

EXTRACT FROM SET ASIDE MOTION ADDENDUM

BREACH OF CONFIDENTIALITY - Breach by the respondents.

On November 4th 2016, Mr. Kitchin sent me a letter which contained not only the John Troughton email and the consequent email from Rev Hellyer to the Connexional Head, but also the accusation¹:

“You are now well enough that you were able to fulfil your commitment to speak at the Monday Fellowship at Sackville Road Methodist Church on Monday 7th November 2016 and visit the MHA Richmond Care Home.

We therefore intend to complete the rest of this complaints process as soon as possible, and will not wait until January to fix a new date to interview you.”

This was an astounding accusation.

It was true that I had visited the two places on that Monday – only sixteen days after leaving hospital and against my doctor’s advice.

The first venue was a long term commitment which I felt bound to fulfil; I spoke for, at most, six or seven minutes, and then had to sit down to rest.

My visit to the Richmond MHA was similar – I simply sat in a chair resting whilst I was there.

Although Mr. Kitchin had not been at either venue, he took it upon himself to

- a) decide on my health in place of my doctor – who had told me not to do anything strenuous.
- b) Reached a conclusion about my health from hearsay evidence given by persons who had been at the venues.

Since none of the three respondents in the inquiry were at either venue, it followed that there had been a breach of confidentiality.

The important question here was - *how had the information come to Mr. Kitchin?*

I replied in my letter of November 18th². In particular I asked Mr. Kitchin³ :

¹ Appendix Q page 1

² Appendix S

³ Appendix S page 1

“How did anyone attending the Sackville meeting know that you were in charge of an inquiry into grievances that concern me? Did they contact you? Or did you contact them? Who are these people? On what basis was contact made?

Did a person, or persons, telephone you or did you telephone them? What right did they have to do so? No person involved in this matter was present at the Sackville meeting⁴. This evidence is therefore second or third-hand hearsay – which should be no part of your inquiry.”

How, in fact, did anyone at either of these two venues know that *my health was an issue in the inquiry?*

In contrast to the accusation that I had breached confidence with the Troughton email, in *this case*, a detail of the inquiry had been given out – *the name of the lead person in the inquiry and the fact that my health was causing problems for the inquiry.*

That information was not common gossip.

Mr. Kitchin has made no response whatsoever to these two important questions.

It seems to me that the inquiry has proceeded with the panel hearing hearsay evidence with no provenance, and without me being able to answer the accusations contained in such evidence.

I had already begun to question Mr. Kitchin’s ability to assess the provenance of evidence. But this latest accusation and the decision about my health was outrageous. He seemed to accept *without question* second hand or third hand hearsay evidence. He did not appear to have investigated the source of such testimony, nor any source of corroborative evidence in any documentary form.

It seemed to me that he was relying on evidence about my health from someone who did not like me and who had attended the venues in question. It was malicious gossip at its very worst.

His approach was in no way aligned with Standing Orders.

The proof that Mr. Kitchin actually *believed* this hearsay evidence lies in the fact that he stated that he was moving the dates of the inquiry back into December from January, as had been agreed after my initial illness.

⁴ Nor at the Richmond home.

It was an emotional response, an abuse of his powers and one which has no place in the complaints procedures of the Methodist Church. It was clearly designed to put pressure on me, even though I was ill.

It was another form of coercion.

As for the apparent breach of confidentiality by one of the respondents, Mr. Kitchin's response to my letter of November 18th was: ⁵

"The complaints team is entitled to speak to whoever it wishes and does not breach confidentiality in the process"

This was a captious response, not worthy, yet typical, of him.

He did not answer the question about how anyone at either meeting knew that he was the lead of the panel dealing with these grievances and that my health was an issue.

He chose instead to mention something *that was not in question.*

If *he alone* made the inquiries, as he seemed to suggest, then he must have had spies following me around – I think this unlikely.

Someone informed on me and since none of the respondents was present at the two venues, it was someone not in the complaints process who approached Mr. Kitchin, *either directly or through one of the respondents.*

This was not a situation in which Mr. Kitchin had simply approached someone.

Yet this, apparently was what he was suggesting. It was underhand practice.

Logic dictates that:

- (a) someone told a person (or persons) at the two meetings that such evidence about my health would be of interest to Mr. Kitchin - as the lead in the inquiry.
- (b) that person then told Mr. Kitchin's source that I had been present.
- (c) the original informant at the venues could not have been one of the respondents - since none of them was present.
- (d) Mr. Kitchin did not know the people at the two locations.

⁵ Appendix U

- (e) Therefore his only contact in this would be one of the respondents.
- (f) It follows that one of the respondents told him of the incidents.
- (g) One of the respondents had therefore committed a breach of confidentiality by informing the original informant that such would be of interest to the inquiry – and in particular Mr. Kitchin. This leaked details of the inquiry.

The logic of this was all contained in the information that Mr. Kitchin received. Yet he made no comment.

It seemed that one of the respondents had actually been asking around to see if I was ill or not – breaching confidentiality of the inquiry in the process⁶. Yet Mr. Kitchin simply used the information he received to *accuse me of not being ill.*

He even included with this letter the email from Rev Hellyer to Rev Alan Bolton – which clearly contravened the rule that the District Chair cannot intervene in a complaint.

Frankly I want nothing to do with an inquiry which will accept evidence with such poor provenance. And I cite S.O. 1102 in this⁷ - in that I have not had adequate opportunity to properly support my complaint, I have not been treated fairly and I have not received the required principle of fairness in dealing.

Most people would consider that I have been treated as an unwanted whistle blower.

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⁶ By interviewing witnesses we might discover the truth of this.

⁷ 1102 General Matters.

(1) The principle of fairness set out in Standing Order 1100(3)(v) above means that all persons exercising functions in relation to complaints and discipline must at all times have regard to the further principles that a respondent should:

(i) have an adequate opportunity of responding to the complaint, meeting any charge and dealing with the evidence;

(ii) be treated fairly by any complaints team dealing with the complaint; and

(iii) receive a fair hearing from any church court which is to decide whether any charge is established.

