

Mr James TYSON

Mr Nicholas BROWN

Miss Louisa SMITH

Claimants

-v-

MAG (UK) Ltd

Respondent

WITNESS STATEMENT OF JAMES PATRICK TYSON

I James Patrick (Paddy) Tyson of [REDACTED] Oxon will say as follows:

1. I was employed by the Respondent in the capacity of Campaigns Co-ordinator/Manager from 10th October 2009 until my resignation on 26th April 2013. My resignation was due to the untenable situation that Directors of the Respondent created in a series of events over a greater than 12 month period, as detailed below. The results and recommendations of an independent HR Consultancy (**pages 560-561**) into my formal grievance of 15th March 2013 (**page 342**), were ignored by the Respondent, thus creating the final straw.
2. I was one of five members of staff located at the Respondent's Central Office in Hatton, Warwickshire; three administrators, myself as Campaign Manager and my line manager, the General Secretary. The further command structure was that financial management of the Respondent was undertaken by The Board of Directors with overall and strategic policy management being the responsibility of the National Committee.
3. Of those four other employees, two are co-claimants in this case; General Secretary Mr Nicholas Brown and Deputy General Secretary Miss Louisa Smith.
4. My employment commenced following a presentation I made to the Board and National Committee (NC) of the Respondent in October 2009 in which I stressed the importance of building a strong local group structure and reinvigorating the membership. The Respondent had only 34 local groups, although some of those existed in name only and performed no political function. The elected Regional Representatives who form the bulk of the voting

members of the National Committee, numbered only 11 while two of those were actually the Chair and Company Secretary. In addition the Respondent had only seven corporate members.

5. I believed it important to rectify this, thus creating a sound grassroots campaigning base while improving the Respondent's credibility within the wider motorcycling community. I performed this function to the best of my ability and at all times had the best interests of my employer at heart. One by-product of my campaigning involvement in the motorcycle community was the ability to encourage commercial entities to become corporate supporters of the Respondent. This was never in my job description, but doing the best to my employer I wished to take advantage of any opportunities which arose from my wider involvement in motorcycling. Neither my line manager nor any member of the command structure reprimanded or forbade me from this action during my employ.
6. Upon my resignation the Respondent was able to list 87 local groups, 18 voting regional representatives and 42 corporate supporters.
7. In the approach to the Respondent's April 2012 AGM, there was much confusion regarding who was in fact standing for election as Director. One candidate, Mr Neil Liversidge, did not appear to have a valid nomination. Although notification had been made on numerous occasions through the National Committee emailing system and at the bi-monthly NC meeting of February 2012, no objection was raised to the fact that only one nominee for Director (Selina Lavender), had been received by the due date in December and was being discussed.
8. This was despite the fact that Mr Liversidge had already told the BBC in a news report on the previous 6th November 2011, that he was a Director of the Respondent, and had requested from the Chairman on November 2nd 2011, a copy of all staff CVs and that he be given access to NC communication (**page 93**).
9. At this time, (12th March 2012) and no doubt aware of the confusion, the online political blog 'Back Roads Rider' stated "Nich Brown, MAG General Secretary, and Paddy Tyson, MAG Campaigns Manager, better watch out Neil is about!" (**page 112**). I believe this was a reference to the widely held view that Mr Liversidge had a personal grudge against Mr Brown.
10. I was only concerned about Mr Liversidge's possible appointment because I was aware of his manner, having experience while working as a MAG volunteer and member of the NC from 1995 – 1997, and of his past history as a divisive character. I was later to discover (through disclosure) that Mr Liversidge had in fact also written to the Chairman on 12th February (**page 101**) stating his intention to slim the administration staff to two people and as for keeping me he would "need to be convinced". This was ahead of him gaining a Directorship and therefore not being a party to information necessary to make an informed strategic managerial decision.
11. The Respondent's Chairman Paul Turner decided to permit Mr Liversidge's nomination under, I believe, the threat of legal action.
12. Given that there had been no managerial complaints about my conduct or my work leading to reprimand of any kind, I had no professional concern about the appointment. Indeed I was very comfortable with the relationship I had with the wider management and they regularly praised my work.

13. Prior to Mr Liversidge taking his seat on the Board, an email of his was distributed to the National Committee (NC) of the Respondent making some unsettling and unsubstantiated claims about Central office staff. This did not bode well for the future when as a Director he would have a responsibility for staff and given various statements I had received from individuals that he would endeavour to remove me from position when in post (**page 550**)
14. Warwickshire Regional Rep and NC member Andrew Pyatt emailed my line manager 26th March 2012 (**pages 126-127**) to say he was disturbed by the conversations he had recently had with the outgoing National Vice-Chair Jolyon Lawson who was the nominee for Mr Liversidge's Directorship. In the conversation Mr Lawson apparently made it clear he would do his best to remove me from office regardless of my performance.
15. Concerned about the on-going discussions and rumours surrounding a desire of some members in Yorkshire to remove me from office, Mr Pyatt emailed all of the National Committee in April and reminded them that the staff had employment rights and that their professional performance was not in question. (**pages 128-129**)
16. Prior to the commencement of the Respondent's Annual General Meeting on 14th April 2012 the Vice Chairman Mr Lawson said to me that he wanted to make it clear that contrary to what I may have heard, he had not said he would get me fired, but rather would be the first to hold the door for me as soon as I would resign.
17. This clarification did nothing to ease my insecurity, and I felt very uncomfortable as Mr Lawson was also now standing for a Directorship. It was not the behaviour or professional approach I would have expected and it didn't fill me with confidence for the future, but did confirm what I had heard about his personal dislike of me. Mr Lawson in fact withdrew his nomination as voting was due to begin, in favour of his friend Mr Walker who had expressed similar remarks in public forum.
18. Immediately after Conference and when Mr Liversidge had become a Director I met and acknowledged him and his electoral success, but was ignored which made me feel awkward and worried that although he had made no attempt to get to know me, the information I had received that he would try to force me out of my position, could be true.
19. After disclosure I discovered that having spent some days in the office observing the staff in action, the new Chair Denise Powell reported to the board that the staff were working well under increasing pressures and "... staff deal with a lot of work and do it well. Staff run nearly everything through the Chair for support and to best represent the organisation before taking action. Paddy is very good, especially on the phone, this isn't generally seen by anyone outside of the office" (Board minutes 10082012 item 4).
20. On 11th September 2012 Mr Brown informed me that Mr Liversidge had emailed the Respondent's Board to say that he had concerns about me and my motives, but added that my line manager must not be informed (**pages 154-156**). He had errantly included Mr Brown in the mail, but I was shocked that the management would not want to inform my line manager if they had some concerns about my professionalism.

21. Mr Brown also told me that complaints had been made by some Directors about the amount of lieu time I had accrued. As so much of the busy summer period is spent out with Bike Clubs and at events, this is always unavoidable, but in previous years I volunteered huge amounts of my time, never taking the time owing. Mr Brown informed me that the Board now insisted I should not accumulate time.
22. I therefore decided to book 10 days holiday in the less busy Autumn period and get away from the atmosphere, but almost immediately I am told the complaint from some Directors now is that I shouldn't be permitted to take that much time. Unfortunately it is beginning to appear as though these decisions are designed to frustrate and undermine the morale in the office.
23. After the Board meeting of 13th October Mr Brown told me that the Board had adopted a number of decisions affecting staff, and had done so without gathering relevant information or asking for the input of our line manager, the General Secretary. Indeed the specific exclusion of my line-manager from the meeting demonstrated to me that the new Board had little interest in making decisions based on fact and was instead willing to accept unsubstantiated allegations without giving staff an opportunity to refute them.
24. Some of these Board decisions would change the terms and conditions of my employment contract without any consultation. Others would micro-manage my job to the point of my being incapable of doing it. For example Mr Walker wanted me to apply to him for permission to travel any further than 25 miles from the office, in all instances, whether a meeting with Local or National Government, or to visit an affiliated club or MAG group. Mr Brown did not however permit me to see the specifics as he said he was still attempting to redress decisions which had been taken without all necessary evidence or information and that he had asked the Board to revisit its decisions.
25. In an email to Mr Walker 27th September 2012 the Director in charge of Finance Mr Van Aalst said of the mileage restriction "this is an imprisonment approach and how you would treat a child". Instead he suggests a "much more adult and constructive approach where you give the team the objectives and the resources to achieve them and allow them to make the decisions within that framework." (**page 175**).
26. The letter from Mr Walker to which Mr Van Aalst was responding, was attempting to ascertain Mr Van Aalst's personal attitude toward the staff. I feel this was an attempt to divert attention from the fact that Mr Walker had been tasked with investigating the financial anomalies which had come to light regarding his friend the contractor Mr Stevenson, and further proof that Mr Walker was only interested in finding reason to undermine me and the other staff.
27. I was later to discover that Mr Liversidge had also proposed (**pages 162-163**) forcing the closure of Overland magazine (which I run as a hobby), though other Board members felt this may not be legal and still others found no conflict of interest (**pages 167-169**) and thus no reason to consider the action. Furthermore, my involvement in Overland had been approved by the then Chairman Mr Turner, and by the NC meeting of August 2012, and the publication had involved the President Mr Mutch at the outset. Minutes from the Respondent's Board meeting (**page 137**) also show that there was awareness of this. I assume that had Mr

Liversidge's proposal been approved, it would have been presented to me in an either/ or capacity: that is to say maintaining my employed position or continuing with my hobby.

28. Mr Brown attended a meeting on 23rd October 2012 with the Respondent's Chair Denise Powell and Vice Chair Steve Peake following specific concerns about me raised by Directors Liversidge and Walker. These concerns included an 'activist e-mailout' I had sent, within which were some points of EU legislative procedure which Mr Walker didn't understand. Rather than query the content with either me or with my line manager, he had instead approached Mr Baird and Ms Hardy of the competing organisation RIGHT 2 RIDE to ascertain whether or not anything I had written was in error.
29. Believing he had a case against me Mr Walker had then presented the Board with what he saw as a 'staffing issue'. It turned out to be an issue of semantics and there was no factual inaccuracy in my original correspondence.
30. Following disclosure it appears that finding issues to complain about was an imperative for Mr Walker. For example, noting from Facebook my personal free-time activities on the same weekend as a Respondent fundraising event, Mr Walker said in an email to Mr Liversidge that it could be proof of "a clash of office interests. It's a start." I take this to mean he is determined to find fault. **(page 153)**
31. Mr Liversidge emailed the Respondent's Board and NC and made more claims about Central Office 'petty obstructionism' **(page 190)**, also calling the staff by the somewhat derogatory term 'apparatchiks' without any justification **(page 214)**. He also said that all those who couldn't work at his speed (without qualification) may have to find other jobs, yet the administrative workload I could see him put on my colleagues clearly appeared designed to frustrate and waste time. Huge amounts of time were tied up sourcing information Mr Liversidge variously said he required and yet little of the result appeared to be used in any meaningful way, for example the information requested about Affiliated Clubs. This had the effect of undermining all staff morale and damaging campaigning capability as the campaigns team was effectively reduced to just me and I couldn't discuss pressing issues or political analysis with my colleague Mr Brown.
32. Following many verbal complaints from me to my manager Mr Brown about the actions of some Directors and a recent threat from Mr Liversidge to visit the office and 'sort out' our working systems, Mr Brown emailed Mrs Powell on the 1st **(page 201)** and 2nd November 2012 **(page 203)** voicing his and the staff's concerns. I also asked that he make clear my concern about the potential for intimidation by Mr Liversidge, based on past experience of dealing with him. In that email Mr Brown restated that our concerns were genuine and asked for an impartial person capable of keeping order to be present at any meeting and for a formal record of the meeting to be taken should such a visit take place. **(page 203)**
33. The minutes of the Respondent's Board meeting of 7th December 2012 show that days owing to the staff at that time stand as Miss Smith 6.5 Days, Mr Brown 3.5 days and me 2 days, further demonstrating that my accumulating 'toil' days (discounting those I readily volunteer to the Respondent) is not a major issue for the Respondent. **(page 206)**

34. At the Respondent's National Committee meeting of 8th December, and the board meeting of the previous day, (**page 206-209**) Mr Brown advised that staff health and morale was low. He specifically mentioned the feeling of employment insecurity as a result of some Board/NC communications and the changes that were proposed two months previously to staff employment terms and conditions without any staff consultation.
35. During the NC meeting Mr Liversidge described the staff as 'paid people dictating to the group' and accused me of obstructionism and trying to keep the organisation 'on a go-slow' after I expressed a view during open discussion. Following the meeting a number of NC members commented to me that they found Mr Liversidge's behaviour extraordinary and his conduct toward myself and Mr Brown unbelievable of someone purporting to be professional. These included Mr Cooper (N East), Mr Daniell (Eastern), Mr Wilson (Wales), Mr Seymour (T. Valley) and Mr Hammond (observer).
36. Further email conversations have come to light about this and other events where NC members discuss what appears to be the bullying and intimidation of Mr Brown and I, with the obvious intent of achieving our resignation: "if any other company director bullied and humiliated a member of staff in the way NL is doing to Paddy and Nich then there would be a case answer legally I'm sure, and those employees could refuse to attend anything at which the abuser (as this is what it is) was present.." (**page 211**)
37. On 11th December 2012 I received an email (**page 212**) from Director Selina Lavender explaining that she would now be directly responsible for HR matters and that although she was involved in the Board decisions earlier which had caused so many problems, she hoped to get everyone working together. She later assured me that she would keep absolute confidentiality and I trusted she would, both in her legal and professional capacity as Director, but also personally as she had invited me to her wedding only a few months previously.
38. I still had grave operational concerns though as it appeared that every meeting I or Mr Brown were due to attend with Government Departments or Agencies was now to be internally justified and approved by Board members who had no background information on the issues/agendas due for discussion, or the strategic political importance of the event. This micro-management was clearly detrimental to campaigning efficiency.
39. Various around this time, Mr Brown informed me that the Board had instructed I should no longer attend after-hour events, which were central to what I did, and that any travel time during the day or evening would no longer be classed as working time. This was all impractical and I felt irrational. I couldn't comprehend that the Directors would consider travel time to a campaign meeting with Government, as not part of my working day. Although they were specific that I should not count travel time the night before an early morning meeting, I never had done so to date and had never considered doing this. Again, it appeared that without any evidential base or investigation, Board members were prepared to assume or to accuse to suit some agenda.
40. This all raised tensions within the office as Mr Brown and I had to debate our attendance at timetabled meetings within the on-going Government Ministerial Review to which MAG was central. I subsequently missed one meeting in January at the last minute, as it seemed there

would be more problems caused internally if I did attend, than political damage done externally if we didn't.

41. As timetabled, on 11th January 2013, Ms Lavender visited the office for individual confidential discussion where she reiterated that I could be as candid as I wished as our meeting would be conducted in confidence. I made all of my concerns clear and explained that I feared many of my concerns may well not be used to improve the situation but rather doubtless be used against me by some Board Members. I also made it clear that I appreciated the opportunity to air grievances as it appeared that the route through my line manager was not achieving any change and that the relationship with some Directors appeared to be deteriorating rather than improving.
42. I used the opportunity to explain that if the Respondent was having financial issues and money needed to be saved as had been stated (with mention of redundancies), I would be prepared to become a contractor to alleviate the employment burden on MAG funds and to only work as necessary. I (and strangely all the contractors), had been granted a 3% pay rise at the previous Board and NC meeting. This seemed at odds with the financial instability I had been led to believe existed, but given the stated concern over the Respondent's funds, Mr Brown and I had asked to waive our increase, or that, being already approved funds, they be used to finance a temporary intern to help improve campaigns efficiency. (**page 215**)
43. My request to not receive a pay increase was put down on the open NC mailing list by Mr Liversidge and then more vociferously on private email, saying that I should never undermine his decisions again (**page 216**). However the NC had been discussing the possibility of an intern to aid the expanding campaigns activity, they had approved the increase in funds for wages and I believed it had been a Board and NC decision, not solely that of Mr Liversidge.
44. Due to the above and my desire to carry on at the job I loved and was very good at, there was further discussion with Ms Lavender about my becoming a contractor to enable me to remove myself from the escalating bullying behaviour of Mr Liversidge and Mr Walker. I explained how externally it would appear that the Board had made a sound financial decision, that there was no ill-feeling within the organisation and that the industry, government and riders would experience continuity within campaigning, but money would be saved. This would ensure no damaging political fallout for the Respondent. Were this in place I said I would be pleased to still deliver my Campaigns report at the coming AGC and to inform members that my availability to members would be changing but that the organisation should celebrate the efficiency savings. Mr Brown subsequently wrote to Ms Lavender (**pages 244-245**) to confirm the contracting idea and that I had since discussed it with him, although he stressed that I was an important part of the Respondent's campaigning effort and he hoped the Board would use this opportunity to make the savings it said were required while retaining a valuable asset.
45. I further explained to Ms Lavender that if my contract was not in place by AGC, I would seriously have to consider my position, as the situation of continued attacks were making the job untenable and that if I was to resign I would feel it only right to do so before those who were ultimately my employers (the members) and to whom I could thank for what had been a happy and productive 3 and half years of the Respondent's success and growth.

46. There was also discussion about attempts to work to improve the content and quality of The ROAD magazine, the in-house publication which I kept being told was a laughing stock within the motorcycle industry and pivotal as to why it failed to attract advertising. Unfortunately it was also the Respondent's only public campaigning voice, so easily avoidable mistakes were an important issue to me. The quality of the publication had even led to the embarrassing position where some professionals within the motorcycle media had approached me to ask when the editorial contract was next up for tender, and if I would advise them so they could apply.
47. Previously the Board (before Mr Liversidge's involvement) had approved my working 3 days per issue with the editor Ian Mutch (a contractor) and it was widely accepted that there had been great improvement. It was however a frustrating task and the editor's regular mislaying of copy, or misunderstanding of political content, only added to the frustration provided by the frequency of basic grammatical and spelling errors. More importantly, repeated editorial mistakes in relation to the respondent's corporate supporters was not only embarrassing, but meant that Miss Smith's administrative workload was increased as she fielded corporate complaints. There are various examples of other complaints from National Committee about major errors in the ROAD (**pages 130-131**) and Director acknowledgement (**page 234**) that many of NC and staff remain frustrated with continual errors in the ROAD. Editorial acknowledgement of such is even expressed as Mr Mutch says " I am slightly hampered in my ability to point the finger by the scale of errors in the latest issue" (**page 135**)
48. All of this information was invited in confidence and given as such and Ms Lavender remarked that she was surprised given my continued happy and positive professional external demeanour. She stated that perhaps what claimant Brown had been reporting to the Board for some time did have some merit though she hadn't previously believed that morale was low as the staff always seemed so helpful.
49. I thanked Ms Lavender for acknowledging my professionalism , for letting me unburden myself and wished her well if she was going to report our conversation to the Respondent's board, mindful of our confidentiality agreement and my concerns that the information may not be used to address the issues and improve staffing, but rather the contrary.
50. On 30th January, Ms Lavender, having told me she was struggling to write up a report of our meeting, emailed to ask that she be copied into my communication with the editor of The ROAD in the run-up to the completion of the next issue, so that she could witness my frustration, which I duly began to do. In a short period of days she then witnessed my having to: repeat emails, highlight the previous sending, remind Mr Mutch of the captions for images, resupply lost images, identify typographical errors, repeated content and even repeated whole pages etc.
51. Reporting on her meetings of the 11th January 2013, Ms Lavender stated "The Board recognised that Nich (claimant Brown) had done a good job of holding the staff team together and keeping the organisation running during a time of slack management and direction from the Board." (**page 223-229**) And that "We have a staff team that work hard for MAG and believe in MAG". (**page 227**)

52. The morning of the February NC meeting, 9th February 2013, I was invited to a private meeting with Mrs Powell and Ms Lavender where I was informed that the Board had agreed to my idea of becoming a contractor and that they would aim to get an agreed contract finalised by March. I thanked them and stated that I hoped it meant a continued happy relationship and my ability to get on with my primary task of campaigning.
53. Mr Brown told me later that Ms Lavender had advised him after the previous night's Board meeting, that Mr Liversidge and Mr Walker were determined that Louisa and I should be made redundant and that she and Chair Mrs Powell (who had by this time been removed as a Director by Mr Liversidge) had to battle hard to get them to agree to my idea of becoming a contractor.
54. I was asked to remain in the private room for a meeting with Mr Walker and Ms Lavender. I asked however, that my immediate manager Mr Brown be in attendance as I felt intimidated by Mr Walker as previously explained. I was surprised that Mr Walker proceeded to apologise for going to the competing organisation RIGHT 2 RIDE for advice on his own misunderstanding of a point of EU political procedure within my activists mailout of some months earlier, but he would not apologise for calling it a 'staffing issue which the Board must address' even though it had become clear that there was no error at all by me.
55. Mr Walker then said that he had enjoyed one of my evening presentations to an Advanced Rider group which he had recently attended in Hull, and he acknowledged that it was well received by the audience. He said however that in his view it had failings and that one other part of it should have included a slide show. I did not comment that the speed of legislative developments would make a prepared slide show a liability in such a situation, but acknowledged that it could have a use.
56. I feel Mr Walker had attended the event with Mr Lawson and some others from the Yorkshire Region to intimidate me, as he and his colleagues sat at the back of the room throughout, failed to take part in the proceedings, or help in any way with setup or breakdown, or to distribute MAG flyers. Interestingly near the end of the evening the Yorkshire Regional Rep Mr Rooney approached me and told me to ensure I remembered to give everyone in the room a leaflet, even though I was engaged in the breakdown and was simultaneously fielding questions from members of the audience. None of the Yorkshire MAG members present felt obliged to distribute the Respondent's flyers or stickers themselves.
57. Neither Mr Walker nor Mr Liversidge complained about my working late into the night on that instance.
58. I later discovered that on the evening of the Board meeting of 8th February, Andrew Pyatt (previously an NC member but at this time an ordinary member of the Respondent) had been requested to attend a meeting with Messrs Liversidge and Walker, with a view to his being offered the position of Vice Chairman of the Respondent. In his statement to the Tribunal he says of the aforementioned Directors "it seemed to me that they still had a predetermined idea to get rid of the staff regardless of their performance". Mr Pyatt also felt Mr Walker and Mr Liversidge demonstrated a breach of contract by discussing my employment terms and conditions with an unrelated third party (himself).

59. On 10th February following their meeting, Mr Pyatt emailed Mr Walker saying he thought Mr Liversidge was a bully toward the staff. **(page 250-251)**
60. Following a proposal on NC that a small PR team be created for the Respondent, Mr Liversidge made it clear that the professional campaigners who are involved most closely with all political and press developments, should not be included in its make-up and that NC shouldn't need to discuss it. Mr Walker also recommended that the staff should not be part of the PR Committee **(page 261)**. I expressed my concern to Ms Lavender and Mrs Powell in a confidential email to highlight the possible pitfalls of the omission as I had been told to not get involved in the NC debate. I expressed the fact that this could become hugely politically embarrassing and that it would be impossible to defend press releases I didn't know had gone out, or that may be factually inaccurate if written by volunteers whose primary position was not campaigning **(page 267-268)**.
61. In an unguarded moment, but feeling I still had the promised confidence of Ms Lavender and Mrs Powell, I mention 'the bullies' in my plea about the PR committee but I did it to the Directors tasked directly with staffing issues. I also said that I felt continually hindered in my work, and acknowledged that they'd probably succeeded in ousting me and that I was close to the final straw. **(page 267-268)**
62. My direct verbal communication with Mr Liversidge is limited to instances like the events of the 11th March 2013. Minutes after Ms Lavender emailed Directors to inform them that both Mr Brown and Miss Smith were out of the office, Mr Liversidge telephoned asking to speak to Mr Brown. Mrs Ferrari on reception advised him that Mr Brown was in Belfast, so Mr Liversidge asked to speak to Miss Smith, who he was told was working from home and available by email.
63. Mr Liversidge then asked to speak to me and enquired as to whether I thought permitting Miss Smith to work from home was good management practise. I said that I had no office managerial experience so couldn't comment, but asked if there was anything related to my job I could help him with. Mr Liversidge hung-up immediately. Concerned that Mr Liversidge was attempting to get me to undermine my manager, I wrote up the conversation and informed Mr Brown on his return. **(page 283)**
64. On 12th March 2013 Mr Brown wrote to the Respondent's Board and explained the staff's feelings and apprehensions. Mr Brown mentioned Mr Liversidge and Mr Walker directly in relation to staff prejudice. **(page 288)**
65. The same day I witnessed Miss Smith in tears yet again, after she received another email from Mr Liversidge. I am not party to its contents, only the reaction it invoked. All the staff were being demoralised with the escalating situation.
66. Mr Brown then emailed me advising that he had just been informed that Mr Liversidge and Mr Walker were now the Directors responsible for all HR issues and that they would meet all staff in the office on 18th March **(page 282)**. I made it clear to Mr Brown that I was concerned about Mr Liversidge's attitude, behaviour and propensity to aggression if he felt challenged and that

I didn't want to be forced to meet him. All my fears expressed confidentially to Ms Lavender appeared to be realising.

67. Mr Brown and I were told to cancel all campaigns or political meetings for that day regardless of their importance (**page 276**). It had just been approved by NC and Board that Mr Brown should fly to Brussels that day (18th) for the opportunity to attend, by invitation, an important EU Committee sitting, something we had tried for years to achieve. Mr Liversidge unilaterally over-rides that decision with his later email stating Mr Brown would not fly to Brussels until Mr Liversidge had completed his meetings (**page 318**).
68. The Respondent's Chair Mrs Powell attended the office on 14th March to see how we, the staff, all were. She was very supportive and I asked if she would accompany me to the meeting on the 18th, as Chair, to witness what I suspected would be an occasion of extreme aggression, further bullying and trauma.
69. Mr Brown handed her a letter (**pages 307-308**) outlining his current concerns for the staff who he said felt intimidated by the behaviour of Mr Liversidge and Mr Walker and I reminded her of their recent behaviour: Mr Liversidge phoning to ask me to comment on my line manager's management practice; his recent denigrating comments about me and the health of other staff; his completely untested allegations against Mr Brown and myself; Mr Liversidge and Mr Walker targeting me for redundancy; and thinly-veiled threats of disciplinary action against all of us.
70. It was absolutely clear that the Board by this stage had failed to even consider handling the informal grievances of the staff and Mr Brown asked the NC to take ultimate charge of the Board as per the Constitution.
71. Mr Liversidge emailed the NC and all members of staff (**pages 319-323**) stating that he expected the staff to "duck out of the meetings" which would mean a disciplinary. This demonstrated prejudice as did his statement that "The behaviour of Nich, Paddy and Louisa has been unprofessional, disgraceful and, so far as the citing of stress is concerned, downright dishonest. They are not too stressed to cause trouble." I had stated only once to the wider management of the NC that I felt intimidated by both Mr Walker and Mr Liversidge, but had never mentioned stress. Miss Smith had only asked what format her meeting with Directors would take.
72. In that email Mr Liversidge also alleged that Central Office 'lost' his nomination for Directorship, that all 3 claimants variously campaigned against him, were 'gaming the Board', wasting his time and that we wished to choose our own managers (**pages 319-323**). All of which demonstrated Mr Liversidge's prejudice and perhaps paranoia, given that he offered no evidence for any of the claims and that, due to the management structure of the Respondent, it was only my line manager Mr Brown that had direct communication with the Board of the respondent. The exception to this was when the Directors previously tasked with HR had contacted me and requested my input.
73. Mr Liversidge also claimed that "they (ACAS) profess themselves to be appalled at the behaviour of our employees". (**page 323**)

74. Apart from the obvious stress these patently untrue statements on a public forum caused me, I was horrified that Mr Liversidge would make his prejudice so clearly known ahead of what he had previously termed a simple staff meeting.
75. Mr Walker then emailed NC to say that non-attendance at the meetings of the 18th March would be an act of gross misconduct, and that citing health grounds “is open to the meeting becoming a disciplinary meeting” and that “the only acceptable grounds are physical eg locked back, etc.” Mr Walker repeated the claims about ACAS being “dismayed” at the behaviour of the Respondent’s staff and I was astounded that ACAS could make such a value judgement without any investigation. (**page 326**) I felt Mr Walker was demonstrating his prejudice and I also believed his statement about ACAS to be untrue.
76. Another Director Pete Davison, recently co-opted to the respondent’s Board of Directors by Mr Walker and Mr Liversidge, then demonstrated his prejudicial attitude when he emailed NC to say he believed the staff “must have something to hide, otherwise what are they afraid?” (**page 328**). He seemed to ignore previous staff concerns voiced by Mr Brown, (**page 311**).
77. In communication with Juliet Macve, a voting NC member who queried some of Mr Liversidge’s statements while saying that she had always found the staff helpful and efficient, Mr Liversidge wrote “try their (the claimants) tactics and games with your boss, but just make sure you have a new job to go to first” (**pages 343-344**). As this statement was also on the open NC list to which I had access, I presumed this was another threat of Mr Liversidge’s ultimate intention. It certainly demonstrated his prejudice, as I had been told Mr Liversidge was coming to the office only to finalise my contract details.
78. The email conversation continued with Mr Liversidge saying “There is a high likelihood in my mind and others that Nich, Paddy and Louisa are planning to walk out and are preparing constructive dismissal claims. Fine. If they do that we will win at tribunal. And yes, I do realise that they will read this” (**page 344**).
79. Far apart from the obvious distress this caused me, I couldn’t believe that a Director could be so cavalier, so obviously prejudiced when no formal accusations of any wrong-doing had been made, no investigations performed and still no evidence produced that I had done anything other than state that I felt intimidated and bullied by Mr Liversidge’s behaviour. None of my professional competence had been questioned, yet I was losing faith in the Board to conduct itself professionally.
80. Through disclosure it transpires my fears were justified. In communication with Mr Walker and Ms Lavender on 11th March, a week before the planned meetings, Mr Liversidge stated “If it has to be, it shall be done properly, fairly and legally, but at the end of the day they shall be looking for a new job” (**page 272**). In this correspondence Mr Liversidge says he will do a ‘dummy run’ of the meetings in Yorkshire first, with Julie Stevenson, contractor Neil Stevenson’s wife, yet publicly he still stated he was only intending to finalise my contract.
81. Miss Smith and I felt that we had no option on 15th March but to submit written notification of our desire to raise formal grievances, citing intimidating behaviour by Mr Liversidge and Mr

Walker and the failure of the Board to consider our mental and physical well-being as is their statutory duty.(pages 341 and 342)

82. Mr Brown immediately informed the Directors of the respondent of our grievance, stating that he hoped procedure would be followed and that the issue would be dealt with, without cause to damage the Respondent's reputation. (page 335)
83. Very late on the evening of the 15th March, NC member Mr Jon Wilmer wrote to all of the local reps in his region enclosing his recent mailing to the NC, in which he praises all the staff: "I have never had a problem with any member of staff. They are all of them helpful, friendly and hard working. Information is provided when requested, campaigns are followed up and any number of meetings arranged and attended."
84. Mr Wilmer continues "It's my opinion that the current problems have only arisen in the last year, after increasing pressure from certain board members."
85. Of Mr Liversidge he writes "Neil is a bully. Like a bully he is happy so long as he gets his own way... He is manipulative, egotistical and ambitious." (pages 351-352)
86. Contractor and remote member of the Respondent's campaigns team, Dr Leon Mannings contacted me and Mr Mr Brown on 17th March to state that he wished it to be put on record that Mr Liversidge was not telling the truth regarding a meeting Dr Mannings had with Mr Walker and Mr Liversidge in London (page 347). Dr Mannings alleged that the meeting referred to was called to discuss his remuneration package, which his original request contact with Messrs Liversidge and Walker supports (pages 218-219).
87. My account of proceedings during the staff meeting of the 18th March are written in full (pages 393-396) and the transcripts of the recordings (pages 370-375 (the general staff meeting) and pages 376-378 (my individual meeting)) support much of this, as do Mrs Sperling's account of events (pages 440-441) and Mrs Powell's (pages 413-414) as well as the accounts of Miss Smith (page 392 and 353-355) and Mr Brown (pages 385-391).
88. Mr Mutch who was supposed to be an independent observer, told me to "stop being such a big girl" when I expressed concern about having a 1 to 3 meeting when two of my inquisitors were named in a formal grievance for intimidation and bullying. He said I should just "let Neil have his way".
89. The transcripts clearly show that Messrs Liversidge, Walker and Mutch who were present at my meeting were aware that I was having it recorded, (page 376) even though Mr Liversidge later reported to the wider management of the respondent and to ordinary membership (page 410) that it had been done covertly. As I had made clear beforehand, I was concerned for my safety and therefore insisted on recording my meeting.
90. Some of what was quoted to me by Mr Liversidge in that meeting of the 18th March, demonstrated that huge breach of trust had occurred and that Director Ms Lavender had chosen to disregard the assurances of confidentiality that she had made as a Director. (eg: page 255 is an email I sent to her, at her request and in the expectation of confidentiality on 27th February 2012, but which she then forwarded to Mr Liversidge on 16th March 2012 to

help him prepare for his meeting with me on the 18th). It also became obvious that the impartial observer, Mr Mutch, was anything but, and instead was to be central to what I was to be disciplined with during that meeting even though I had been told that the intention of the meeting was to finalise the detail of my new contract. (page 276)

91. Throughout my meeting I was spoken to aggressively, repeatedly called arrogant, insubordinate and rude and told that my formal grievance of was of no consequence and that any Tribunal would find so (pages 376-378). I had still not mentioned anything other than a request that my grievance be handled as per company policy. I had certainly never entertained the thought or voiced an opinion on involving a tribunal as I had no intention of harming the reputation of the Respondent. I was told to appear at Mr Liversidge's office in Yorkshire the following week for a disciplinary, in contravention of ACAS guidelines, but I was not told exactly what case I was to answer.
92. I did not receive any communication in writing as to what breaches of contract I may have undertaken, or what errors of professional judgement I may have made and thus be answerable for on 25th March, the date set by Mr Liversidge for my disciplinary.
93. I was not given evidence of any investigation that had been conducted into whatever wrongdoing was being alleged. It is apparent however from the transcript (page 377) that Mr Liversidge wished only to admonish me for what he saw as insubordination toward two of his friends, but for which he provided no evidence.
94. The transcript of the general staff meeting which was held at 9am (prior to the individual meetings) and throughout which Mr Liversidge refused to sit despite repeated requests, clearly shows that the day was not to be one held without prejudice and that Mr Liversidge owed his loyalty to his friends the Respondent's contractors Walker, Stevenson and Mutch, rather than to the respondent's employees as was his legal duty. (page 362) "Ian and Pete, along with Bruiser (contractor Neil Stevenson), who's not here, are the people I trust most in my entire life... the fact is we are your best hope of having a job in MAG." This attitude concerned me greatly and I felt that Messrs Liversidge and Walker were not intending to conduct themselves in a professional manner during the day as would be expected of Directors.
95. Also concerning was that it appeared those holding contracts were never likely to have their performance examined or their contracts put up for tender in the best interests of the Respondent, while Mr Liversidge held office, and indeed while one of those contractors (Mr Walker) was himself a Director of the Respondent. I was now convinced that there appeared to be a clique of personal interest and that I and the other staff would not be given a fair hearing or managed correctly.
96. During the individual meeting with Mr Brown, Mr Liversidge requested my keys to the office (page 382). I had not been told I was suspended and would therefore still require access to the office, but this appeared to be designed to further unsettle me.
97. In the individual meeting the respondent's directors had with Mrs Julie Sperling (Financial admin) Mr Liversidge demonstrated that the sole purpose was to undermine me and my co-

complainants. He twice stated that I had 'stabbed him in the back', (**pages 367-368**) though failed to elaborate.

98. After the meetings Mr Liversidge emailed the respondent's Board saying "What we should do is deal with the grievances and then hold formal disciplinary meetings with Nich, Paddy and Louisa up here (in Yorkshire). Louisa and Paddy I would dismiss for gross misconduct by way of insubordination, rudeness and their withholding of the co-operation they owe us. Nich I would offer a job as researcher..." (**page 356**)
99. I believe this clearly demonstrated that there was no intention on behalf of the Directors to take the grievances or the process seriously and they would not be investigating them in a thorough manner, or would ignore the findings if that so suited. Despite this, the recently appointed Director Tony Cox told the NC only three days later that four investigations were now underway and that Mr Brown had been suspended, as was standard company procedure when investigations had to be conducted (**page 423**).
100. Those Directors named in the grievance were not, it seemed, to be similarly suspended while the investigations were underway.
101. During the day of the 18th March 2013, a petition arrived signed by a host of local MAG representatives, requesting the NC investigate what they perceived as bullying by Mr Liversidge and that he be suspended pending that investigation (**pages 351-352**). This request was ignored by the management.
102. Following a Doctor's appointment on 20th March, I was signed off with work related stress for 3 weeks. The same day I was informed that one of the respondent's directors, Mr Davison, would be investigating Mr Brown's grievance (**page 411**). This did not inspire confidence in the Respondent's understanding of the gravitas of the situation, as Mr Davison had, only 5 days earlier written: "I am appauled (sic) to hear that three members of our paid staff members are now planning not (sic) attendance to Mondays meetings. The fact they are refusing to attend now makes me think they must have something to hide, otherwise what are they afraid of?" (**page 328**)
103. As a result and on instruction, my Solicitor Ms Sharp wrote to the Respondent explaining why the staff wished the grievance to be taken seriously.
104. On 21st March contractor Mr Mutch further demonstrated that he was not acting as an impartial person during the meetings of the 18th, when he emailed the respondent's Board and called me 'arrogant', Miss Smith 'disrespectful and stropky' and Mr Brown 'obstructive' while talking of 'sackings', which had clearly been discussed in another forum (**page 418**).
105. Mr Mutch also mentioned what he called "the devious tactic of the phantom editor" demonstrating a further breach of trust by Ms Lavender when I had explained about other professionals who had contacted me wishing to tender for the contract to edit The Road magazine (**page 419**)
106. On 21st March 2013 Mrs Sperling informed the Respondent's directors of their legal responsibilities regarding staff grievances and sickness. She also asked if sickness pay was to

be paid at full pay and sought approval (**page 422**). On the same day, one of the NC, Mr McFadden, wrote of the meetings of the 18th which “from the first have come across as an exercise in intimidation no matter what the intended purpose.” (**page 417**)

107. My access to the Respondent’s social media, which is essential for campaigns, was removed two days later, 23rd March.
108. On 23rd March Mr Mutch told the Respondent’s Board that it was obvious to anyone the staff were scared and “convinced they are for the chop” (**pages 429-430**). His email called for another meeting to breach the impasse but with neutral board members, which contradicts Mr Liversidge’s claim that all members of the Board had lost trust and confidence in the staff. It also contradicts his own email of the same day when he says “The whole board is against you” (**page 431**), but tacitly acknowledges my commitment to the job and to the Respondent, by hoping I shall work from home, which indeed I did.
109. 25th March 2013 I received a letter from Mr Davison stating that he had received my doctor’s note and that he and the Respondent would do everything possible to aid my recovery. He also said that an independent HR company had now been assigned to deal with my grievance, but that although they would contact me, I should give all my evidence directly to him by 27th March. (**pages 425-426**)
110. The following day, 26th March, I received a letter from Qdos, stating they were the HR consultants instructed by the Respondent to undertake an investigation into my grievance, and that I would be interviewed on 8th April at their Leicestershire office (**page 436**). They asked that I send supporting evidence to them, which contradicted that request made the previous day by the Respondent.
111. My letter to Qdos outlined my grievance, (**page 442-445**) and also explained that although I was only signed off sick, I no longer had access to my email account and had also been removed as an administrator to the Respondent’s social media. As this was central to my position, it seemed to me that the respondent had indeed decided ahead of investigating my grievance, that it wished me to leave.
112. On 5th April 2013 I received my second communication from the respondent which, rather than showing any concern for my well-being, demanded my office key and threatened me with misconduct. (**page 453**) This demonstrated to me that the respondent’s letter of the 25th March was insincere.
113. At my grievance hearing on 8th April, Gail Puttock (of Qdos) told me she would endeavour to gain me access to the Respondent’s office so that I could access some further evidence to support my case. This access was never achieved.
114. At this time various members of the NC were requesting information as to what had happened to the staff and voicing their support of me and my colleagues and praise for my work (**page 544, 546-547 and page 548**). This elicited the response from Mr Liversidge making claims that I had been stealing from the Respondent, something which until then, hadn’t been mentioned (**pages 543-544**), but which he reiterated.

115. This unprofessional outburst confirmed to me that the Director now tasked with HR, did not have my best interests at heart and would not seek to ensure a duty of care towards me as an employee, as was his legal responsibility. I remained hopeful however that the wider management of the Respondent would at least wait for the results of the independent investigation and act accordingly.
116. On 22nd April 2013 I received notification from Qdos that my grievance against Mr Walker and Mr Liversidge for bullying and intimidation was being upheld and that they were recommending to the respondent that Mr Liversidge and Mr Walker be removed from all HR functions and that all other members of the respondent's Board receive some basic training in employment matters. (**pages 560-561**)
117. Rather than acknowledge the independent findings, the Respondent elected to use its third communication to me since the meetings of 18th March to again reprimand me and then to threaten me with disciplinary action if I failed to complete a request to provide user names and passwords that I was not a party to (**page 581**). This appeared to be a request for an action which I could not complete and would therefore be judged to have failed to achieve. It stated that my failure to provide the information would be further proof that I was attempting to damage the company, which seemed ludicrous as I had never attempted to undermine the company, but had instead volunteered time and large amount of my personal wealth for the company. There was no other communication from the Respondent regarding my health.
118. This was the last straw for me as I realised that the Respondent, who had at no point taken my grievance or any of my concerns seriously and rather had actively attempted to undermine me and defame me, had made my position untenable. I wrote to Qdos and explained why, even though I was pleased they had upheld that I had been bullied and intimidated, I would not be appealing those aspects of their investigation which had failed to consider my wider claims (**pages 583-586**). I explained why I had lost all faith in the Respondent and the grievance process and would therefore be tendering my resignation.
119. On 25th April I posted my letter to the Respondent explaining why I had lost all faith and confidence in the Respondent and its procedures and had to regrettably tender my resignation from a job that I loved, was very good at and was yet to be accused of failing to undertake satisfactorily (**page 596**).
120. The Respondent accepted my resignation in a letter dated 26th April, and asked me to submit all outstanding expenses claims without time limit (**page 603**). This I did within 3 days.
121. The Respondent has since stated that it has in its possession, an admission from the independent HR consultants Qdos that one of the respondent's Directors, Mr Van Aalst, briefed Qdos to find against Mr Liversidge. I find this claim outrageous, but it is similar to those claims Mr Liversidge keeps making that the staff have been plotting against him too.
122. There continues to be a stream of public communication from the Respondent which is clearly designed to darken and besmirch my character through assertion and falsehood (**eg pages 628, 637-638, 639, 646, 693, 715, 727, 728, 692**) all of which makes it clear to me the

Respondent did not wish me to remain in their employ, even though I never received a single official reprimand for any aspect of my professional conduct.

- 123. I completed expenses claims throughout my time with the Respondent and these were always checked twice before being paid to me. I submitted my final expenses claim on 29th April 2013 following a request from the Respondent on 26th April 2013 (**page 624**) and so had to complete the form to the best of my knowledge with very little to refer to. Usually, I would have my wall planner, work calendar and colleagues to assist with this but as I was prevented from having access to these, I had to do my best from memory. In a normal situation any claim would be checked by my line manager who I worked closely with, but Mr Brown was not available having been suspended by the Respondent. I had attended the office on 2nd April 2013 to retrieve my diary and wall planner which would have assisted me in such a task but I was telephoned the next day, and told by letter on 4th April 2013 (**page 453**) that this was an act of misconduct and that the items had to be returned immediately. The Respondent found an anomaly in my final expenses form of an expense claimed for which should not have been. However, rather than address this with me it chose not to. Instead, it said that it could not process my final payment due to my illegible handwriting and that I would have to resubmit every single previous expense form from the beginning of my employ. However, my final expenses had already been processed and just remained unpaid. Also, I think it would be entirely unreasonable and impractical for me to re-submit every single expense form I have ever presented. Furthermore, all previous expenses had been approved. This final claim did contain an error to which I wholly admit but there was a reason for this error which the Respondent is wilfully ignoring. There is only one error which amounted to £48. The remaining expenses outstanding totals £1,049.28.
- 124. I am also entitled to 24 days' holiday per year together with the usual bank holidays. The holiday year runs from 1 January to 31 December. At the date of termination, I had accrued 8.5 days' holiday. To date this payment has not been made. The Respondent has been made aware of its legal obligation to make such payment and has been directed to the relevant legislation but it has refused to make payment.
- 125. I have searched for employment and consulting opportunities since my employment with the Respondent terminated but I fear that due to the existing situation, my opportunities are limited. I believe at least one opportunity has been missed in particular due to comments on social media sites made by the Respondent and its associates.
- 126. I am pleased to say that on 14th January 2014 I did at last secure employment.

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

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JAMES PATRICK TYSON

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