discussion that I had with Claire Tyman regarding secondments, regarding external adverts, etc and the debate over that.

Q. From the emails and the evidence, effectively, issues were being raised as to whether this was a teaching role and the implications for extra days leave and whether the job needed to be adjusted.

A. Which role are you talking about there?

Q. This is the assistant – this is the emails that are -

MR DYER: Sorry, which emails are you looking at?

MR SWIFT: I am sorry, the emails behind divider 19.

THE WITNESS: Are you looking at page 2?

MR SWIFT: Yes.

A. Right, my understanding is that was the Partnership Development Officer role. That wasn’t the Assistant Head of -

Q. Not the Head?

A. That was not the Assistant Head of Area role.

Q. I am grateful for that clarification. So that is the Partnership Development, you are correct, and then there is a series of emails between yourself and Miss Tyman discussing changes, suggestions from her and in terms of your involvement in the promotion of Mr Joynson to this role?

A. Well, he wasn’t promoted to the Partnership Development Officer role. The Partnership Development Officer role was the role that we advertised in autumn 2009 and that Christopher Joynson was appointed to and started on 8th February 2010. So what Claire was doing here in 2012 to do with PDO this was another PDO post and she was saying that - I think the university had got into a slight difficulty over the gradings of PDO posts and what she was trying to do was she was trying to work out a solution across the university. That’s my understanding of that interchange. It wasn’t a promoted role the PDO post for Chris.

Q. Could you look at page 7 behind that bundle please, to what does that relate?

A. Now, that relates to the Assistant Head of Area post, so the Assistant Head of Area post following the discussion I’d had with HR, which is in here on email, Claire and I were batting things backwards and forwards as we tended to do. We agreed on a secondment basis and this was Beverley checking with me whether this post was to go on to a tranche of adverts that were to go out and I think it was around the March and I say “Not this round, next time that we go out please.”

Q. What was the justification for that?

A. Well, the justification from my perspective is – well, was that with secondments you always had to give people an opportunity to find out whether the role was actually for them or not, so for example we had an Associate Dean who had been seconded. They’d been seconded, they’d done the role for six months and I didn’t believe that six months was long enough because if you are going to support people into promoted roles and take on leadership positions I do believe that you have to give them that opportunity. So, the thinking behind it was not this wrong, let’s just give a little bit longer and then go to adverts in terms of for the post.

Q. Was that an unusual approach?

A. No, no, we actually had somebody who was seconded out of the university for 10 years, believe it or not, so it certainly was not unusual.

Q. Whilst we have the bundle open behind divider 19, could you turn to the first page please, CT1 is the exhibit. Just take a moment to look at that please. [Pause] So this is the record of the note that has been taken with regard to CRB. Could you explain to the jury how that came about?

A. Well, I don’t remember all the details of the conversation, but it will have happened because I had a very good working relationship with both Claire Tyman and Anne Collins, who was Director or HR, so if I ever had a query or something that I wanted to bounce around I would always approach Claire first as my link person but, if not, I got on very well with Anne, so I would always meet up with Anne and discuss it. So, it probably was Anne Collins who I spoke to about it and what HR always did, I remember them telling me, as part of their practice was they always made a note if people had conversations with them and they’d just file that note away because it was useful. If it came up 12 months later they had a note about it, they could remind themselves what it was and I’m assuming that this is where it’s come from. When I read CT1 myself it all made sense to me, even though I didn’t remember the specific details. It’s my understanding that it relates to the incident in 2007, even though this was 2011, an incident in 2007 when Christopher Joynson had a post at Lillington Primary School. That is my understanding, although it doesn’t actually say that and because I can’t think of any other incident that it would refer to. Why the gap of time of four years I've no idea, but the GTC and the – was very slow in investigating incidents of – that they had to investigate for schools or on behalf of schools. That’s the only thing I can think of.

Q. You were being asked to be kept up to date?

A. Absolutely, because as I say at the bottom I flag that the NUT is involved, so I knew the NUT were involved with Christopher in terms of representing him. The GTC may contact Edge Hill and can HR, if a contact comes through – they’re aware of all of this and can they just sort of talk to me because actually we know the picture and this is an ex-trainee of the university as well.

Q. Now just switching topics, if I may, you have dealt with already this morning the – you have explained the demands for recruitment, the role of master classes, could you deal please with Schools University Project that appears on the invoices submitted by Christopher Joynson?

A. Right, I – this was another initiative which I had. I have a great belief that in education what we have to do is we have to work with those areas of the community that might not see education as a way forward for them and in terms of to allow them to progress and the idea that I had was around aspiration building for children and the Schools University Project was about children as young as those in year one right the way through to those in year 10, year 11 would be doing GCSEs, so it wouldn't quite be appropriate, but could we come up with an accreditation scheme of some kind where if those children were doing an activity above and beyond what they would normally do in school and the curriculum that we could use an accreditation framework, we could award credits for that work that they were doing and if they collected those credits then either they attend a type of graduation at the university, where we look after them and they wear their gowns and they wear their caps, or we go to the schools and we do an evening event and their parents are there and their teachers, etc. So that was the idea.

Q. What was Mr Joynson’s role within that project?

A. Right. Well, what we needed to do was we needed to establish – if that was the idea we needed to establish first of all a whole set of schools that would participate in the project, so it’s no good having an idea if you haven’t got the buy-in from schools and the only way that you can get buy-in from schools – it’s no good writing to them and not following it up, it’s actually face to face, it’s talking to people, it’s having a coffee with them, it’s discussing the ideas, it’s developing the models in terms of what would work for that particular school, what an accreditation framework would look like and would a school accept that as an accreditation framework that they could work with basically. So, there’s this huge amount of work that you have to do working with those schools to get that in place.

Q. Did you commission Mr Joynson to undertake such work?

A. I did. I did, yes, I asked him – I couldn't do it in terms of I was just sort of too busy in respect of the things that I was having to do. I asked Christopher Joynson to do it. He worked with other colleagues, so we had teachers from school who I made payment to because they were doing that in their own time, we had somebody who was also excellent in the faculty at research -

MR DYER: Sorry, could we slow down a bit?

MR SWIFT: Sorry, yes.

A. – somebody in the faculty who was excellent at research and what I -

Q. Just take it a little more slowly.

A. Sorry, apologies. What I was proposing was that if we ran this project in terms of Schools University Project then could we actually undertake a research project into it, that practice based research, what would be the impact on the aspirations of those children that we were involving and not just the children but the parents as well in that way. So that’s how the project came about. That’s what the project was about.

Q. In terms of the benefit from that work to the university in value what would you say?

A. Well, I would say, one, you're working with schools on something which I believed was absolutely crucial and we should be doing, it was part of our mission. Two, the schools that we were working with were buying into the vision and what we were able to do is we were able to support those schools in terms of them achieving what they needed to do. So, what it does is it strengthens the partnerships with those schools on an individual basis and it keeps the partnerships alive in that way and schools and teachers, that’s what they're looking for in terms of they're looking for the support and they’re looking for the ideas that they can engage in that will benefit those children in their class.

Q. In terms of work undertaken at Rainford School, work undertaken by Christopher Joynson?

A. Yes.

Q. Commissioned by you?

A. Yes, it was. It was, yes. I was the one who checked with – I checked with Anita Walton. Anita Walton was his line manager, but fundamentally the work was commissioned by me. That came about because Liz Nicholls, who the court has heard from, you know, an outstanding headteacher, Ripley High School in Lancaster, she’d been flown into Rainford, the school was struggling and she contacted me. I got on very well with her and I went there early one morning for a coffee, we had a chat about how we -

Q. Just slow down.

A. Sorry, sorry. How we might support Rainford and support her as a headteacher in terms of moving the agenda on. There were a number of different aspects to the action plan, but one in particular that she had identified was that they had a large number of staff who were supporting special educational needs, but she wasn’t convinced that they were following regulations, if I might put it like that. She was also not convinced that they were up to date in terms of training and in terms of what they needed to do. Hence why I jumped at the opportunity actually in terms of yes, I’m sure we can help. Here we are, the largest provider of SENCO training in the country and here’s a school in a position like that, are we really going to turn round and say no?

Q. And close geographically?

A. Very close geographically. It was a very important school to us in terms of, you know, on the doorstep, Rainford. You know, we needed to work with them.

Q. TES Recruitment?

JUDGE CUMMINGS: I am so sorry, what was it that Mr Joynson did in that connection?

A. So, what he did is he went into the school, he did training with the identified SENCO person at the school, Liz had identified that person, and he also did training with – there were staff who worked with the SENCO, so he did training. He also helped them write a policy so that the policy was up to date and that they were following national guidelines and what we also did for the school is we also offered accreditation through our SENCO programme, free of charge actually, in terms of so the person could undertake an MA free of charge with us and get the SENCO qualification.

JUDGE CUMMINGS: Thank you.

MR SWIFT: TES Recruitment?

A. Yes, there were lots of events nationally that were held like a market place event. We were always receiving notification of them and they were generally held at weekends, not always but generally held at weekends on a Saturday and those events various people would attend those events, but if you attended the event you were representing – well, you were representing the university, but in terms of the Faculty of Education you were representing the whole breadth of the Faculty of Education, so you had to be able to talk to somebody who came along and they might want to talk to you about, for example, “I want to be a design and technology secondary teacher, how do I go about that?” and what we could not do is just hand out leaflets. I was a great believer in terms of yes, there are leaflets, but we do need to engage with people face to face in terms of being able – knowing something about the specifics of the breadth of the faculty and what we can talk about. Not everybody liked doing that because not everybody felt confident about doing it and that’s fair enough. I mean I never had a problem with that -

Q. What about Mr Joynson?

A. Yes, he was outstanding at recruitment, he was outstanding at talking to people, building a connection, a relationship with them and listening, I suppose, to their needs and what they wanted and matching those needs, but not only that, then the follow up in terms of coming back to the university and on the Monday saying to one of our course leaders “I've got a list of three names for you. They turned up on Saturday. It would be fantastic if we could give them a call because not only have they turned up and they've got a leaflet and they know about Edge Hill, but my, here we are, we’re actually following it up and making a phone call to them” and that was part of very, very best practice in terms of what we needed to do.

Q. So, commissioned by you?

A. Yes.

Q. And approved?

A. Yes, it was, yes.

Q. In relation to each of those projects, the Schools University Project, what was happening with Rainford, TES Recruitment, part of Christopher Joynson’s contract of employment?

A. No, I mean I’d have to look at the invoices to see which role he was in, but if he was in the PDO SENCO role then no, because that was specifically in terms of as I described previously. His second role was PDC SENCO and Dyslexia, so that was specifically those two contracts and recruitment -

Q. Just slow down.

A. Sorry.

Q. Can you just repeat that? The second role?

A. The second role was PDC SENCO and Dyslexia and they were two very separate contracts and he was co-ordinating the recruitment to both of those projects that we had, one dyslexia and one SENCO in that way. His next -

JUDGE CUMMINGS: Just a moment please.

1. Sorry.

[Pause]

Q. So, the SENCO PDO role, his first salaried employment at Edge Hill, so February 2010 until, I think, the end of August that year?

A. Correct, yes.

Q. You said previously it is SENCO PDO and nothing else?

A. Correct, yes.

Q. Then the following role, the co-ordinator role, two years from the September 2010 to September 2012?

A. 12, yes.

Q. As I understand it is co-ordinating the recruitment to the SENCO and Dyslexia contracts, nothing else?

A. He had line management in that role, so the idea was that when he became co-ordinator sitting under SENCO would be a PDO SENCO, the post that he’d vacated, and sitting under Dyslexia would be a PDO Dyslexia, so he would line manage those two people and co-ordinate the whole thing. So that was in theory how that structure would work in terms of the management.

Q. I understand that in terms of identifying what was within his salaried role and therefore what was not -

A. Yes.

Q. – do I understand his role was to line manage in respect of those two matters -

A. Yes, it was.

Q. – nothing else? There was nothing else covered by his salary?

A. It was line manage and it was co-ordinating, so what he would be doing is he would be co-ordinating and making sure that those people are attending the right kind of events in terms of recruitment to those two projects.

Q. Yes, but anything that does not fall within that description is outside his salary?

A. Yes, it would. Yes, it would be.

JUDGE CUMMINGS: Okay, thank you.

MR SWIFT: Now, you mentioned earlier the exclusivity of service -

A. Yes.

Q. – as part of a contractual term of his employment -

A. Yes.

Q. – the terms of his employment. Could you look please to divider 11 and at page 35. I think we see an example of that. Is that what you were referring to earlier?

A. Yes, it was. Yes, that’s the – where I’d had a discussion with HR.

Q. So as far as that clause is concerned, that exclusivity of service, what was your understanding of that?

A. Well, as it says, if you look at it in terms of, for example, before you enter into any obligation to undertake any external work, including consultancy, you must inform the institute and it’s, as I was saying before where we had an example and that’s what I was discussing with HR in particular, an example of somebody who was undertaking consultancy as external work but with another university and I became -

Q. As opposed to at the same university?

A. As opposed to sort of for Edge Hill for the benefit of Edge Hill. It wasn’t for the benefit of Edge Hill at all and so that was the conflict, if you like, but in terms of those people who undertook additional paid work, whether be as an associate tutor, a visiting lecturer or submit invoices as a consultant, who were salaried at Edge Hill then it was for Edge Hill the work that they were doing. There wasn’t, from my point of view, a conflict then because they were supporting the institution.

Q. And you were commissioning the work?

A. Not everybody who was – I wasn’t commissioning the -

Q. No, in relation to Mr Joynson.

A. Oh, in terms of that not commissioning all of it, but yes, I was commissioning, you know, in terms of Rainford, in terms of the TES and in terms of Schools University Project.

Q. Now moving on, in terms of Forward Education, what was your understanding of the foundations of that company? Why was it set up?

A. Well, I knew that – and I knew this because of the connection with Christopher outside of work and with his family, I knew that he was very keen to – he’d enjoyed the consultancy work and I knew that he wanted to set up his own business of some kind. He was aware of somebody who had set up a supply agency and he’d also had a lot of contact through the university with supply agencies that we worked with, so for example, Capita was a good one, ITN Mark was another one and -

Q. What were those companies doing?

A. What they specialised in really was supplying staff to schools to undertake work where there were gaps, so supply work used to be very extensive and then – and what happened is it became very expensive to deliver nationally and so the recruitment agencies, supply agencies, I should say, they started to disappear and only certain ones survived, I guess the big ones in that way, but they supply staff, not just teaching staff but support staff and teaching assistants as well, together with training. That was the very, very best practice and that’s why we were working with them actually, but anyway he’d seen that and he knew he was good a recruitment and I know he’d spoken to me about the whole notion of setting up a business and basically focusing on recruitment and turning it into a supply agency. So, I was fully aware of that.

Q. With regard to the focus on recruitment, what was the position of the university in relation to the PPD contracts?

A. Post graduate professional development, we’d won contracts going back to 2002, 2003 and the contracts we got – we became more and more successful in terms of the contracts that we secured and they were very, very large contracts that we held, so at its peak we had targets of 7,000 teachers to recruit in one academic year and that just wasn’t as a single one-off, year before that and year after it you were talking about targets of five and half, six thousand as well.

Q. Let me just ask you to pause there for a moment -

A. Sure.

Q. – and turn please to exhibit 5 in the loose bundle. Do you have that?

A. I do.

Q. So PPD Recruitment, Edge Hill, allocation and recruitment funding for FOI dated 5th February 2015. Using those figures, does that assist?

A. It does. If you look at the right hand column where it says “Trainee Recruitment” it should actually say “Teacher Recruitment”, but this is a document from the DFE. They say there’s no records held until 07/08, but obviously there was funding, but you can see the 5,400, the 7,734, 6,779, etc.

Q. So that is 2007/8 going forward to 2012?

A. Yes.

Q. And that outside column on the right hand side is the number of recruits?

A. That’s actually the number of teachers that we needed to recruit, ie the bodies that we needed to recruit in terms of the contract that we had.

Q. Move back one column to “Total Allocated Funding”, what does that represent?

A. So that represents the funding that came into the university, so for example if you look at 2008/09 £6.4 million came in in that one year and what happened – the way it worked was the £6.4 million was basically divided by 12 and the DFE paid it to the university bank account by a BACS payment and what happened is at the end of that academic year the university made a return to the funding body in terms of exactly how many of the 7,734 students that they were putting forward to be counted against that funding.

Q. How was that recruitment achieved on this ongoing basis, 5,000, 7,000, 6,000, how was that achieved?

A. Well, there was a difference between recruitment and engagement as far as I’m concerned -

Q. Well, pause for a moment. Just deal with in terms of recruitment, how was that achieved?

A. Well, from a recruitment point of view with the very, very best intentions you could never recruit say 7,734 teachers in a small area of the North West and then the following year recruit another 6,779 teachers and then the following year recruit nearly 8,000 teachers. It was impossible, so -

Q. Who was tasked within the university employed to deal with that?

A. I was, so I – it was my responsibility. I was – well, I was a Dean of Education and I was paid as Dean of Education, this was a contract that fell within my responsibility within the faculty and it was in terms of delivery, it was my responsibility in terms of delivering.

Q. Was there anyone employed purely on the basis to recruit?

A. There was, when we very first – we’re going back probably to around the 2003/2004, something like that. When we very first won one of the contracts, because the numbers we thought then were large, we went to advert for a permanent post, a senior lecturer post, and the person that we appointed was Tim Rutter, who the court have already heard from, and Tim’s role – we based Tim in Cheshire because we created and opened a base in Cheshire in Winsford and his role and salary was purely allocated on the recruitment. He was very good at it in terms of what he did and that was his role -

Q. When you say he was very good at it, good in the sense of being able to pull in thousands of students?

A. Yes, network. Network across Cheshire. Network with schools, with events, with the local authority and actually ensure that we had what were called registrations at the university.

Q. But able to meet these figures that we see here in terms of target figures?

A. No, as the contracts grew in terms of the numbers that you can see there, there was no way that we were going to be delivering – we could deliver 7,000, 8,000 every single year. It was an impossibility in that way without a complete expansion of our network and in terms of what we did and there were people in the faculty who did not like doing that kind of work, that’s just an observation. It wasn’t their strength, it wasn’t what they were good at, they were good at other things.

Q. So how did you, the university achieve those recruitment figures?

A. Well, the university were very, very keen to hit the targets that we had because they were able to identify the sums of money coming in to the university and could benefit the university and in terms of benefit it’s in terms of investment. They were trying to grow the campus. They were trying to build new buildings. The buildings were costing £15 million a go, so from an income point of view they were trying to look for as much resource as possible to grow the university and the campus in that way and so what they did quite early on is they came up with a pay back scheme because they realised that it was impossible for us to deliver in that way, but if we brought third parties in, whoever those third parties might be, and actually we offered them a fee, then that might engage people in terms of collecting registrations and I mean that in the sense of getting people to sign up an interest and register for a particular module and programme.

Q. So, we have heard reference to the pay back scheme, is that -

A. Yes.

Q. Are you referring to that?

A. Yes, yes, you know, a fee that was returned to partners and to third parties who were engaged in recruitment.

Q. Could you just turn please to exhibit 8 within the loose bundle for a moment. There are a number of invoices behind exhibit 8, but if you move through six pages there is an invoice which has on the bottom right hand corner 154 -

A. Oh yes.

Q. – Karen Ardley Associates, if you look at that invoice, PPD registrations, that is 2007 and 8, 28 PPD registrations payable at £80 per registration, overall it is £2,240 being paid there.

A. Yes.

Q. Does that represent what you are talking about?

A. It does. It does on a much smaller scale in terms of 07/08, in terms of what we were doing. If I remember rightly Karen was operating her own CPD consultancy courses and so she was a consultant. She was offering those and what she wanted was she wanted to be able to sign them up to an accredited programme if they wanted to take that further and we basically signed her up and then she was paid for the people she recruited.

Q. At the time that Forward Education is established and we see invoices in 2011, so the demands were for those thousands of students?

A. Yes. Yes, we were at – you know, we were at our peak really around the £5 million mark in terms of coming in annually to the university in terms of the students.

Q. So how did you engage Forward Education in respect of this PPD project?

A. I had said to – Chris had already set up at that point Forward Education, from what I remember, and I just remember having the conversation with him in terms of saying “Right, well, if you are travelling the country - because we cannot recruit these teachers in the North West, there’s no way, there’s not enough. If you're travelling the country then actually if you can recruit these teachers and get them for the university and we can pursue those teachers in terms of engagement then absolutely.” So, there was whole set of different types of third parties that we had on board and that were engaging in such recruitment -

Q. When you say “absolutely” how many companies were recruiting for you? Is it tens?

A. Oh, we had a list of probably just over a hundred different third parties, so some of them were, for example, the AQA big exam board, AQA saw us as a fantastic opportunity in terms of working with their teachers and also benefitting financially themselves in terms of the pay back scheme for us. Then we had smaller organisations, I suppose like Karen in a way there, where she was offering her own CPD courses to, you know, something like 20 teachers, but she took advantage of it in terms of as an investment back into what she was doing. It helped us achieve the targets and we met the targets in terms of the recruitment.

Q. Within the jury bundle where the invoices are the Forward Education invoices in respect of the registrations reflect £90 per recruit -

A. Yes, it ranged. It ranged, there wasn’t a set formula when it started out at all, but I know that ITN Mark, who were one of the partners who were being paid, they had come back to us and asked for more money and we agreed to it. We agreed to pay them I think it was £130 or £140 per registration because we believed that they were – they were what I called – this is my terminology which I used quite a lot, they were what I called “quality registrations” and what I meant by that was that they were people who we had signed up to something where there was actually the real potential of getting those people to then engage and for that to inform their practice in school.

Q. What would be the value to the university of a registration?

A. Well, it did vary because with the government and the DFE they varied the unit cost, so basically it varied from £650 per registration that they would give to the university and I think at its lowest it was something like £485 that they would give. So that was how these middle figures here came about in terms of, you know, if you do the division you can get the unit cost and it was in that range -

Q. Yes, I think it was suggested perhaps £500 per -

A. Average. The government varied it.

Q. So, in terms of the registrations undertaken by Forward Education on the invoices that are contained within the jury bundle, what is the value of that?

A. Well, as you might imagine, I have totalled those up, they fall just under – in terms of if you just look at the PPD it was worth to the university just over half a million pounds in terms of what was generated and remember that half a million pounds was the half a million pounds that was claimed for those students registering for that first stage. If those students then went on and registered, so they actually handed in their portfolio, they then would register for the next stage and the university would make a second claim in terms of the funding that was available.

Q. Just pause. [Pause] So a second claim could be made?

A. Yes, yes, there was funding available in terms of those people they registered for a proportion of the MA in terms of the modules. When they got to that point and they stopped they could take an award, post-graduate certificate for example, but if not and they continued then they register for the next stage. So, what was really important was the Assessment Board data because the Assessment Board data would tell us actually those teachers, those 8,000 teachers, how many of those 8,000 teachers have actually done something and engaged and gone to an Assessment Board.

MR SWIFT: Your Honour, I do not know if that is a convenient time just for perhaps a short break? I am in your Honour’s hands.

JUDGE CUMMINGS: Yes, certainly, 10 minutes please. Thank you, ladies and gentlemen.

[The jury left court]

JUDGE CUMMINGS: Do you expect to finish in chief this afternoon, Mr Swift, or not? I do not mind, just an indication.

MR SWIFT: Your Honour, there may be perhaps half an hour in the morning.

JUDGE CUMMINGS: Thank you. 10 minutes please.

[Short adjournment]

[On resumption]

MR SWIFT: Your Honour, four o'clock?

JUDGE CUMMINGS: Certainly, thank you.

[The jury returned to court]

MR SWIFT: Mr Smedley, you made reference to the importance of engagement following the registration of students, the importance of the engagement being?

A. Well, you're talking - in the sense of teachers in schools you're talking about very, very busy professionals and with the best intentions that they want to engage in study, they want to gain an MA in education ultimately at the end of the day, but work takes over. So, the day to day just takes over their lives. So, it was absolutely crucial that we were not just registering students without an intention of actually engaging these people in some kind of study -

Q. But how was that achieved?

A. Well, there were lots of different ways we tried to achieve it to start with, but the best way that we came up with was creating hubs of schools around the country, so if you've got a number of schools that have got teachers in those schools that have registered then can we identify what we called a PLF, a practice based learning facilitator, so that that person knew the Edge Hill system, new what the teachers needed to do in terms of their portfolio, put it together and hand it in and what we did is we actually supported and we paid those people to support the groups of teachers they were allocated. So, it could be teachers in their school, it could be a whole set of teachers, 30 teachers in a school, or it might actually be teachers in a locality in terms of that somebody would support.

Q. What was Mr Joynson’s role in relation to that?

A. Well, his role in relation to was he was setting up those hubs once he’d recruited the actual people to the PPD. So, I’m assuming we’re just staying with PPD here. So, he was creating those hubs because these teachers were across the country and they were not just in the North West region, they were not just in the North in that way and by creating those hubs and then identifying people who could support those people, those teachers to actually do something it was not just a registration role.

Q. Did the same principles apply to CFEE?

A. It did -

Q. Just pause for a minute. By that, in terms of both registrations and the support that was required?

A. It did. It was slightly different in the sense that CFEE was not targeted at teachers, so PPD was a government contract specifically for qualified teachers. You had to be a qualified teacher to engage in the programme and for the university to receive the funding to support. CFEE was a completely different concept from a different arm of the government. It was from HEFCE, Higher Education Funding Council for England, and that started – I secured the first bid for CFEE for the university in 2007/08, I think it was.

Q. Could you turn to exhibit 6 within the loose bundle please. Edge Hill University CFEE?

A. Yes.

Q. This table is perhaps not as straightforward as the PPD, but could you explain to the jury what this represents?

A. Yes, this is represents – you can see the 2007/08 entry, so that was the first year that I secured a contract for the university with HEFCE and we were allocated 187.5 full time equivalents, FTEs. Now, the full time equivalents is slightly misleading, but it’s the way HEFCE -

Q. Just take it slowly please.

A. Sorry. It’s the way HEFCE operate their funding models because CFEE was all about co-funded employer engagement, so the people who the programme was meant to attract, and actually the only eligible people, were actually part time because they were in employment and so what their employer was doing was releasing them for, say, half a day a week, say, in an afternoon, or it might be a full day a week to engage in a programme of study that related to the job that they were doing. So that was the theory in terms of the government vision and what the government wanted was they wanted higher education, ie universities, to work more with employers, and I use that word there “employers” in 2007/08 broadly because it wasn’t just private, actually it was any employer.

Now, as a university in 2007/08 when I put the bid in where were our networks? Our networks as a university were the schools, the local authorities and they were all in the public sector. That wasn’t a problem from a contract point of view in 07/08, for example, but you could not target teachers and so the funding was therefore for people like teaching assistant or you might have administrative staff in school who are part time or are full time and the school is willing to release those people to engage in what was a set of credits that would accumulate to a foundation degree. Now, the best way to think of a foundation degree is it’s two thirds of a normal full time three year degree, say a BA or BSc, it’s work related and so you could accumulate the credits and then ultimately the aim was for those people to achieve a foundation degree.

Q. So, in terms of these figures that we look at, FTEs recruited – I think we dealt with this with Mr Townley – full time equivalents -

A. Yes.

Q. – so, when we look to, for example, 2010/2011, 710.4, 710.22, what does that actually represent in terms of the demands on the faculty to recruit?

A. Yeah, that’s not 710 individuals, it’s 710 full time equivalents. A full time equivalent is based on the number of credits that a student would do in a year, which is 120 credits in a year and so, for example, if you were doing a module which was 30 credits then actually that is a quarter of a full time year of a programme. So, if you multiply that figure by four, which I think is the example that was given to the court previously, that gives you an idea of the number of bodies, so if you multiply that by four you’re talking about 2,800 basically and so it was 2,800 individuals that you needed to recruit -

Q. To achieve that funding.

A. - to achieve so that the university hit the 710 full time equivalents.

Q. And that figure is in addition to the PPD recruitment figures?

A. That’s in addition to the PPD, so in total for those overlapping years we were recruiting in any one year – at the peak we were recruiting over 10,000 students just to those two programmes. That’s without all of our initial teacher training, all of the HEFCE programmes in the faculty. It was over 10,000 students in a year.

Q. Was the payback scheme applicable to CFEE?

A. Yes, it was.

Q. Was the need to engage almost identical in terms of -

A. Yes, it was and because if you were registering these people to a programme, so they’d shown some interest, then actually it was our responsibility to then follow that interest up and ensure that we were engaging them in terms of – and what we’d done to try and make that as straightforward and efficient for them as possible is they were producing portfolios of evidence, so it was portfolio based in terms of what they were doing.

Q. And the importance of that engagement to the university in terms of value?

A. Absolutely – absolutely crucial from the point that they might claim the millions of pounds, but if you're claiming millions of pounds and you've got 10,000 students who are not actually doing anything then that’s a problem and -

Q. So, may I ask you just to look then please as an example behind divider 6 at page 25 in the top right hand corner. So, there is an example, it seems, there is Forward Education invoice, CFEE recruitment and then practice based CFEE support work?

A. Yes.

Q. So, what does the CFEE support work represent?

A. Well, the practice based – it had to be practice based, so in other words if people were engaging in CFEE it had to be linked to their practice in terms of whatever it was they were doing. So, if they were an administrator in school then the support, which might be in terms of them putting their portfolio together, is actually looking at what are they putting in their portfolio as evidence linked to the actual practice that they’re engaging in on a day to day basis. So, it could be that they’re doing – I don’t know, they could be doing the budget for the school as an administrator and therefore what is it that is going in their portfolio which is going to be used for assessment purposes. So that’s why it was practice based. You could – well, I suppose you could have essay writing, but I insisted that as per the contract this was not about writing academic essays. It was not what the government wanted universities to deliver.

Q. So just pause for a moment. So, in terms of Forward Education invoices, PPD registrations, CFEE registrations and this practice based support work, commissioned by you?

A. Yes. Yes, commissioned in the sense that we needed it to happen and whoever from our partners that we already knew, that we were working with, those third parties, if they could deliver and deliver properly then fantastic.

Q. I mean it was not solely Forward Education doing this work?

A. No, no, no. No, not at all. I mean we had literally, as I said before, we had a list partners, probably it was over a hundred partners of one form or another.

Q. In terms of -

JUDGE CUMMINGS: Sorry, I understand the registrations, could you just explain what support work did you commission Forward Education to do?

A. Well, the support work was about making sure that if – let’s say, for example, there were 10 people who had registered to the CFEE programme, then how do we support those 10 individuals to produce their portfolio of evidence. So those individuals would not be prepared to attend at Edge Hill University because they might be down in London, they might be somewhere else in the country, so how could we work with them to go through an example of what a portfolio might look like and also talk to them about the types of evidence of impact of their work in the workplace. So, the support work was about guiding them about what to put into the portfolio and submitting that portfolio for assessment. A lot of people lacked confidence in submitting work for assessment. If they hadn’t studied for a while they were actually quite frightened of failing.

JUDGE CUMMINGS: Thank you.

MR SWIFT: Now, we heard during the course of the trial – I think there were three witnesses who dealt with CFEE. I am not asking you to comment on their evidence, but I think it was Miss Craske, Miss Knight and Miss Moore -

A. Yes.

Q. – I think who all dealt with or were involved at one stage with CFEE?

A. Correct. Alexis Moore, if I can just comment on Alexis Moore because she was in the Faculty of Education?

Q. Well, let me put it this way; those are three ladies who were all involved with CFEE, were they involved with CFEE at the same time as Forward Education?

A. Alexis Moore would have been because Alexis was working with two or three very important partners for us. I think she mentioned one of the very important ones the Nurture Group. She developed that relationship. It was an important relationship for us because the people who registered were engaging beyond registration, so they were actually doing something, but in terms of Lisa Knight and Nikki Craske they came in in 2013, I think it was, when Bill Bruce and I had submitted a bid to HEFCE for a new CFEE contract which was called Transition. It was a transitional contract and what the government had identified is they’d put all this money into CFEE from 2007/08, but what they’d identified is a lot of providers had worked with public sector and I think because it was easy fruit to pick off the tree, to be honest, and what they wanted to do was they wanted universities to work with the private sector, so hence the transitional project.

Q. So, when those two ladies became involved with CFEE that was effectively a different aspect -

A. The principle was the same in terms of it was employer engagement, but you really did now have to work with the private sector and you had to have evidence that you were working with the private sector. You just couldn't recruit across the board.

Q. So far as the PPD, the registrations, the support work, covered by Mr Joynson’s contract of employment or employment?

A. Well, in my view no, absolutely not and hence in terms of why it was commissioned. As Assistant Head of Area the aspect of his job as Assistant Head of Area in relation to recruitment was the implementation of a recruitment strategy across the team. That was what the role was. It was the implementation of a recruitment strategy across the team and what you have to remember is that some people who were very good at recruitment and who were appointed specifically for that reason, they were people who went out around the country. They were the ones who spoke to a group of people and actually engaged them to get registration forms and actually get those registered on to the Edge Hill programmes and that was part of their job, it was part of the role that they had been appointed to. The third parties that engaged in it were literally that, third parties that had access to teachers or support staff, all the private sector, which was more difficult. The private sector was more difficult.

Q. The term “future teachers” is referred to within the invoices from Forward Education. Could you deal with what that programme was and the work undertaken?

A. Yes, in 2010 the government published a White Paper called “The importance of teaching”. Michael Gove at the time was Secretary of State for Education and it was a paper that was to outline to the country how education would be transformed into a world class education system, but there was far more to it than that because as a document it was extremely threatening to the university sector who had responsibility for teacher training. So what Michael Gove wanted to do was he wanted to take teacher training away from the universities who had controlled teacher training, had been funded for teacher training and he wanted to give that control to the schools. So that was fundamentally the 2010 – that was the challenge that the government put out there.

Q. How would that impact on the university?

A. It was absolutely major. We were there largest provider in the country of initial teacher training. We were turning out, as I said before, over 1,000 teachers to the profession every single year and the loss in terms of income, the loss in terms of status and in terms of as a Faculty of Education we wouldn't have existed and there’s no doubt about it. So what I did is after I had studied the White Paper I immediately contacted the DFE and through my contacts I got myself what was actually across to Manchester where they had a base and I floated with them a number of different ideas of teacher training that would satisfy Michael Gove and the White Paper, but at the same time what I was trying to do is I was trying to just be one step ahead in terms of saying “Look, don’t forget about the universities because we've got an absolute key role to play here” and so what I proposed was I proposed a number of different models to the DFE. Well, the DFE were always willing to listen to ideas that I had and what they asked me to do was they asked for me to go to consultation with different types of schools, secondary this was a focus on, and find out from schools what a middle of the road option might look like that schools would engage in and that we, as a university, would engage in and that’s exactly then what we needed to do and so the consultation that I’d asked – Chris had at his fingertips a huge network of schools by this point and I said we need a consultation document out to those schools and we need to collate what it is they’re saying. We need to go back to the schools in terms of narrowing it down so that I have got something that I can present to the DFE.

Q. So, did you commission the work?

A. I did.

Q. You approved it?

A. I did.

Q. As a consequence of the work what followed?

A. What followed was I put forward a model to the DFE and the DFE decided that they were prepared to fund that model which I’d proposed to them and they funded us to the tune three quarters of million pounds in one year to run a brand new innovative programme of teacher training with the schools that we had engaged and then they decided to fund us for a second year for three quarters of a million pounds and the funding was important because we needed to run the programme and there was more money that was going into schools, but it was the fact that we were able to start to shape the future of teacher training in this country as a result of Michael Gove’s White Paper and that was what was absolutely crucial to us. We needed to be leaders in the field.

MR SWIFT: Your Honour, I know it is slightly early, but I was about to move on to some different topics. I wonder whether that may be an appropriate moment?

JUDGE CUMMINGS: Certainly. 10.30?

MR SWIFT: Your Honour.

JUDGE CUMMINGS: 10.30 please, ladies and gentlemen. Thank you.

[The jury left court]

JUDGE CUMMINGS: Someone remind me in the morning about Friday.

MR SWIFT: Your Honour, yes.

JUDGE CUMMINGS: Anything else arising at this stage? *[No]* Thank you. I simply renew the reminder. I appreciate it is difficult, but you are in the middle of your evidence, so you just cannot discuss with anyone, including your own team. Thank you. 10.30.

[Court adjourned to 10.30 a.m. on 4th October 2017]