



**STANDARDS PANEL**

**THURSDAY, 15 JUNE 2017 at 5:00pm**

<b>SUBJECT:</b>	<b>Consideration of a Standards Complaint</b>
<b>REPORT OF:</b>	<b>Assistant Director: Law and Governance and Monitoring Officer</b>

**REPORT SUMMARY**

- 1.1 The purpose of this report is to assist the Standards Panel to formally consider Standards Complaints in accordance with the Protocol for Dealing with Complaints against Members.
- 1.2 The Standards Panel was established by the Standards and Constitutional Oversight Committee at its meeting on 13 June 2017 pursuant to paragraph 9.5 of Article 9 of the Council's Constitution.
- 1.3 There is one investigation report relating to this standards matter. It was prepared by the Investigator, Alison Lowton and is dated 26 March 2017. This report and its 12 Appendices remains confidential and the relevant parties have been advised to maintain this confidentiality so as to ensure that there is no prejudice or unfairness to any of the parties involved.
- 1.4 As part of the process however, the Standards Panel is required to consider whether:
  - (a) the second investigation report should be disclosed in the public domain; and
  - (b) the proceedings themselves should held in public.

**RECOMMENDATIONS**

That the Panel:

- (1) considers this matter in accordance with the Procedure set out in an Appendix 1 to this report (and the governing arrangements);
- (2) considers and makes a determination in respect of the standards matter involving Councillor Louise Reecejones in accordance with the aforementioned Procedure (and the governing arrangements); and

- (3) subject to the Panel's finding, considers any sanction (if any) that should be imposed, pursuant to the aforementioned Procedure (and the governing arrangements).

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The establishing of the Standards Panel and Standards Appeal Panel is required under the Council's Constitution and the Protocol for Dealing with Complaints against Members.

### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options were considered.

### 3.0 BACKGROUND AND KEY ISSUES

- 3.1 The role and purpose of the Standards Panel are set out in Article 9 of the Constitution – which is set out at Agenda Item 3(a).
- 3.2 The Members' Code of Conduct and Protocol for Dealing with Complaints against Members are set out at Agenda Items 3(b) and 3(c) respectively for reference.
- 3.3 The Standards and Constitutional Oversight Committee agreed a Procedure for dealing with matters before the Standards Panel, which is set out at Appendix 1 to this report .
- 3.4 The Standards Panel is required to consider a standards matter involving Councillor Louise Reecejones. This involves three linked complaints against Councillor Reecejones and during the course of the investigation a fourth linked complaint was added. All of the complaints contain allegations that Councillor Reecejones has been in breach of the Council's Members' Code of Conduct.
- 3.5 Under paragraph 16.2 the Standards Committee shall consider and/or have regard to:
- (i) the Investigator's final report;
  - (ii) the views of the Independent Person;
  - (iii) material factors, relevant issues and evidence;
  - (iv) relevant representations made by the parties,
  - (v) available guidance and advice; and
  - (iii) any aggravating and/or mitigating factors (as considered appropriate).

It will then reach one of the following decisions in respect of the complaint:

- (a) Agree with findings and conclusions of the Investigator as set out in the Investigator's final report; or

- (b) Reach an alternative decision as permitted under its Terms of Reference.

3.6 The Standards Panel after consideration of a complaint may-

- (a) ask for additional information on the allegation before reaching a decision;
- (b) determine that no action should be taken in respect of the allegation(s) made;
- (c) determine that the Members' Code of Conduct has been proved to have been breached;

3.7 Where the Standards Panel determines that the Members' Code of Conduct has been breached, it may:

- (a) instruct the Monitoring Officer to write a formal warning letter to the Member reminding him/her of the need to comply with the Members' Code of Conduct; and/or
- (b) require the Member(s) to apologise to the complainant (whether verbally or in writing) for breaching the Members' Code of Conduct. Should the Member in question fail or refuse to do so promptly, the Monitoring Officer shall report this fact to the Member's Political Group Leader\*; and/or
- (c) report the Panel's decision to a public meeting of the Standards and Constitutional Oversight Committee for reference / consideration; and/or
- (d) recommend to the Member's Political Group Leader\* that disciplinary action should be taken against the Member in question and/or that he/she be removed from all (or some) outside bodies to which the Member has been appointed; and/or
- (e) instruct the Monitoring Officer to arrange training for the Member in question who shall be required to attend. Should the Member fail to attend the training arranged, the Monitoring Officer shall report this fact to the Member's Political Group Leader\*.

3.8 Where the Standards Panel determines that the Members' Code of Conduct has NOT been breached, it may:

- (a) recommend, subject to the agreement of the Member against whom the allegation(s) has been made, that a Council media statement be issued upon the Council's website detailing the nature and outcome of the investigation into the allegations made and the decision of the Panel.

- (b) subject to the agreement of the Member against whom the allegation(s) has been made, report the Panel's decision to a public meeting of the Standards and Constitutional Oversight Committee;

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The fixed fees and expenses of the Investigator can be met from existing budgets.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 The Council has a duty to promote high standards of conduct by members and put in place appropriate arrangements to deal with complaints against members.
- 5.2 Under Section 27 of the Localism Act 2011, the Council "must promote and maintain high standards conduct by Member and Co-opted Members of the authority".
- 5.3 In discharging the duty the Council must (under Section 27 of the Localism Act 2011) adopt a code dealing with the conduct that is expected of Members and Co-opted Members of the Council when they are acting in that capacity.
- 5.4 The Council must (under Section 28 of the Act) also have in place arrangements under which allegations can be investigated; and decisions on allegations can be made.

#### **6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS**

- 6.1 There are none arising directly from this report.

#### **7.0 RELEVANT RISKS**

- 7.1 There are no identified risks arising directly from this report.

#### **8.0 ENGAGEMENT / CONSULTATION**

- 8.1 The Members' Code of Conduct and Protocol for Dealing with Complaints against Members was developed, prepared and approved by members and Council.

#### **9.0 EQUALITIES IMPLICATIONS**

- 9.1 There are none arising directly from this report.

**REPORT AUTHOR:** **Surjit Tour**  
Assistant Director: Law and Governance and Monitoring  
Officer

**APPENDICES**

1. Procedure for dealing with matters before the Standards Panel and Standards Appeal Panel.
2. Investigation Report dated 26 March 2017 and its 12 Appendices.

**{Please note that the following documents are attached to Agenda Item No. 3 in Part 1 of the agenda}**

- (a) Article 9 of the Constitution;
- (b) The Members' Code of Conduct; and
- (c) Protocol for Dealing with Complaints against Members.

**REFERENCE MATERIAL**

NONE

**SUBJECT HISTORY (last 3 years)**

Council Meeting	Date
None	

NOT FOR PUBLICATION

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

**APPENDIX 1**

**Standards Panel Procedure**

1. Opening remarks of the Chair.
2. The Complainants (or their representatives) are invited to make opening remarks.
3. The Subject Councillor (or her representative) is invited to make opening remarks.
4. The Investigator will present her report.
5. The Parties are invited to question the investigator and/or seek points of clarification on the report.
6. The Panel will question the Investigator on her report.
7. The Complainants are invited to confirm whether they wish to seek clarity on any issues/evidence of the Subject Councillor.
8. The Subject Councillor is invited to confirm whether she wishes to seek clarity on any issues/evidence of the Complainants.
9. The Complainants (or representatives) are invited to make final submissions.
10. The Panel will seek clarification on any points relevant to the Complainant.
11. The Subject Councillor (or representative) is invited to make final submissions.
12. The Panel will seek clarification on any points relevant to the Subject Councillor.
13. The Panel will invite the views of the Independent Person for consideration.
14. The Panel hearing will be adjourned to allow for deliberation (as deemed appropriate by the Panel).
15. The Panel hearing will resume to convey the decision.
16. If the Panel's decision is to uphold/find a breach of the Code, the Subject Councillor (or representative) shall be invited to make submissions in respect of any mitigation (including in respect of sanctions) for consideration by the Panel.
17. The Panel hearing will be adjourned to allow for deliberation (if deemed necessary by the Panel).
18. The Panel hearing will be resumed for decision on sanctions (if any).

The Chairperson and Panel shall have discretion to vary the above procedure if it is considered appropriate and necessary to ensure fairness to all parties.

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NOT FOR PUBLICATION

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972

Appendix 2

FINAL REPORT - STRICTLY PRIVATE AND CONFIDENTIAL. NOT FOR DISCLOSURE EXCEPT AS

MONITORING OFFICER DIRECTS

Investigation into complaints about Councillor Reece Jones

WIRRAL COUNCIL

COMPLAINTS INVESTIGATION

1 Introduction

1.1 I was appointed by the Monitoring Officer (MO) of Wirral Council (the Council) to undertake an independent investigation in relation to three linked complaints against Councillor Reece Jones (LRJ). During the course of the investigation a fourth linked complaint was added. All of the complaints contained allegations that LRJ had been in breach of Wirral Council's Member Code of Conduct.

1.2 Complaints that members may have breached the Code of Conduct are considered and dealt with in accordance with the Council's Protocol. Paragraph 8.1 of that protocol allows the MO to refer a complaint for investigation. The MO may appoint an external investigator. I prepared a draft report, the entirety of which (though not the appendices) was sent to LRJ for comment. I also sent redacted versions, dealing only with the each individual's complaint to each complainant.

1.3 In response to this I received comments from LRJ and from the three complainants. All responses also provided further documents. I also received comments from the MO on factual issues. The comments I received did not lead me to change the substantive findings although I have significantly redrafted the report. I did not therefore circulate a second draft for comment.

1.4 In order to carry out the investigation I read the four complaints and their accompanying documentation. I interviewed the three complainants and LRJ. I asked each person interviewed to send me any further documentation. I produced notes of the interviews which I asked each individual to amend if necessary and then sign as a correct record. Copies of the signed notes are attached as Appendix 1. I also asked the Council for some information on councillor training. That is attached at Appendix 2.

1.5 Although the complainants are known to LRJ, I have not identified them in this report. They are however identified in the interview notes. Third parties are also identified in the appendices<sup>1</sup>. All the appendices should therefore be treated as confidential even if not marked as such.

1.6 The report has a general introduction providing the legal and factual framework to the complaints. I have however, tried to deal with the specifics of each complaint separately so that they can, if necessary, be disaggregated. There is inevitably some overlap and cross reference given that the complaints arose out of the same set of circumstances.

2 Complaints against Councillor Reece Jones

2.1 From Complainant 1:

- i. That LRJ sullied their reputations
- ii. That LRJ made allegations that they had committed fraudulent acts which she was being held accountable for

<sup>1</sup> It has not proved possible to redact the references to all third parties.

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- iii. That LRJ accused [REDACTED] of wrecking the forum
- iv. That LRJ is using her role as a Councillor to complain to complainant 1's employer that she has been defamed as a Councillor.
- v. That LRJ is using and abusing her position as a Councillor to damage their reputations and employment as part of a personal vendetta.

2.2 From Complainant 2

- i. That LRJ has made two complaints to Wirral SEND partnership where complainant 2 carries out a voluntary role, using her Councillor status. One complaint was fully investigated with no case to answer. LRJ has failed to provide evidence for the second
- ii. That LRJ is using social media and her status as a Councillor to defame, disrespect and undermine complainant 2 and has questioned her integrity and honesty
- iii. That LRJ has made serious attempts to denigrate and disparage the children's charity that complainant 2 chairs.
- iv. That LRJ is using her influence and status as a Councillor to complainant 2's detriment and her own benefit
- v. That LRJ has alleged that complainant 2 has embarked on a smear campaign and is stalking her
- vi. That LRJ has caused complainant 2 severe stress

2.3 From complainant 3

- i. LRJ knowingly supported and endorsed the defrauding of public money from Wirral council
- ii. LRJ failed to treat others with respect and conducted herself in a manner which was contrary to the council's duty to promote and maintain high standards of conduct
- iii. LRJ acted in her own financial and other interests against the public interest

2.4 Complaint 4 (made by complainant 1)

- i. That LRJ made comments to the Wirral Leaks website in breach of the requirement to maintain confidentiality about this investigation
- ii. In doing so, she further harassed complainant 1.

3 Legal Framework

3. To be in breach of the Code, the councillor against whom allegations are made has to have been acting in their official capacity as a councillor. The Local Authorities (Model Code) Order 2007 defined that official capacity as follows:

*'you must comply with this Code whenever you*

*(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or*

*(b) act, claim to act or give the impression you are acting as a representative of your authority,*

*and references to your official capacity are construed accordingly.'*

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3.2 Although the regime under which this Order was made, was abolished by the Localism Act 2011, the Order was not abolished and authorities may still adopt it as their own Code. The Council has adopted a Code of Conduct which is different to the 2007 Model Code. The Council's Code states:

*'You are a representative of this Council and the public will view you as such therefore your actions impact on how the Council as a whole is viewed and your actions can have both positive and negative impacts on the Council.'*

3.3 Paragraph 1 of the Council's Code clearly refers to members acting in their role as a councillor and paragraph 1.6 states:

*'As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, DO act solely in terms of the public interest and DO NOT act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.'*

3.4 Although slightly ambiguous, it appears that the intention of Wirral's Code is that it only covers members when they are acting in their official capacity in a narrower definition than that in the Model Code although it acknowledges that the public may only view councillors as public figures.

3.5 The Council's Code specifically states that:

*When acting in your role as a Member of the Council:*

*1.1 DO treat others with respect;*

*1.2 DO NOT conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of Members;*

*1.3 DO NOT disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature<sup>2</sup>*

3.6 The complaints which are the subject of this investigation made several allegations. In essence they all amount to allegations that LRJ failed to treat others with respect and conducted herself in a manner which is contrary to the Council's duty to promote and maintain high standards of Conduct of Members. In addition, the complaint made by complainant 3 alleged that she had acted in a manner to gain financial or other material benefits for herself, her family, her friends, her employer or in relation to her business interests. Finally, the fourth complaint alleged that LRJ had broken confidentiality required of her in her capacity as a councillor.

3.7 In order to uphold a complaint as a breach of the Council's Code of Conduct, it is necessary to show not only that the councillor complained of carried out the alleged activities but also that this was done in her capacity as a councillor. I have not separated out each element of each complaint but have, rather, considered the activities complained about and whether they demonstrate a breach of the Code.

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<sup>2</sup> There are exceptions to the confidentiality duty which do not apply here.

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#### 4 LRJ's position as councillor

- 4.1 LRJ was elected to the Council in May 2014. In interview she said she had been on Licensing Committee and on the Scrutiny Committee for Environment. She was the Council's representative on the Merseyside Society for the Deaf. She was also a member of the Wirral West committee which was a locality committee. She was not the council's representative on Wirral Family Forum (WFF) or The Local Carers Network (TLC).
- 4.2 The Council offers training to Councillors as set out in Appendix 2. I asked LRJ what training she had as a councillor. She said she had minimal training in her role as a councillor and what there had been was provided without interpreters so she had not taken much out of it. She did have licensing training with an interpreter. I asked whether she had specific training on ethics and the member code of conduct. She said that she was given some training when she was first elected by the MO but it was not easy to lip read. She hadn't really been given any individual advice or guidance about ethical issues.
- 4.3 I asked the Council if they had specific information on the training attended by LRJ. They provided me with the table attached as Appendix 3. It's clear from this that LRJ did not attend either of the two sessions provided by the Council on the ethical framework.<sup>3</sup> These sessions were given by the MO. It is not clear therefore what training LRJ is referring to in paragraph 4.2 above.
- 4.4 I also asked the Council about any assistance they had provided for LRJ in the light of her hearing disability. I received an e-mail which informed me *'that after her induction sessions LRJ informed us she would like a signer at training sessions and meetings. A pallen typist was also requested for Council meetings. LRJ advised us of her condition when appointed. She said no arrangements were necessary at the time as she could lip read. After her induction sessions LRJ felt she would be happier with a signer, the first session was arranged for August 2014'*.
- 4.5 In her response to the draft report, LRJ said that she attended all early council training without interpreters until an officer organised to meet with her and ensure her needs were met. She also said that even the interpreters struggled to hear the training provided by the MO and moved several times during this training. She said that there were also fireworks being set off outside which made it more difficult.
- 4.6 LRJ was suspended from the Labour Group between April and October 2015. In interview she said she had been taken into a room by three senior councillors and given an ultimatum. In March 2015 she was told to resign from WFF and the charity she founded (TLC) within 7 days or be suspended from the Labour Party. She said she was never given any reason for this<sup>4</sup>. She said she had already resigned from WFF. Two others had previously taken over as co-chairs and they were in a handover period. She left WFF in March 2015. She didn't resign from TLC and was suspended by the Labour Party from April to October 2015. As this did not appear to be relevant to this investigation, I did not pursue this.

<sup>3</sup> Page 8 of the Elected members booklet in Appendix 2 shows two sessions on 'The Way we do business' neither of which are listed in LRJ's personal record.

<sup>4</sup> In response to the draft, LRJ said she had sought advice from the group leader but never received it and was told that everything she did was fine and part of who she was.

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## 5 Factual Background to the Complaints

- 5.1 All four complaints arose from the same set of circumstances which related to an Internal Audit (IA) investigation by the Council and a subsequent police investigation. I have seen the IA report but I have not seen any information relating to the police investigation. In this investigation I made it clear to all parties that I did not intend to re-investigate the circumstances of either of these investigations, save in a limited way in relation to the complaint made by Complainant 3 which concerned an invoice which was itself considered by IA and the police. The IA report (but not its appendices) is attached as Appendix 4.
- 5.2 At the time LRJ was elected to the council she was co-chair of Wirral Family Forum (WFF) and TLC which was a charity she set up and which 'hosted' WFF (in the sense that payments to WFF were made to TLC as TLC had a formal charitable structure and constitution which WFF did not).
- 5.3 The first two complainants played various roles in different charities, including WFF. Complainant 1 was invited to join the steering group for WFF by LRJ in about March 2014 and subsequently became co-chair in March 2015 shortly before LRJ stepped down<sup>5</sup>. Complainant 1 stepped down as co chair on 21<sup>st</sup> May 2015. Complainant 2 had a longer term involvement and was a co chair but stepped down from this in May 2014, remaining on the steering committee. According to complainant 2, she was removed from the steering committee by LRJ in March 2015. LRJ says this was not the case and provided e mails which supported this.
- 5.4 Complainant 3 was the organisation at the centre of the issue of the fraudulent invoice.
- 5.5 The IA investigation related to the governance, accounting and the propriety of expenditure of grant funding received by WFF from the Council and the DfE. As background, the IA report states that the Council provided a grant of £20,000 to WFF for the period 1 May 2014 to 30 April 2015 for 'SEND reforms Engagement/coproduction'. The WFF secured additional funding from the DfE for the 'Parent Carer Participation' scheme which was administered by 'Contact a Family'.
- 5.6 The IA report made a number of findings, one of which is relevant to this investigation. That finding was that an invoice from Overchurch Residents Association (ORA) for rent in the sum of £1500 relating to 'the Community Shop' was not legitimate and therefore should not have been claimed within the SEND grant expenditure. The IA investigation concluded that there was significant evidence that LRJ had fraudulently produced and submitted two false invoices (each one for £1500) in order to make a financial gain from the Council and the DfE. That finding was referred to the police. The IA report says that LRJ was seen on 15<sup>th</sup> May 2016 and that LRJ provided supporting financial information documentation in relation to the SEND grant. Since receiving the draft report LRJ says that at no point was she asked to attend to explain or provide evidence that showed she did not create the invoices.<sup>6</sup>

<sup>5</sup> LRJ said in response to the draft report that complainant 1 became Co-Chair in 2014 and played an active role as co-chair throughout her time, she attended regional meeting in Liverpool so she could be introduced to the wider network when it was held at LPAC in Liverpool.

<sup>6</sup> This is apparently contradicted later in her response when she says complainant 1 and another 'both knew what was in those documents as they put them together and then didn't turn up to hand them to the audit, I thought it was nerves but that was stupidity on my behalf accompanied by ill health and not being on guard as

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5.7 Following investigation (including an interview with LRJ), the police referred this, and other allegations to the Crown Prosecution Service for a decision on whether to prosecute. A decision was taken not to prosecute. LRJ said in interview that the decision not to prosecute was because there was no evidence and she was entirely exonerated. She also said in response to the draft report that:

*The police investigation concluded for me saying that I was cleared and that it was not in the public interest to pursue the matter, this was because although invoices had been created and altered no money was in-fact missing and fully accounted for. There clearly was a case to answer however they may never actually find out which one of the other had indeed altered and created the invoices.*

The three complainants provided different explanations about why there was no prosecution. However, the Council sent me a copy of an e mail sent to them by the police in July 2016. This said:

*The decision by the CPS was to take No Further Action in this case, as there was no realistic prospect of conviction against either suspect due to insufficient evidence. This centred on the fact that no individual had gained any financial benefit, the money having remained with the charity and that it was not possible to prove who had fabricated the invoices or had first supplied them to the various official bodies*

The findings of the IA report were not, as far as I am aware, amended following the decision not to prosecute.

5.8 The complaints by the 1<sup>st</sup> and 2<sup>nd</sup> complainants essentially arise from actions alleged to have been taken by LRJ during and after the IA and police investigations. The complaint by complainant 3 directly relates to the rent invoice.

5.9 I will now deal with each complaint in turn

## 6 Complainant 1

- i. That LRJ sullied their reputations
- ii. That LRJ made allegations that they had committed fraudulent acts which she was being held accountable for
- iii. That LRJ accused [REDACTED] of wrecking the forum
- iv. That LRJ is using her role as a Councillor to complain to complainant 1's employer that she has been defamed as a Councillor.  
That LRJ is using and abusing her position as a Councillor to damage their reputations and employment as part of a personal vendetta.

These allegations amount to a complaint that LRJ failed to treat others with respect and conducted herself in a manner which is contrary to the Council's duty to promote and maintain high standards of Conduct of Members.

6.1 Complainant 1 was on the WFF steering group and said she regarded LRJ as a friend until April 2015 when LRJ was admitted to hospital and IA were chasing complainant 1

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I would usually have been.' It is not explicitly stated that LRJ handed the documents to IA but if it was not the other two, it was likely to be her.

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and others for financial information. Complainant 1 had taken over as a co chair of WFF shortly before LRJ was suspended by the Labour Party.

6.2 Initially, complainant 1 said she agreed with LRJ that WFF and LRJ were subject to a council witch hunt by IA. Complainant 1 said in interview that she had tried to get the council to wait until LRJ was better but the council's view had been that as she was a co chair she should have access to the financial information they required. She said she persuaded LRJ to tell them where the information was and it was when she saw this information that alarm bells rang and she became concerned about LRJ's behaviour. Complainant 1 said there was alleged spend on things she knew had not happened and in particular she was concerned about a rent invoice from ORA as she knew that no rent had been charged. LRJ says that she informed the co chairs exactly where the invoices were as they had been put in a pack ready to go. LRJ said when she came out of hospital all the receipts were mixed up and looked different. It is only with hindsight that she thinks she was being set up.

6.3 Complainant 1 informed the council of her concerns and was told at that point that she should not say anything publicly in order to avoid prejudicing the council and police investigation. During the period of investigation, complainant 1 said that LRJ had taken to social media to denigrate her and others. In the bundle of evidence provided by complainant 1 in support of her complaint were several messages from LRJ which specifically referred to complainant 1 amongst other by name and others which complainant 1 says were obvious references to her, given the small community in which all this was happening. None of the messages referred to LRJ's councillor status. Relevant extracts from the bundle of evidence are attached as Appendix 5<sup>7</sup>.

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6.4 LRJ's description of what happened is a fair image of this. She said that there was a targeted attack on her personally. She says she reported the abuse to the police and handed them all the screenshots. She says she spoke to the officer in charge of the fraud case so he could ask them to stop but he said that he had also been bombarded. She says her solicitor was also involved because the police had asked her through her solicitor to continue not replying. I do not have any copies of those screen shots.

6.5 Complainant 1 said that once CPS decided not to prosecute, she was advised by the police that she could issue a short factual statement, which she did. This made no explicit reference to LRJ. Complainant 1 followed this up with three further posts, again, none of which specifically referred to LRJ by name but she would have been identifiable, again given the small community in which this was happening. Complainant 1 said that other than responding to a thread about the closure of Girtrell Court, she has made no other comments. Her comments on this thread were indirectly aimed at LRJ but were about a potential conflict of interest. Copies of those posts are Appendix 6<sup>8</sup>.

6.6 LRJ says that everyone was advised by the police to stay off social media and was told personally to keep doing what she was doing and choose her friends carefully in future. LRJ says that Complainant 1 put a post up against that advice. LRJ says that Complainant 1 directed everyone on Facebook to contact the officer and even put the officer's contact detail on the post. LRJ did not provide a copy of that post.

<sup>7</sup> The handwritten additions to appendix 5 were made by complainant 1.

<sup>8</sup> The handwritten notes on the copies shown in the appendix were made by complainant 1 to explain their content to me.

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6.7 Complainant 1 said that shortly after the initial posts, LRJ complained to complainant 1's employer. LRJ did this in her capacity as a councillor. Complainant 1 did not have a copy of the complaint. Complainant 1 did have a handwritten note which is included in the bundle and which summarised the complaint from LRJ as follows:

*'[complainant 1] has personally attacked me both as a councillor and as a parent, I have screen shots from Facebook sent to me after I was forced to block her because of the nasty accusations she has made against me'.*

6.8 In interview, LRJ agreed she had complained about complainant 1 in her capacity as a councillor and as a parent. She said that the posts she was complaining about were not the ones complainant 1 had provided. LRJ said that she would send copies of the posts to me. LRJ subsequently sent a number of screenshots, all of which had already been submitted, except for one which she said was posted by Complainant 1 on her Councillor Facebook page in March 2016. This said:

*'you are a total disgrace as a councillor you should be ashamed of yourself, stealing from children and families'*

6.9 Complainant 1 denied that she had ever made this post and sent substantial information which she said showed that the screenshot was a fabrication. When LRJ was asked to comment on this, she said she had not seen the post on her Councillor Facebook page as she had asked the administrator of the page to block complainant 1<sup>9</sup>. She had been sent versions of the screenshot by others. She also sent a different version of the screenshot, which said the same thing but had a different profile picture. In her response to the draft report, LRJ said:

*'I have reflected over recent days and maybe these shots were sent to me maliciously, I had never really analysed them as I was so angry, these sparked my complaint about complainant 1.'*

6.10 In interview, LRJ did not provide an explanation as to why she had complained in her councillor capacity other than that complainant 1 had attacked her as a councillor. She also said in response to the draft report that she thought by complaining, this would stop what she described as the campaign against her, although it is not clear how except as a form of threat against complainant 1. Complainant 1 said that her employer had made it clear to her orally that the fact that LRJ was a councillor had an impact on how they considered the complaint from her. The written response to complainant 1 from her employer said that they had decided not to pursue the complaint as the matters raised were personal and not directly relevant to the employer.

Analysis:

6.11 There is no doubt that a number of individuals, including LRJ, engaged social media in respect of the IA investigation, the outcome of the police investigation and what LRJ described as the attempts to wreck the forum (WFF). LRJ participated in this although

<sup>9</sup> The Council explained that 'the council does not setup, administer or manage any Facebook page that a councillor may wish to have. Cllrs are under no obligation to have a Facebook page, but if they did they are required to have regard to the Council's Social Media Policy'.



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she did not do so explicitly in her capacity as a councillor. The posts and texts by LRJ which directly or indirectly criticised complainant 1 and others could have had the effect of sullyng their reputations as alleged and did accuse them of committing fraudulent acts. LRJ did also accuse ████████ of wrecking the forum. Because of the small community in which all the individuals operated, it was highly likely that indirect references would be understood by those reading the posts and texts. The issue is whether any of this was done in LRJ's capacity as a councillor.

6.12 None of the posts and texts originally submitted by complainant 1 in evidence were done explicitly in LRJ's capacity as a councillor. However, LRJ frequently posted in her public and private capacity and she did not appear to give much consideration to her own view (and that of the Council Code) that people may not easily distinguish between her actions as a public figure and her actions in her private capacity. In fact, the statement on her twitter profile confuses this as well<sup>10</sup>. Hard though it may be, because people may not easily make the distinction, public figures need to be more restrained in their responses and contributions to social media and other outlets and need to consider how this may appear to others even when not explicitly doing so in their public role. This can have the effect for those individuals of making them feel less able to defend themselves in public.

6.13 However, none of the posts etc were done in LRJ's capacity as a councillor, and on the basis of the original evidence I would not have reached the view that she was in breach of the Code in respect of the first three limbs of complainant 1's complaint. However, complainant 1 subsequently submitted a further complaint (considered here as complaint 4) which was done explicitly in LRJ's capacity as a councillor (see section 7 for the consideration of that complaint). In that letter she says *'I am still being targeted by the same group of parents who started this entire thing and I face yet another investigation which is currently underway'*. Earlier in the letter she refers to a witch hunt. It is likely for the reasons already given that it would be immediately clear to those involved who she was referring to and could in effect make a link back to her previous posts which were not done in her councillor capacity. It therefore could be argued that in her councillor capacity she did not show complainant 1 (and others) respect in writing this letter and was therefore in breach of the Council's Code. It is however, also arguably, too tenuous a link to reach this conclusion. On balance, I have reached a view that LRJ was not in breach of the Council's Code in relation to these aspects of complainant 1's complaint. However, I am also of the view that LRJ's tendency to be cavalier about whether she is acting in a public or private capacity means that she sails dangerously close to the wind at times.

6.14 Complainant 1 felt bullied and harassed by LRJ and this was compounded by LRJ's complaint to complainant 1's employer. I have not seen the complaint. I have seen the emails and texts which complainant 1 says LRJ used as her evidence. LRJ told me that these were not in fact the posts she was complaining about. She provided me with a screenshot of a post which complainant 1 denies making and which LRJ has since suggested might have been sent to her maliciously. In interview, she said that complainant 1 *'had posted about LRJ as a councillor. She had told parents that she was a disgraceful councillor; that she had closed Girtwell Court and she told others that LRJ was toxic. As a parent, complainant 1 shouldn't have been talking to her as a client. As a member of the NHS complainant 1 shouldn't have been presenting herself to the outside world in that way.'* The contested post did say that LRJ was a disgraceful councillor but

<sup>10</sup> Her twitter handle does not mention that she is a councillor but her name says she is. She then says 'all views my own and no way reflect any organisation or position I may hold'.

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LRJ has not provided screenshots of the other posts implicit in her complaint and in her interview response. She now says it was this contested post which sparked her complaint to complainant 1's employer.

6.15 It is unclear what LRJ hoped to achieve by complaining to complainant 1's employer other than to threaten her or cause her difficulties at work. Except for the contested post, complainant 1 did not name LRJ and did not tell parents that LRJ was a disgraceful councillor. Even if the contested post was not fabricated, it is hard to see what that had to do with complainant 1's employer. It is therefore hard to see that the complaint to the employer was anything other than an attempt to undermine complainant 1 at her place of work or a threat. LRJ now says that she never analysed the screenshots she received and the complaint to complainant 1's employer was made because she was so angry. She now says that the screenshots might have been sent to her maliciously.

6.16 Complaining to Complainant 1's employer was not an appropriate action to take and certainly not an appropriate action to take in the role of councillor. It is hard to see that there is any reason for LRJ doing this save to place pressure on both complainant 1 and her employer and an attempt to add weight to the complaint by doing it in her capacity as a councillor. LRJ herself now says that she did it because she was angry and that she did not analyse it because of this. By doing this, LRJ failed to treat complainant 1 with respect and conducted herself in a manner which was contrary to the council's duty to promote and maintain high standards of conduct. In addition, LRJ appears to have been pursuing her own personal agenda (her anger at the screenshots) in her capacity as a councillor. For all these reasons, this was a breach of the council's code of conduct.

## 7 Complaint 4

7.1 Complainant 1 made a further complaint about LRJ in the course of this investigation. This was:

- i. That LRJ made comments to the Wirral Leaks website in breach of the requirement to maintain confidentiality about this investigation
- ii. In doing so, she further harassed complainant 1

7.2 The comments referred to appeared in a column in Private Eye (attached as Appendix 7).

7.3 In interview, LRJ said that the reference to an investigation '*is to the Charity Commission investigation which finished about a week ago. It was not a reference to the councillor complaint because she had been told to keep this confidential. I said the quote referred to her being under investigation whereas the Charity Commission was investigating the charity. LRJ said it was her that was under investigation in reality and the complainant was exactly the same.*' In interview, LRJ was clear that she had been told to maintain confidentiality about this investigation.

7.4 I asked LRJ to provide some information as to the Charity Commission investigation. She provided me with a letter from the Charity Commission dated 10<sup>th</sup> January 2017 which concluded their investigation.

7.5 The original Wirral Leaks blog from which Private Eye obtained their quote was posted on 17<sup>th</sup> January 2017. This contained the full response from LRJ. This said:

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*'...after a full investigation the police including going through all my personal affairs there was nothing out of order, the witch hunt continued and the charity I am involved with became the target and a complaint was made to the Charity Commission, they investigated and all bank statements were given over and it was also found there was no case to answer. I am still being targeted by the same group of parents who started this entire thing and I face yet another investigation which is currently underway'.*

7.6 The letter was sent to Wirral Leaks in LRJ's councillor capacity. A copy of this is attached at Appendix 8. In her response to the draft report, LRJ said that the post by Wirral Leaks was put up a long time after it was sent to them. The letter says that it is in response to 'your article'. As far as I can tell, the article in question was posted by Wirral Leaks on 14<sup>th</sup> January and LRJ's letter was posted on 17<sup>th</sup> January.

#### Analysis

7.7 On the face of it, it is hard to construe the quote attributed to LRJ (which she did not deny making) as anything other than a reference to this standards investigation. The original letter from her to Wirral Leaks clearly references the Charity Commission investigation and says that it is over and then goes on to refer to another investigation already underway. On the basis that it is reference to the standards investigation this is a breach of 1.3 of Wirral's Code. I have considered the second limb of this complaint in 6.13 above.

#### 8 Complainant 2

- i. That LRJ has made two complaints to Wirral SEND partnership where complainant 2 carries out a voluntary role, using her Councillor status. One complaint was fully investigated with no case to answer. LRJ has failed to provide evidence for the second
- ii. That LRJ is using social media and her status as a Councillor to defame, disrespect and undermine complainant 2 and has questioned her integrity and honesty
- iii. That LRJ has made serious attempts to denigrate and disparage the children's charity that complainant 2 chairs.
- iv. That LRJ is using her influence and status as a Councillor to complainant's detriment and her own benefit
- v. That LRJ has alleged that complainant 2 has embarked on a smear campaign and is stalking her
- vi. That LRJ has caused complainant 2 severe stress

As with complainant 1 these allegations amount to a complaint that LRJ failed to treat others with respect and conducted herself in a manner which is contrary to the Council's duty to promote and maintain high standards of Conduct of Members

8.1 The background facts to this complaint are similar to those for complainant 1. Complainant 2 had a longer involvement in WFF than complainant 1. Complainant 2 said that she had been involved with WFF for more than five years and had dealings with LRJ throughout that time. She said she had been a former co-chair until she stepped down circa March 2014, due to other commitments and because it was difficult to get any information from LRJ. She said there was no accountability over the finances. Complainant 2 said she didn't feel comfortable. However, she remained a steering group

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member until, she said, LRJ excluded her and other committee members from MACS (Merseyside Autistic Children's Society) in March 2015.

- 8.2 Complainant 2 acknowledged that she had re-acted intemperately to a thread on the WFF Facebook page. In interview she said that when CPS decided not to prosecute, LRJ made an announcement which said that she had been completely exonerated by the audit. Complainant 2 said LRJ was pointing the finger at friends of the complainant.
- 8.3 Complainant 2 said she had responded to a post on the WFF page in a way which was designed to be offensive to LRJ. She said she did this in a moment of madness because she was so angry. She then intervened later as the thread developed and called LRJ a liar. Complainant 2 said she didn't mention that LRJ was a councillor. She said there were a lot of people on the thread supporting LRJ and she was angry that LRJ had taken them all in. Complainant 2 said that LRJ is very plausible and it takes some time to get the measure of her. Complainant 2's posts are attached as Appendix 9.
- 8.4 In interview, LRJ said that complainant 2 had shared posts on LRJ's councillor page. Complainant 2 denied that she has ever posted on LRJ's councillor page and LRJ did not provide any examples of this. LRJ also said that to put her medical history on that post was bizarre and disgraceful. LRJ said complainant 2 had shared it with parents and carers and it went across charity Facebook pages. LRJ also said that complainant 2 had shared it on school pages. LRJ said she would send me a copy of the full post and other posts where LRJ had been referred to as a councillor. I have not seen any such posts and received a full copy from complainant 2.
- 8.5 The copy of the post from complainant 2 is offensive and was intended to be offensive, as she accepts. There are references to LRJ's health which LRJ says were intended to cause her distress. I do not doubt that this was the case. Complainant 2 has said that she does not have any information about LRJ's actual health but that the references in the post came directly from LRJ or from others she had spoken to<sup>11</sup>. Complainant 2 said that she was being facetious and had no idea whether LRJ had any or all of these afflictions.
- 8.6 Although it was intended to be offensive, I do not think it was or was meant to be taken as an accurate reference to LRJ's medical history. There is also no specific reference to LRJ being a councillor except to say that she is driven by her own political ambition. I have no evidence that it was shared any further than the WFF page.
- 8.7 Following this post, LRJ made a complaint to an organisation where complainant 2 volunteered. I have not seen a copy of the complaint but understand it was not upheld. Complainant 2 said that LRJ made her complaint as a councillor and escalated the complaint to stage 2 when it was not upheld. Complainant 2 also said that LRJ wrote an e mail to the CEO, referring to the fact that she was a councillor and threatened to go to the press. I have not seen a copy of this e mail.
- 8.8 LRJ in interview accepted she had complained as a councillor and said it was because complainant 2 was discrediting her as a councillor. She was sharing posts inappropriately across pages just for parents and carers, including some parents that

<sup>11</sup> Complainant 2 said 'For instance I said to someone "I've heard she was taken to hospital with a suspected heart attack" and someone responded "oh I heard it was gall stones". She had told other people she had MS and claimed to be deaf. At one time she boasted how she and her husband had been given free invigor8 passes to leisure facilities due to being overweight. Many claims over a long period of time.'

complainant 2 was supporting. I have seen no evidence to support this. LRJ has subsequently said that she was attacked in a public meeting where it was personal, 'the attack was directly reference to MACS and the secretary of MACS went on to send messages to people on my friends list telling them not to trust me'. LRJ provided no evidence of this.

8.9 Complainant 2 further complained that LRJ is using social media and her status as a Councillor to defame, disrespect and undermine complainant 2 and has questioned her integrity and honesty and that she has made serious attempts to denigrate and disparage the children's charity that complainant 2 chairs. I understand that this is a reference to Merseyside Autistic Childrens Society (MACS). LRJ has posted several allusions to complainant 2 in her personal capacity. As with Complainant 1, the community in which they both move is small and it is likely that others would understand to whom LRJ was referring.

8.10 LRJ has also posted that *'I think if you have a child with Autism and you haven't faced 'the Autism Mafia of Wirral yet, don't raise your head or you will feel the brunt of them.'* In complainant 2's view, this is a clear reference to MACS the organisation she chairs. In interview, LRJ denied criticising any organisation in which complainant 2 was involved, and certainly not in her capacity as a councillor.

8.11 There is a final allegation that LRJ has alleged that complainant 2 has embarked on a smear campaign and is stalking her. This refers to tweets which were posted in LRJ's capacity as a councillor. She said:

- *'I have myself someone so obsessed with me she is now stalking me, now turning up at momentum meetings'*
- *'Great night with like minded people shame the person who has caused me so much pain and stress is now turning up to momentum and labour'*
- *' a great question about smear campaigns, as I look at back I see someone who has smeared my name and jump in my boots at the first chance'*

8.12 In interview I asked LRJ if it would have been clear to people to whom she was referring. LRJ agreed it would have been and said it was a reference to the individual who had recently been convicted of making death threats against her. I pointed out that was unlikely as the reference was to someone female. LRJ then agreed that it was a reference to complainant 2. LRJ said *'she behaves like a stalker. She turns up at the charity and stands outside looking in'*.

8.13 Complainant 2 said: *'LRJ did not name her but many people would have been able to identify her from the references made'*. Complainant 2 had been to a public Labour Party meeting and said she did not approach or speak to LRJ and definitely had not gone there to stalk or harass LRJ. It was a public meeting. LRJ said in response to the draft report that complainant 2 had become political and was attending meetings knowing that LRJ will be there. LRJ says she has been prevented from being able to engage politically.<sup>12</sup>

<sup>12</sup> She also said: *'I have stopped attending momentum meetings now as a result so I avoid her as I don't want anything to do with her, she actually scares me and I have a personal safety device which I pay £40 per month because I fear what her next move will be, this has been ongoing now for nearly 10 years. Being Deaf I can't hear someone approaching me from behind and I have had to think about what I do each day so I'm not put at risk. I avoid all contact with her.'*

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8.14 Although LRJ made references in interview to complainant 2 stalking her, other than stating that complainant 2 *'joined the labour party and momentum. She is doing everything she can to replicate LRJ. She stands outside the charity's windows looking in. she is quite scary'* LRJ provided no evidence that this was the case. It is LRJ's view that complainant 2 *'is doing everything she can to replicate LRJ.'*

#### Analysis

8.15 It is unclear what LRJ hoped to achieve by complaining about complainant 2 to the organisation for whom she volunteered other than to cause her difficulties. LRJ says that it was in order to stop her and for complainant 2 to go away. From the posts I have seen, complainant 2 did not tell parents or anyone that LRJ was a disgraceful councillor. Even if she had, it is hard to see what that had to do with complainant 2's business. It is therefore hard to see that the complaint was anything other than an attempt to undermine complainant 2. Even if the intention was to stop complainant 2 in the way described by LRJ this was not an appropriate action to take and certainly not an appropriate action to take in the role of councillor. This is so even in the context of the admitted offensiveness of complainant 2's post. Those holding public office ought to hold to a higher standard of conduct than those who are not for the reasons already mentioned above. It is hard to see that there is any reason for LRJ doing this except to place pressure on complainant 2 (which LRJ accepts was the intention) and the organisation. By doing this, LRJ failed to treat complainant 2 with respect and conducted herself in a manner which was contrary to the council's duty to promote and maintain high standards of conduct. I therefore uphold this element of complainant 2's complaint.

8.16 Given that LRJ was posting in her personal capacity and did not name complainant 2 or MACS, whilst there is little doubt that LRJ was using social media in the way complainant 2 alleged, it is not clearly the case that LRJ was doing this in her capacity as a councillor. As indicated in other sections of the report relating to the other complainants, I do have concerns that LRJ does little to assist others in making the distinction between her actions as a councillor and her actions as a private person and, not infrequently, muddies the divide. However, in this instance, it is not evident that she was acting in her capacity as a councillor and I cannot therefore uphold this aspect of complainant 2's complaint. The complaint that LRJ is using her influence and status as a Councillor to complainant 2's detriment and her own benefit can also not be upheld for the same reasons.

8.17 I am however concerned about the allegation that complainant 2 is stalking LRJ. An accusation of stalking is serious. Stalking and harassment are criminal offences and accusations should not be made without good foundation and, if true, should be reported to the police<sup>13</sup>. Although LRJ did not name complainant 2 she accepted that it would have been clear to people that was who she meant. She did this in her capacity as a councillor. Although her twitter account says that *'all views are my own and no way reflect any organisation or position I may hold'*, each tweet has her councillor title. By making what appears to be a public accusation of a criminal offence against someone who LRJ accepts is identifiable, she failed to treat complainant 2 with respect and

6.1 <sup>13</sup> LRJ said in response to the draft report that she *'made a formal statement to the police under the harassment act.'* I have no evidence of this.

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conducted herself in a manner which was contrary to the council's duty to promote and maintain high standards of conduct and was therefore in breach of the Code of Conduct.

## 9 Complainant 3

- i. LRJ knowingly supported and endorsed the defrauding of public money from Wirral council
- ii. LRJ failed to treat others with respect and conducted herself in a manner which was contrary to the council's duty to promote and maintain high standards of conduct
- iii. LRJ acted in her own financial and other interests against the public interest

9.1 This complaint relates to the fraudulent invoice submitted from WFF to both the Council and the DfE in respect of rent supposedly paid by WFF to the ORA for the use of the community shop. Although the complaint does not mention the fraudulent invoice it is necessary to have some understanding of what happened in relation to that invoice to reach a conclusion about the complaint. That is why the next section of the report focusses on the fraudulent invoice.

9.2 In interview, complainant 3 said that the ORA had the use of a community shop which they only used about twice a week. They had understood that WFF were looking for premises and offered them the use of the community shop<sup>14</sup>. The ORA were precluded by their lease with [REDACTED] from asking for money from anyone for the use of their premises. The agreement with WFF was informal and started in about September/October 2013. WFF used the premises for about 18 months and left in March 2015<sup>15</sup>.

9.3 During the period of use, ORA became aware that LRJ had been suspended from the Labour Party. LRJ says that her suspension lasted from April to October 2015<sup>16</sup>. They heard that it was to do with the misappropriation of funds and bullying. The complainant also became aware that funds were spent via receipts for monies that were said to have been given to ORA. ORA were not contacted by the Council who they understood were investigating allegations against LRJ. Complainant 3 said that sometime after LRJ's suspension they heard through the grapevine that the shop might be involved. They met their two local councillors to raise their concerns. WFF and LRJ had left the shop just before they did this.

9.4 In interview complainant 3 said that they met with the Council's IA service. I was provided with signed notes of an interview with IA dated 18<sup>th</sup> June 2015. (Attached as Appendix 10). At that meeting, the ORA was presented with an invoice stating that it was from ORA. This invoice had the wrong logo and other errors. It was apparently signed by LRJ as paid but was undated. The notes of the meeting indicate that ORA's view was that invoice was fraudulent.

<sup>14</sup> LRJ said in response to the draft report that 'when we moved into the community shop it was not used at all due to a sewage leak, we did lots of positive things in the shop and had a great relationship with the community'.

<sup>15</sup> Internal audit report. It was February according to LRJ.

<sup>16</sup> The dates here do not tally. If WFF left the premises in February/March 2015 and LRJ's suspension was from April to October 2015, then ORA could not have heard that she was suspended during WFF's period of use. ORA say that LRJ knew she was to be suspended before she formally was. April was when it became public knowledge.

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9.5 In interview, LRJ said she had no idea where the invoice had come from. In 2013/2014 she did not do the finances. In 2014/2015 she had become very ill and was in critical care in hospital. Her responsibility was to write the written report that accompanied the accounts. In that report she had said that the use of the room was rent free and that the money for rent had been put to other uses. I asked if she could send me a copy of the report which she did and which is attached at Appendix 11 together with the submitted invoices.<sup>17</sup> There is no reference to rent payments in the body of the report.

9.6 As part of her response to the draft report LRJ provided me with a statement she said she had provided to the police in January 2016 and the documents attached to that statement. This has a rent invoice attached but this is not the fraudulent invoice.<sup>18</sup>

9.7 I asked about her signature on the invoice. She said that her signature was stored on the computer and had been added to a number of documents. She said that the police had done handwriting analysis and there was no evidence to suggest she had done anything wrong. Essentially LRJ said that the invoice was fraudulently created and her signature was added without her authority. This was done in order to discredit her. Complainant 3 says that they have spoken to the officer and he said that the police did take some handwriting samples from LRJ but nothing was done with these and they were not sent off for analysis. Complainant 3 says that the police have told them that LRJ was not told anything else about these samples and was not told that there was no evidence that she had done anything wrong. Complainant 3 said at no time has LRJ said anything to them about her signature being scanned.

9.8 LRJ was in hospital around the end of April. During the period that LRJ was in hospital, complainant 1 and another co-chair were being chased by the council's IA as part of their investigation<sup>19</sup>.

9.9 Complainant 1 said that it had been impossible to obtain financial information from LRJ (LRJ denies this was the case) but while LRJ was in hospital the two co chairs persuaded LRJ to tell them how to access the information which they did on 1<sup>st</sup> May. According to complainant 1, LRJ met with her on 12<sup>th</sup> May but just laughed at her concerns. LRJ independently met with IA later in May<sup>20</sup>. At that meeting, according to the IA report, LRJ provided supporting financial information documentation in relation to the SEND grant. The IA report states that LRJ provided the Council with the rent invoice. IA showed a copy of the invoice to someone from [REDACTED] on 29<sup>th</sup> May.

<sup>17</sup> The copy invoice in the appendix is not the same as the one in the IA report. On the invoice in the Appendix, LRJ has written 'fake' on it recently. In an e mail LRJ said 'If you look through the monitoring report for the DFE, this was the scanned version sent to them, you will see invoice numbers missing on the financial breakdown compared with invoices presented, and also that it is confused and doesn't add up. That's because it is missing receipts and also some have been changed. My signature has been added on to invoices and you will also see I double check one very important receipt for milk, I had hand writing samples taken by the police because there was also policy documents handed in dated after I had left the forum. I also found a memory stick with a sample of my signature and also the wording that was added onto the ORA invoice, there was also school documents relating to [REDACTED] children on the same stick.'

<sup>18</sup> The e mail from LRJ to me which accompanied these documents also said that she had been to see audit and taken documents with her, in contradiction to what she told me in one of her comments on the draft report. See footnote 14.

<sup>19</sup> The Internal Audit report says that they made a number of requests between 7 April and 13 May 2015.

<sup>20</sup> The Internal Audit report says this was on 15<sup>th</sup> May 2015. LRJ in response to the draft report said that she did not meet with IA. However later in her response she refers to taking the documents to IA.



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Analysis

9.10 There is no doubt that the ORA invoice is fraudulent. LRJ does not dispute this<sup>21</sup>. Given the information supplied to IA and taking into account the information provided to me both in interview and documentation it is not possible to conclude with certainty who produced the invoice. I have concerns about the explanation given to me by LRJ in interview as elements of what she said have now been contradicted by her. IA in their report say that the invoice was given to the Council by LRJ; LRJ met with IA but appears not to have said anything about the invoice being fraudulent (LRJ now says she never met with IA); the other co chairs said to IA that they had extreme difficulty in getting hold of any financial information; complainant 1 says she raised the issue with LRJ who laughed at her. LRJ did not at any point say to anyone from ORA that she accepted that the invoice was fraudulent or that her signature had been scanned or that she understood how difficult this was for them. There were several opportunities for LRJ to say that the invoice had not been created by her and was part of a campaign to undermine her. She does not appear to have told the police this either.

9.11 In interview, complainant 3 said that:

*'The ORA kept in touch with the police because of their concerns. The police told them that when interviewed LRJ agreed that no money had in fact been given to the ORA. LRJ had said that when she saw the invoice she thought it was strange as she knew no rent was charged to them from O.R.A for the use of the shop. She was asked by the police if she had signed it and she confirmed she had and sent it in as part of the audit to Wirral even though she knew there were no charges being made from O.R.A. LRJ was also asked why when she knew all this did she still sign this off as correct for the audit and send it into Wirral? She apparently told the police that the reason she signed it was that anyone who knows her knows she is too nice.'*

9.12 The first limb of complainant 3's complaint was that LRJ knowingly supported and endorsed the defrauding of public money from Wirral Council. This was based on the fact that a fraudulent invoice was submitted for payment to the Council and the DfE. In order for the first limb of complainant 3's complaint to be upheld, it would be necessary to show both that LRJ knew the invoice was fraudulent and that her failure to do anything about it (thereby endorsing it) was done in her capacity as a councillor.

9.13 Complainant 3 said that LRJ held herself out as a councillor at every opportunity, including during her presence in the community shop as part of WFF. In addition, LRJ used social media to promote her own organisations (as well as others) and did this both with and without her councillor title. Complainant 3's view was that most people would not distinguish between LRJ acting in a personal capacity and as a councillor. In my view, LRJ has herself done much to blur the lines.

9.14 There are difficulties in concluding that the production of the invoice itself was done in this capacity. The signature, however produced, does not refer to LRJ's status as a councillor. She is not listed in anything to do with WFF as a councillor and although she has used social media to promote TLC and WFF in her capacity as a councillor, this does not directly relate to the production of the invoice. In any event, it is not possible to conclude that the production of the invoice was done by LRJ in any capacity.

<sup>21</sup> I have no explanation for the other version of the invoice in the DfE monitoring report or the invoice attached to the statement to the police.

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- 9.15 The complaint is that she knowingly supported and endorsed the defrauding of public money from the council. LRJ has been publicly vocal about how she did not produce the invoice. Given that it is not possible to say with certainty that she did produce it, it is correspondingly difficult to say that she knowingly supported and endorsed public money being defrauded. Therefore I do not uphold the first limb of complainant 3's complaint.
- 9.16 The second limb of complainant 3's complaint is that LRJ failed to treat others with respect and conducted herself in a manner which was contrary to the council's duty to promote and maintain high standards of conduct. LRJ's failure to make it clear to ORA that the invoice was fraudulent; her failure to make it clear that her view was that it was done to discredit her and not ORA; and her failure to say anything to ORA (who felt that their organisation was at risk and their reputation damaged) did not treat the organisation or complainant 3 with respect
- 9.17 The issue then is whether she did this in her capacity as a councillor. AS this report has already said, LRJ is very active on social media but does not always distinguish between her role as a councillor and as a private person. In addition, there are some texts between LRJ and Complainant 1 which were exchanged at the time IA were trying to obtain information from WFF which raise concerns about how she saw her councillor role<sup>22</sup>. In those texts, complainant 1 is, according to her interview, referring to the IA investigation and her concern that she wants to be able to answer any questions. This is also clear from the text itself. LRJ responds to this by saying 'she doesn't scare me and a little councillor thrown in there might just shut her up'. LRJ said in interview that this was not about the IA investigation but a reference to complainant 2. There is a subsequent text which states '*they don't seem to realise as a councillor im at the top of the pecking order*'. From the context, this does seem to be directed in part at complainant 2. The first one however, is not obviously about complainant 2 and in the context is directed at the IA investigator. These texts are attached as Appendix 12.
- 9.18 Whoever they were about, the texts demonstrate a willingness by LRJ to use her councillor status as a threat and as a means of influencing the way people respond. ORA's view is:
- 'The ORA feel very strongly that someone in a position of trust should not be allowed to do what she had done. The ORA is a strong organisation but this really put them under threat. They could have been evicted. Once the story about the invoice was known, the assumption by everyone was that they were taking rent. People believed LRJ because she was a councillor. They do believe that she used her role as a councillor to create the impression the ORA were taking rent. They believe that she knew when she signed the invoice as paid that she would not be questioned precisely because she was a councillor.'*
- 9.19 The Council's Code says:
- 'You are a representative of this Council and the public will view you as such therefore your actions impact on how the Council as a whole is viewed and your actions can have both positive and negative impacts on the Council.'*

<sup>22</sup> These texts were submitted by complainant 1 as part of her complaint but are relevant to complainant 3's complaint.

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9.20 LRJ in interview said that she understood that *'it was sometimes hard not to be a councillor as people see that you have that position and automatically see you as always acting in that position. This made things very hard.'* That is true. It is however not at all clear that LRJ took much care herself to help people make that distinction and seems quite willing to use her position as councillor to her own benefit when it suits her. As a public figure, she has an obligation to ensure that there is clear blue water between her personal capacity and her role as a councillor. Because of her failure to do this, there is a serious risk that her actions could have a negative impact on the council and indeed on others.

9.21 I am concerned that the texts indicate a preparedness by LRJ to use her councillor status to achieve her own personal ends. The texts quoted, suggest that LRJ may not always act solely in terms of the public interest and may be prepared to act *'in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests'*.

9.22 LRJ's lack of care about how she was perceived and her own muddying of the clear blue water means that people might easily have thought that her relationship with ORA and the submission of the rent invoice were done in her capacity as a councillor. Similarly, her failure to make it clear to ORA that the invoice was fraudulent; her failure to make it clear that her view was that it was done to discredit her and not ORA; and her failure to say anything to ORA (who felt that their organisation was at risk and their reputation damaged) was perceived by ORA and could have been perceived by others to have been done in her capacity as a councillor and in my view therefore, LRJ was in breach of the code in respect of the second limb of complainant 3's complaint.

9.23 It is not clear why the fraudulent rent invoice was created. Nor is it clear what happened to the £3000 which, according to the invoice, should have been paid to ORA. I cannot therefore conclude that LRJ or any organisations she was involved in benefitted from this fraud and I therefore cannot uphold the third limb of Complainant 3's complaint.

## 10 Conclusions

10.1 I have found LRJ to be in breach of the Council's Code of Conduct as follows:

- a. In respect of complainant 1 I have found LRJ to be in breach of the Code of Conduct in relation to the complaint to complainant 1's employer. This failed to treat complainant 1 with respect and was also conduct which was contrary to the council's duty to promote and maintain high standards of conduct. In addition, LRJ appears to have been pursuing her own personal agenda in her capacity as a councillor
- b. In respect of complainant 2 I have found LRJ to be in breach of the Code of Conduct in relation to LRJ's complaint to the organisation for which complainant 2 volunteers and in relation to her tweets which alleged that complainant 2 was harassing her. This failed to treat complainant 2 with respect and was also conduct which was contrary to the council's duty to promote and maintain high standards of conduct.
- c. In respect of complainant 3 I have found LRJ to be in breach of the Code of Conduct through her failure to tell anyone that in her view the invoice was fraudulent and was an attempt to undermine her. This failed to treat

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complainant 3 with respect and was also conduct which was contrary to the council's duty to promote and maintain high standards of conduct.

- d. In respect of complaint 4 I have found LRJ to be in breach of the Code of Conduct because she referred to this investigation in a letter to Wirral leaks which was subsequently repeated in Private Eye. This was a breach of the duty of confidentiality.

10.2 I am concerned about LRJ's ability to maintain a consistent account of her behaviour. In interview, she did not say that she had never been seen by IA. In her response to the draft report she said IA had never seen her. She asserted during the interview with me that she would send me screenshots to support her various comments that complainants 1 and 2 had not provided me with the screenshots she had concerns about. Although LRJ sent me many screenshots, a lot were duplicates and only one supported her claim. There is now considerable doubt (even by LRJ) that this screenshot is anything more than a fabrication. LRJ alleged that she was being stalked and harassed by complainants 1 and 2 without providing me with any evidence that this was the case (thus repeating the conduct complained about by complainant 2). LRJ initially told me that the tweets about stalking were about someone else. This was plainly not the case. She also told me that the reference to an investigation in the Private Eye column was a reference to the Charity Commission investigation. Checking the original letter to Wirral Leaks (which is posted on their blog) reveals that this was not the case. She told me that she had submitted the letter to Wirral Leaks a long time before it was put up by them. The article it appears to be responding to appeared three days before her letter was published.

10.3 I am forced to conclude that in her conduct in relation to this investigation she has failed to show respect to the process and therefore to the need to maintain high standards of conduct as a councillor.

Alison Lowton  
26<sup>th</sup> March 2017