

**IN THE BRISTOL CIVIL JUSTICE CENTRE**

**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 RICHARD BARLOW**

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I, Richard Barlow, 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 Deputy Principal (Curriculum) at the College and have been an employee there since 1993.
3. Following an investigation, I was asked by People Services to determine the Claimant's grievance at a hearing on 9<sup>th</sup> March 2020.
4. Prior to this process, I had not had any interaction with the Claimant and no knowledge of the allegations.
5. Prior to the hearing, I was provided with a copy of the investigation report along with all other relevant documentation for review ahead of the grievance hearing. I was made aware by People Services that the Claimant was not intending to attend the hearing.
6. I had autonomy to make independent findings in the grievance process, supported by advice from a member of the College's People Services team whose role was to advise on process and policy.

7. I reviewed the papers, confirmed that the claimant was content that the hearing take place in her absence, and confirmed the practical arrangements for the hearing.
8. During the process I gave full consideration to all pieces of evidence in the pack provided to me, and all contributions from those who attended the hearing. I also considered additional information that I requested at the hearing, specifically evidence of student complaints.
9. I received the grievance investigation report (pages 282-293, 303-332) from Suki and then arranged to meet with the Claimant for the grievance hearing.
10. I did not feel that the investigating officer needed to interview the other colleagues named by the claimant nor students from the lesson observed. As the grievance related to the joint judgement of the observers involved, none of these additional colleagues were present for that observation.
11. I introduced the nature and format of the hearing and all attendees' roles at the hearing (pages 294-302). I confirmed that the claimant had declined to attend and determined that the hearing could proceed in her absence. The investigating officer presented her report, following which I asked a number of questions.
12. I concluded firstly that, whilst the claimant was displeased by the outcome of the informal drop-in observation conducted by Claire Scott and Stephanie Richardson on 3<sup>rd</sup> December 2019, the claimant had not been the victim of discrimination or unfair treatment as a result of this observation. Both the process, judgements and ultimate outcome (the development pathway, meaning support and coaching was required) were in line with the College's policy and with other observations conducted. Secondly, I concluded that the claimant had not been the victim of discrimination or unfair treatment as a result of the previous college's handling of particular aspects of her employment – specifically not being interviewed for a 0.5 FTE role (as no candidates were interviewed); retention on a variable hours contract for longer than two years (as many other staff are also on this contract type for this period of time) and not being considered for two job opportunities within the department in 2017 (as the claimant did not apply for either position). I also noted that the claimant was offered temporary increases in hours of employment in 2017 and 2019. Finally, I concluded that the claimant had not been the victim of discrimination or unfair treatment as a result of student complaints being fabricated about her; I reached this conclusion having viewed evidence of a student complaint and an email from the

claimant acknowledging that she had read a number of students' complaints about her teaching.

13. I wrote to the claimant with the outcome of her grievance on 13<sup>th</sup> March 2020 (pages 333-335).
14. On 8<sup>th</sup> April 2021 I was asked by Dani Evemy to determine the claimant's grievance on 26<sup>th</sup> March 2021 which was raised as part of her resignation from the College.
15. Prior to this process, I had chaired a hearing into an earlier grievance made by the claimant on 9<sup>th</sup> March 2020 and provided an outcome to the claimant on 10<sup>th</sup> March 2020.
16. I was made aware that the claimant was not intending to attend the hearing and that she was content that the hearing could proceed in her absence.
17. I had autonomy to make independent findings in the grievant process, supported by advice from a member of the College's People Services team in relation to the process.
18. I reviewed the papers, confirmed that the claimant was content that the hearing take place in her absence, and confirmed the practical arrangements for the hearing.
19. During the process I gave full consideration to all pieces of evidence in the pack provided to me (pages 357-367), and all contributions from those who attended the hearing. I also determined that additional evidence was required to enable me to make a decision.
20. I introduced the nature and format of the hearing and all attendees' roles at the hearing. I confirmed that the claimant had declined to attend and determined that the hearing could proceed in her absence. The investigating officer presented his report, following which I asked a number of questions and requested some additional evidence be provided after the hearing (pages 394-396).
21. I concluded that, firstly, the claimant had not been the victim of discrimination or unfair treatment as regards the classification of the claimant's reason for absence (specifically, that it was not classified as a 'workplace injury') as this was entirely consistent with the classification applied to all other employees whose reason for absence from work was the same or similar (i.e. none of these were classified as a 'workplace injury'). Secondly, I concluded that the claimant had not been the victim of discrimination or unfair treatment as regards the way in which the claimant's pay was

managed during her period of sickness absence as this was entirely consistent with the way in which other employees' pay is managed in the case of long-term sickness. Finally, I concluded that the claimant had not been the victim of discrimination or unfair treatment as regards the claimant's sickness absence not being subject to an Occupational Health referral by the College as this was entirely consistent with a case-by-case approach taken when considering sickness absences and that the claimant's sickness absence formed part of a majority of long-term sickness absence cases that were not subject to such a referral.

22. I wrote to Betty with the outcome of her grievance on 06 April 2021 (pages 398-399).

### **STATEMENT OF TRUTH**

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

Signed:		Dated:	
	Richard Barlow		