

**IN THE BRISTOL EMPLOYMENT TRIBUNAL**

**CASE NUMBER: 1400727/2020**

**B E T W E E N:**

**Betty Knight**

**Claimant**

**v**

**Havant & South Downs College**

**Respondent**

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**WITNESS STATEMENT OF NICOLA KINGSLEY**

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I, Nicola Kingsley, of Havant & South Downs College, College Road, Purbrook, Waterlooville, PO7 8AA will say as follows:

1. I make this statement for the purposes of giving evidence at the Southampton Employment Tribunal on 22<sup>nd</sup> November – 1<sup>st</sup> December 2021 in relation to the claims that Betty Knight is pursuing against Havant & South Downs College.
2. I am the Assistant Principal Academic Curriculum at Havant & South Downs College. I first started at Alton College 18 years ago when I joined as a part time English and Media teacher on a variable hours contract. After 3 years I applied for a fractional teaching position that was advertised following a resignation. Later I applied for and became course leader of English Literature. Later following a restructure I applied and was appointed Head of English (all 3 A Levels, GCSE and FS English). After another restructure and interview process I became Curriculum Manager for English, Modern Foreign Languages and Performing Arts. I applied and was appointed to the position of Director of Learning in March 2015. When Alton merged with Havant and South Downs College in 2019 a further restructure occurred, and I successfully applied to become Curriculum Director for the whole of Alton Campus. Then in December 2020, after another re-structure, I applied and was appointed to my current role.
3. Betty Knight was teaching in the Skills for Learning Department when she contacted me as HoD and expressed an interest in teaching GCSE English. She continued to teach within the English Department from then on.
4. In 2014 HR advertised a 0.5 fractional English teaching position following a resignation. This role was advertised without consultation or communication with me as HoD. I was surprised the advert had been issued since I wrote the timetables for the department and could see that we were not predicting sufficient student recruitment to create enough classes to require this 0.5 teaching. Subsequently this position was withdrawn as it was not needed. I was not involved in the planning or management of the applicants nor with any communication around this internally or to applicants.

5. On 8<sup>th</sup> September 2017 Betty emailed me and Stephanie Richardson about a reduction in her teaching hours and saying she had “never been offered a permanent contract”. A permanent Variable Hours contract had been issued to Betty in September 2015.
6. By this time I was the Director of Learning and Steph was Curriculum Manager so Steph wrote the timetables for the department. I replied to Betty saying that student recruitment had continued to decline and we had gone from having 14/15 first year A level classes to just 4 AL classes, similarly with second year classes. We therefore had far fewer teaching hours to staff. I explained that there were too few hours in many departments across the College.
7. My experience of timetabling Betty and of overseeing Steph’s timetabling of English was that Betty was offered more teaching than she wanted each year. Betty had other commitments and projects and we timetabled her for as much teaching as she wanted to do.
8. Lots of teachers joined Alton College with a variable hours contract, I did too. Some teachers stayed on variable hours contracts throughout their employment with Alton College. The only way to change contracts was to apply for a different contract. I had to wait 3 years before a colleague resigned and I could apply and interview for a fractional post.
9. In the summer/autumn of 2017 an English teacher called [REDACTED] took early retirement. Sue had worked for Alton College for 20+ years, she had planned her retirement for a long time and talked frequently about her resignation in the English workroom for several months that year. In April/May 2017 [REDACTED] also resigned. The whole English team talked about this a lot as it was unexpected and it left them largely understaffed for English Language A level since between them [REDACTED] and [REDACTED] taught most of it. Adverts were placed and communicated internally and externally. Betty did not apply.
10. Betty claims that she was overlooked and replaced by staff who were either less experienced and/or less qualified than her [p.28]. The way that Betty fails to distinguish between “English A Level” and English Language A Level [point 3 p. 122] shows that she is unaware of the specialist content of the English Language specification which requires expertise in socio-linguistics, grammar, child language acquisition and the history of English language change, etymology etc.
11. The two teachers shortlisted for interview and appointed for the role (that Betty didn’t apply for) both had experience of teaching English Language AL and/or degree level qualification in English Language whereas Betty’s BA is in English Literature and her MA is in Contemporary Literature. She never expressed interest in teaching English Language A Level or in attending training courses to develop her subject knowledge to be able to teach it.
12. Betty complains that she was unfairly taken off teaching FS English in Sept 2019 [p.123] and cites this as an example of harassment and victimisation. However, her fraction was increased to 0.43 at this time without the FS teaching. Betty preferred teaching GCSE and was an examiner of GCSE so Steph gave her more of the teaching she wanted - this is not unfair, it is evidence of Steph giving Betty the teaching she wanted, and as much of it as she wanted, to above her fraction.
13. Betty has included evidence in the bundle evidence relating to the offer of teaching hours to [REDACTED] September 2019. This does not show any removal of teaching hours from Betty. Betty was offered as much teaching as she wanted and she took 0.43, which was above her permanent fraction. Betty always stated her preference for GCSE teaching rather than FS and was an examiner of GCSE so had that expertise which was valued by Steph and the English teaching team. Steph had timetabled Betty with as much teaching as she wanted, of the type that she wanted, and then offered

what was left over to [REDACTED] which again suited [REDACTED] request since [REDACTED] had experience of teaching Functional Skills but not GCSE.

14. I instructed the Learning Managers to conduct observations of teachers within their Learning Area following the College quality assurance policies and processes. Dan Beale/Suki Dhesi as shared VP Teaching, Learning & Quality communicate the timing of observations in Quality Forum, and Directors then oversee LMs scheduling of these observations. All teachers are observed at least twice each year.
15. I held weekly 121s with my three LMs to ensure effective implementation of curriculum management. LMs updated me on progress made over the previous week – in that context Steph updated me on progress with her LA lesson observation schedule. She updated me if a teacher absence had prevented a planned observation and in this case that Betty had taken the class to the LRC to work on computers so they postponed her Drop-in by a week.
16. I asked Stephanie and Claire to send me a copy of their feedback on 5<sup>th</sup> December 2019, which Claire did (page 241). This was in response to Betty's reaction to the observation; I wanted to review their completed forms to better understand the evaluation of the lesson and feedback. I considered that the completed forms were in order.
17. Betty claims the lesson observation was unfair and discriminatory because her students' results are good, students send her 'thank you' emails, and she is an examiner. This is all entirely outside the remit of the lesson observation process. All lesson observations whether of the 'Drop-in' format or 'Learning Walk' format or 'Lesson observation' format all record what is observed in the classroom at that time. That is all. It is an evaluation of the teaching and learning witnessed during the time in the classroom. Claire and Steph's observations of the teaching practice they observed in Betty's classroom were the same as each other's.
18. Betty cites the joint observation as evidence of Steph's victimisation of her. This is entirely incorrect. Steph discussed the scheduling of Betty's lesson observation with me in our 121s. Steph decided to schedule her joint observation with Claire for Betty's lesson in recognition of Betty's previous negative responses to criticism of her teaching and offers of support (see Peter Cox's learning walk that ticked the 'Requires CM support' box [p.200-201] and Steph's feedback of Beloved teaching [p. 273]). So in response to this and sensitive to Betty's concerns about Steph's judgements of her teaching, Steph made sure there was a second objective observer who had no history with Betty and who had a lot of experience observing across the whole college. This joint observation was therefore designed to reassure Betty that the process was fair and objective, not to harass or bully.
19. On p.129 Betty says: "I was also deeply suspicious that I was being given lesson feedback from the HSDC Quality Manager rather than my line manager, SR. I feel SR wanted to use the added impact of negative feedback coming from a senior member of staff to validate her degrading treatment of me". Claire Scott was a Learning Manager as was Steph. Claire was therefore the same level/position in the College organisation structure and was not a senior member of staff.
20. In her investigation interview Steph states that Claire gave the feedback without Steph so Betty didn't feel bullied [p.389].
21. Betty claims on p.128 that [REDACTED] had not placed her on performance review. This is incorrect as shown on page 305 - Peter ticked the "Requires CM support" box of the Learning Walk feedback. Steph as Curriculum Manager then set up a meeting to provide this support [p.307]. Steph comments about Betty's response to Peter's feedback on p.271: "BK was very resistant and explained PC didn't understand English GCSE."

22. It is worth noting that Steph supported another teacher in her team [REDACTED] to improve following parent/student complaints. That teacher accepted the criticisms, engaged with Steph's support and improved her teaching practice. She is still present and teaching successfully whereas Betty refused support and withdrew from teaching AL. This is evidence of Steph treating Betty equally to others.
23. I met with Betty following the lesson observation of 3<sup>rd</sup> December in response to the email she sent me on Friday 6<sup>th</sup> December at 18:43 [p.243] to discuss her concerns and offer support.
24. The following Friday, 13<sup>th</sup> December 2019 at 18:36 [p.248-249] Betty emailed me to raise concerns with the informal feedback that she had received. I responded on 16<sup>th</sup> December reassuring Betty that that the normal process had been followed, that this was a supportive process and that the majority of lessons across campus had been judged as 'progressing' or 'developmental' (p. 248). I also explained that a benefit of joint observations was that having two observers works to avoid subjectivity. I explained the support that would be made available and that there was a lot of expertise to share.
25. I included Nathan Sibley, Business Partner, People Services to ensure PS were informed of Betty's concerns and could support her well-being since she said she felt "even suicidal". I was escalating Betty's concerns to PS about "feeling singled out" and "very unwelcome" and that she had "been in contact with an employment law firm for advice" so College could investigate and respond to her concerns. I followed this up verbally with Nathan to ensure Betty's concerns had been escalated and were being dealt with appropriately.
26. Betty replied (at 20:09) stating that she didn't "feel like talking to anyone" [p.246]. I forwarded this email to Nathan (p.245) because this meant she wasn't accessing any support for her mental well-being which worried me since she had said how anxious she was. It was also important that I kept PS informed so they could continue to try to support and help Betty.
27. Betty also refused contact in an email of 17.12.2019: "Thank you for offering the meeting but I've now decided to take this to my lawyers and they'll be in contact with the college" [p.250]. From then on I was advised not to contact Betty for fear of adding to her stress, and because she had appointed lawyers so PS needed to be the point of contact for the College. There was therefore no possibility or way of facilitating any return to work, and, as well as Betty's decision to put her grievances on a formal footing, her posts on Facebook and emails about being "in a dark place" [p.250] and feeling suicidal [p.249] made me very nervous about contacting her in case anything I said was misinterpreted and led to her feeling worse or more stressed.
28. Betty emailed some of her GCSE students on 16<sup>th</sup> January 2020 whilst she was signed off sick (page 264). I forwarded this to [REDACTED] since an employee signed off sick due to workplace stress should not be working. This is to protect the employee's health and well-being as well as the College if the employee considers the job is the cause of stress.
29. Contacting the students while off sick and unable to teach them is also confusing for the students. It was difficult to explain to her students why Betty was not teaching them whilst being able to work/email them. It also made it more difficult for the teachers covering Betty's classes to establish a relationship with these classes during her absence if she was still involved and contacting them. The Exams Office contacts students about their results as does the course leader, in this case [REDACTED]
30. PS managed Betty's absence and complaint following the lesson observation of December 2019 and [REDACTED] was Betty's point of contact. My involvement as Director of Curriculum was to line manage Stephanie Richardson who had to find cover

for Betty's classes during her absence, and I helped by teaching one of Betty's classes for a few weeks. Any request from Betty for a change of line manager would have come to me from PS. I had no contact from Betty. Nor did Steph report any contact from Betty to me in our weekly 121s.

31. On 13<sup>th</sup> February 2020 I was interviewed in relation to Betty's grievance by Suki Dhesi (pages 279-281). I gave my account of what had happened as per the minutes of this meeting.

## STATEMENT OF TRUTH

This statement is true to the best of my knowledge and belief

Signed:	N J Kingsley	Dated:	4.11.21
	Nicola Kingsley		