

CONFIDENTIAL TO THE BOARD OF TABLE TENNIS ENGLAND

**IN THE MATTER OF TABLE TENNIS ENGLAND**

**AND IN THE MATTER OF A DISCIPLINARY INVESTIGATION**

**APPOINTED INVESTIGATOR: Peter Stockwell.**

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# REPORT

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## 1. INTRODUCTION

- 1.1. Table Tennis England (TTE) is the trading name of English Table Tennis Association Limited (The Company) which is a company limited by guarantee. For the purposes of this report, TTE is synonymous with the Company and I shall refer throughout to TTE as if it were the Company.
- 1.2. Like many Sports Governing Bodies, TTE has undergone significant changes in governance in recent years in order to comply with the Code for Sports Governance. This was published by Sport England and UK Sport in 2017 setting out levels of transparency, accountability and financial integrity required from organisations seeking public funding. The current structure of TTE comprises 12 members of the Board, the maximum permitted. The Chief Executive Officer (CEO) is automatically appointed to the Board. There are eight appointed board members, and The Company members elect three directors who are titled Elected Deputy Chairmen (EDC). The Chair is appointed by the Board. The individuals currently on the Board are listed below and where referred to in this Report, I shall use their initials:

**THE INDEPENDENT EXPERTS**

Sandra Deaton (SD)	Chairman of the Board
Simon Griew (SG)	Appointed Board Director
Doug Livingstone (DL)	Appointed Board Director
Tony Catt (TC)	Elected Deputy Chairman
Mark Quartermaine (MQ)	Appointed Senior Independent Director
Sara Sutcliffe (SS)	CEO. Board Director
Don Parker (DP) *	Elected Deputy Chairman
Susie Venner (SV)	Elected Deputy Chairman
Steve Kemish (SK)	Appointed Independent Board Director
Dee Paterson (DP)	Appointed Independent Board Director
Tom Purcell (TP)	Appointed Board Director
Priya Samuel (PS)	Appointed Independent Board Director

\*DP was elected in June 2020 to replace Charlie Childs who died 27<sup>th</sup> March 2020.

- 1.3. Simon Mills is the Director of Sport (not a board member) who features in the complaint and in this Report and I shall refer to him as SM.
- 1.4. The Board meets usually every three months but at other times if required.

## 2. BACKGROUND

- 2.1. The Investigation arises out of, and is based upon, a formal complaint by SS in her capacity as CEO/Director and relates exclusively to the behaviour of TC. The written complaint is dated 6<sup>th</sup> October 2020 and includes allegations of bullying and intimidation. Unlike the position of employees where such an allegation is addressed in the staff handbook, there is no code of conduct or procedure in place that provides

for the investigation of grievances or the disciplining of directors. In the event, an Extraordinary Board meeting was convened and took place (via Zoom) on 12<sup>th</sup> October 2020. The meeting was attended by all members of the Board and it is addressed briefly later in this Report at paragraph (See Section 12). By the time this meeting took place DL, another director, had made a formal complaint against TC. Suffice it to say for introductory purposes the approved Minutes of that meeting record the following actions:

1. Tony Catt will receive a formal warning as of today, for his behaviour to date
  2. Code of Conduct to be created ASAP for all Board Members to sign and adhere to. Everyone agreed to use the staff handbook Disciplinary Procedure as a framework as the bones for this to be created.
  3. An investigation into formal complaints that have been raised against TC
- 2.2. Extensive exchanges took place between various members of the Board immediately following this meeting. TC then made a formal complaint against SS, SD and SM.
- 2.3. A further extraordinary meeting of the Board, again with a full attendance of Directors, took place on 16<sup>th</sup> November. At this meeting, the formal complaints made by DL and TC were withdrawn. In relation to the complaint by SS it was agreed that the Board would commission an investigation by an independent person. A sub-group comprising SG, SV and SK had been appointed to formulate the Terms of Reference (ToR) and to manage the investigative process.

### 3. TERMS OF REFERENCE (ToR) AND APPOINTMENT

- 3.1. The ToR sets out the scope of the investigation in the following terms:

#### **Scope**

This investigation must cover:

- The formal complaint made concerning the behaviour of Tony Catt by Sara Sutcliffe. This complaint is outlined within a letter from CEO Sara Sutcliffe to Chairman Sandra Deaton dated 6 October 2020
- The investigation should also include consideration of events following the Board meeting on 12 October 2020, including Tony Catt's associated social media post and the associated TTE response

This investigation will not cover:

- Complaints made by Tony Catt into decision-making processes within Table Tennis England. The presence of these complaints provides context for the investigation but we are not seeking an opinion on them specifically.

The investigator will establish the facts relevant to this case and provide opinions in relation to the following on the balance of probabilities.

- Whether there are grounds for further action regarding the behaviour of Tony Catt.

In particular:

- Whether this behaviour has constituted 'rudeness towards clients, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language' as set out in the para 6.3 of the staff process
- Whether this behaviour has breached any other standard expected by the staff process or that could otherwise reasonably be expected of a Board director
- The significance of any breach found
- Recommended next steps

Given the involvement of the Board in this case to date, it is looking for firm, independent recommendations for how it should proceed.

3.2. Having been nominated by Sport Resolutions and completed a declaration of independence, I was appointed to conduct the investigation on 4<sup>th</sup> December 2020.

3.3. In relation to my independence I should record that TC pointed out that SS was a director of Sport Resolutions between 2001 and 2013 and suggested that this gives rise to the possibility of conflict of interest and undue influence. I considered the possible implications of this but concluded that my independence was not compromised in any way. During the course of an interview with TC he told me that he no longer considered that there was any risk of undue influence and was satisfied as to my independence.

#### 4. THE INVESTIGATIVE PROCEDURE

- 4.1. On 4<sup>th</sup> December 2020 I issued a procedural memorandum in which I set out my intention to conduct the investigation in 4 stages. Stage 1 related to the provision of documentation by TTE, SS and TC. Stage 2 was to meet with SS and any other directors or staff who could provide relevant information, stage 3 to meet with TC and any others who could provide relevant information and stage 4, the preparation of this Report. I proposed a timetable for each stage which was substantially met. Unfortunately, through no fault by anyone, the stage 3 interviews took longer than expected with the result that the Christmas and New Year holiday period intervened which delayed the completion of this Report.
- 4.2. In the course of the investigation, I received documentation from TTE, SS, TC and SV including a written submission commenting on the complaints from TC. I carried out interviews, via Zoom, with SS, SM, SD, MQ, Alan Cooke, Neil Rogers and SV. I would like to express my gratitude to each of them for assisting the investigation and for meeting the challenging timetable I had proposed. I have listened to a recording of the board meeting held on 12<sup>th</sup> October and I received links to the various broadcasts via YouTube, which I have watched and upon which I comment later in this Report.
- 4.3. One document I received has not been read. I understand that SD invited the Sport and Recreation Alliance to facilitate a board effectiveness review towards the end of 2020. The result of that review is now available and SS provided me with a copy. She informed me that it had not been presented to the Board and as I doubted that it would assist my investigation anyway, I declined to read it.

4.4. I have been assisted throughout by Matt Berry a senior case manager with Sport Resolutions. He has undertaken the liaison with the sub-group and case administration in a thorough and professional manner. This Report, however, is exclusively mine and Sport Resolutions has had no input other than in relation to the case administration.

## 5. THE ISSUES

- 5.1. The complaint by SS is set out in a letter to SD as Chair of the Board. It begins with an expression of “extreme concern about the detrimental effect Tony Catt’s behaviour is having on our staff”. She speaks of the Senior Leadership Team (SLT) and the divide between them and the Board as “creating a toxic environment” and says this; “We need to be focussing all our energies on keeping the sport and the Governing Body viable and supporting our membership to come through this (Covid) crisis, yet we are constantly distracted by internal aggressions.”
- 5.2. Her letter continues “What started out a year ago as erratic occasional comments, usually on email, has become a concerted campaign of intimidation and bullying.” She asserts that the Board should not tolerate behaviour that is “inappropriate, disrespectful, abusive, intimidating or bullying.”
- 5.3. There is a specific complaint about contact by TC with Sport England which SS describes as showing a “lack of understanding in Board behaviours” and “is disrespectful of the other directors as it calls into question their decision making and also the importance of our relationship with Sport England.”
- 5.4. There are a series of complaints in the following paragraph “In the last 4 or 5 months Tony’s constant attacks have continued and increased. Various comments on social media that undermine the staff, his over reliance on social media as the barometer of what the membership’s views are disrespects the work we do to gather insight directly from clubs and the wider membership. He is also quick to make remarks about members of staff ‘not being from table tennis’ which undermines their professionalism and love of their jobs to have a positive impact. His body language towards the

performance staff at the recent Zoom Board meeting was so disrespectful that it left that team incredibly angry and let down. Any director can of course ask whatever questions they like but should do so with respect, professionalism, trust and objectivity. The trust has gone as he has shown he will take matters into his own hands, using information he has obtained through being a director.”

- 5.5. SS refers to the “constant attacks” on SM and the psychological effect they had on him and says she had never seen him in in such a “bad way” The letter goes on to report that “several colleagues have contacted me to express their dismay at recent events and concern for SM wellbeing. Simon has also taken several hours to speak 1-2-1 with Tony recently and yet the needling, undermining and bullying continues.”
- 5.6. The letter records that TC’s conduct was having an adverse effect on her and her ability to lead the SLT and staff.
- 5.7. At the start of the investigation, TC very helpfully provided a written commentary on a number of the documents that feature and upon each of the elements of the letter of complaint. In addition, he participated in the interview process and took the opportunity of commenting and expanding upon his observations in the course of his interviews with me.
- 5.8. There are relatively few specific events said to support the complaint but rather a course of conduct over a prolonged period of time. In addition to the eight interviews, I have carefully considered all of the written material that has been presented to me but before identifying areas to be considered, I must make it clear that I am not required to express an opinion on the validity or otherwise of the very many complaints TC has advanced about the decision making process within TTE. They do, however, provide essential context against which I consider individual and specific comments that have been made.
- 5.9. I propose to address as individual issues the following:
  - 5.9.1. The Board meeting held on 26<sup>th</sup> September 2019
  - 5.9.2. TC dealings with Sport England

5.9.3. The material provided to the Board for the 12<sup>th</sup> October meeting (“the Board pack”)

5.9.4. SM

5.9.5. The use of Social Media

5.9.6. Confidentiality

5.10. Although plainly not included in the letter of complaint, I have also been asked to consider the events following the Board meeting on the 12<sup>th</sup> October.

## 6. THE BOARD MEETING IN SEPTEMBER 2019

6.1. The formal complaint by SS has its origins at a routine meeting of the board on 26<sup>th</sup> September 2019. In view of its importance to the events I am investigating I shall deal with this in some detail.

6.2. This was the first board meeting TC had attended following his election and appointment to the Board in July 2019. On the agenda for this meeting was a “strategic review and 18 month priorities” to be presented by SS and SM. The Agenda records that the review was “for discussion”.

6.3. A document titled “Strategy Update” summarising progress was circulated to the Board prior to the meeting. This document concludes with a paragraph under the heading of “Proposed next steps” which reads:

The revised strategy will be presented by Simon and Sara to the September 2019 Board meeting. There will then be a period for feedback following this. The subgroup will then meet in mid-autumn to review feedback with a view to bringing it back for sign off in December 2019 Board. Also, at that meeting the strategy will include what Table Tennis England is not going to prioritize and what it is explicitly doing and what it is not doing.

6.4. The review itself (Mission 2025 update) had been prepared by SS, SD, SM and MQ and was presented to the meeting. I think it is fair to observe that it was not particularly



well received. It was distributed by SM on 27<sup>th</sup> September with an email noting that “it was still a draft”.

- 6.5. The Minutes of the meeting record that the sub-group, supplemented by an additional director would reconvene and the action column records “return to board”.
- 6.6. On 23<sup>rd</sup> September an elected director Charlie Childs had emailed TC with questions about the review which implies criticism of the approach and the day after the meeting Simon Griew sent an email setting out some feedback and suggestions as to how to take the review forward.
- 6.7. On 30<sup>th</sup> September, TC sent an email which I set out in full:

Dear all

I agree with the comments that Simon Griew has made.

I was very disappointed at how vague this document is and the phrasing is like something out of a game of management bullshit bingo. Plenty of aimless platitudes without any real substance. North Star – are you serious? This is not even an original idea and represents a pie in the sky though process. I hope that not too much time has been spent to get the document to this point. We spent far too long discussing the basics of a strategic plan. A training session that should have been undertaken before embarking on this project.

It needs to tie in much more with what the membership would like TTE to be providing. It should tie in with the original Mission 2025 – be a summary of where we are now – what has and has not been achieved since the original document – then a clear view of what we think good will look like in 2025. Then it should go on to discuss what we are going to do to make things work towards what good will look like.

Have the results of the Big Conversation been discussed by the Board? Perhaps they were on a Board meeting before I joined. Otherwise, the Big Conversation becomes the Big Lost Opportunity. This document should certainly address more of the points raised in that survey.

I am a volunteer that put myself forward to join the Board with a view to improving the management of Table Tennis in England on behalf of the membership.

I would be embarrassed to be associated with this document. It raises alarm bells about the competency of the people that have got the document to this point. I would hate it to be published and to be associated with it as a member of the Board.

This document needs an awful lot of work to be worth spending any further Board time on it. I am surprised that anybody could have thought that this was anything more than a brain dump to start a project to produce a document that would be a clear view of the Board's action plans to improve the experience of our membership in the future.

Sorry that this message is rather negative. But I am quite angry that we spent so much of our Board meeting time on such a poorly prepared document.

Best wishes

TC

6.8. SD reacted and sent an email the same day to TC in the following terms:

Tony

I think you need to consider how you conduct yourself by e mail when dealing with fellow Board members and staff Your e mail is not not [sic] only negative but very personally rude. This approach is not acceptable

There was plenty of opportunity for you to input in the meeting which you did not do.

You start by saying you agree with Simon and I wonder if you have carefully read his e mail because he make [sic] constructive comments and observations without the need to be rude and unkind to those involved.

You are of. Course [sic] entitled to your opinion but it is very important for you to seriously consider your use of language when dealing with a collective group of Board members and SLT.

Please take this seriously Tony and refrain from this type of personal approach.

Sandra

- 6.9. The response, almost immediately, from TC says that “I did agree with what SG was saying. He was saying all the things I would have done at the meeting. My fear is that what he was saying was going to be considered and then disregarded.”
- 6.10. TC also emailed SD and SS headed “language” on 30<sup>th</sup> September at 23.46 in which he is critical of SD for having copied her earlier email to the recipients of his critical email. He apologises if his comments were unhelpful and hurtful but adds “I was very careful about my phraseology as I felt more negative than my message suggested”.
- 6.11. On 2<sup>nd</sup> October TC emailed SM and apologised for any offence “that has been caused by my blunt feedback” but added “now you may understand the anger and frustration felt by members of the MAG over your treatment of their submission on performance. It is not a good feeling to have a well-meaning document ripped to shreds”.
- 6.12. It appears that this meeting, and the document presented had a significant and long lasting effect on TCs relationship with SM and the board. He wrote 8 months later in an email headed “An Olive Branch” to which I shall refer later “I have had a good relationship with you all up to the point of my first meeting last September”. At an Extraordinary Board meeting held on 12<sup>th</sup> October 2020, over a year later TC said “The 2025 mission statement Simon Mills brought to the board meeting, took up 3 hours of board time, and was nowhere near ready to come to the Board.” TC advised this was the start of him thinking this was not right – and that there were a lot of ways that this Board need to change.
- 6.13. In his written submissions to me and in interview TC has asserted that the strategy document was put before the Board on 26<sup>th</sup> September as a *fait accompli* and to be signed off. He says “Simon Mills’ statement in his message that the document was a “work in progress” is inaccurate as the document was brought to the board for approval. He expected it to be simply signed off and had to assign SG to help him bring it up to standard”.
- 6.14. It is no part of my function to comment on the quality of the Review and it may well be the case that if TC believed the document was before the board to be signed off that his views about the document were coloured. But he was factually wrong about the

basis upon which it came to be considered at the Board meeting. SD, SS and SM all told me that it was for discussion as the Agenda, Minutes and the update itself make plain. It seems to me that TC was too enthusiastic to support his critical approach and he failed to read or appreciate or perhaps chose to ignore the surrounding documentation. He was apparently not aware that SD and MQ had been involved in the development of the strategy as well as SM and SS. Even at his interview with me after I drew attention to the surrounding documents TC insisted, nevertheless, that the Mission 2025 document had been presented for approval.

- 6.15. As to the email dated 30<sup>th</sup> September, I have no hesitation in concluding that it can be characterised as rude, objectionable and insulting behaviour. In view of the fact that TC says he was careful about the phraseology, I can only assume that he intended this outcome. I also bear in mind that he clearly thought that the polite constructive approach of SG was going to be disregarded. His reference to what had happened with a MAG (Members Advisory Group) document suggests there could also have been an element of revenge for what he perceived to have been unfair treatment of MAG.

## 7. REPORT TO SPORT ENGLAND

- 7.1. On 10<sup>th</sup> June 2020, SS received a telephone call from Sport England followed by a letter with a note setting out a series of concerns about the governance of TTE which had been reported anonymously. The note listed 11 topics and contained a total of 25 separate issues. It was obvious to SS that the report had been made by TC. He acknowledges that it was indeed him and expressed his regret to me that he had accepted advice to raise the matters anonymously rather than openly in his own name. SS was requested to comment by 19<sup>th</sup> June 2020. TC had apparently contacted Sport England on 1<sup>st</sup> June although I have seen no documentation surrounding this.
- 7.2. Despite the short period of time and the extensive detail needed, SS responded on 19<sup>th</sup> June 2020 with a comprehensive reply to each of the concerns expressed. Sport England wrote on 2<sup>nd</sup> July to SS advising her that the information provided had been

reviewed and Sport England were assured that the board was operating appropriately, that there was no evidence of governance malpractice and they regarded the matter as closed.

- 7.3. Sport England wrote to TC on 7<sup>th</sup> August 2020 and informed him that “We have extensively reviewed all the information and emails you sent to us outlining your concerns. As a result of our investigation we are confident that there has been no governance malpractice, no breach of the Sports Governance Code and that the decision-making processes used by Table Tennis England are both legitimate and appropriate.”
- 7.4. In her formal complaint, SS says that the fact that a director decided that it was an appropriate course of action to contact Sport England without discussing it with his fellow board members shows a lack of understanding in Board behaviours, is disrespectful of the other directors as it calls into question their decision making and also the relationship with Sport England.
- 7.5. I asked in interview whether TC had considered the possibility that his interaction with Sport England might have a detrimental effect on TTE funding. He told me he was aware of that risk and had been assured by Sport England that funding was not at risk. He was clear that he was 100% not suggesting there had been any abuse of the funding. I asked why he had not presented his list of concerns to the Board with an indication that if he did not get answers he would ask Sport England to intervene. He could not offer any explanation for not taking that course and said he had not thought about doing so. He told me that he felt justified in reporting matters to Sport England. It was an act of desperation on his part.
- 7.6. The reporting of concerns to Sport England now forms the basis of an application by TC to the Employment Tribunal to which I shall refer later in this Report.
- 7.7. I find that this element of the complaint is upheld. Whilst it is clear that TC had frustrations with the Board over a whole variety of issues, the proper course was for him to specify the problems (as he must have done with Sport England) and ask the Board to address them before taking the matter to Sport England. TC has later

acknowledged that some of the issues he reported had never been put before the Board.

- 7.8. For the sake of completeness, I should record that it has been suggested to me that the contact by TC with Sport England involved a breach of confidence since many of the concerns raised related to matters dealt with by the Board. TC told me that he believed he was acting as a whistle blower. I do not consider he was, in fact, a whistle blower in the legal sense since the information he provided was not “protected” information and technically the disclosure on that basis cannot be justified. Nevertheless, I accept that TC believed he thought he was acting as a whistle blower and if that had been the case disclosure would have been justified.

## 8. THE BOARD PACK

- 8.1. In advance of the 12<sup>th</sup> October Extraordinary Board Meeting each member of the Board was provided with a note which set out a series of emails or extracts from emails that TC had written. As TC in his written submissions commented on each of them, I shall address them by the dates and headings used and provide my opinion in relation to them unless they are addressed separately in this Report.

### Unfinished league business

- 8.2. By the end of April, the Covid pandemic was affecting every aspect of life. As a result of regulations designed to stop the spread of the virus table tennis, like most other sport, was suspended. This gave rise to consideration of whether there should be a refund of fees in relation to unfinished leagues. This was the topic of an email from TC to the Board dated 8<sup>th</sup> May 2020 in which he critically addressed a wide-ranging number of issues and includes the following “The recent issues have been brought on by crass, mean spirited decisions, which reflect a total ignorance of the membership expectations.” I do not consider that this is an appropriate way to describe a decision made by the Board.

## May 2020

8.3. A Board meeting was scheduled for 15<sup>th</sup> May 2020. On 11<sup>th</sup> May, SS and SD received a long email from Alan Ransome, a former Chairman of TTE and well known to SD, SS and to TC. He raised a number of issues relating to the effects of Corona virus. The email was circulated to the Board shortly before the meeting and TC was critical of SD in the meeting for not circulating the email earlier, asserting that the author had asked for it to be sent to the Board. After the meeting, SD sought to clarify her position by pointing out that Mr Ransome had not, contrary to what TC claimed, asked for his email to be shared with the Board. This provoked a reaction within 2 hours from TC which can fairly be described as a personal attack on SD. He explains his point about delay in sharing the message with the Board in ten bullet points, the last four of which I set out below:

- The fact that you were unwilling to publish this at all simply confirms the many points I raised in this respect in my email of 8th May.
- It also raises doubts about what else you are keeping from the members of the board.
- More problematic than the point above is that you did not understand the issues involved or the points that I was raising. You could be withholding information about issues that you do not even understand.
- My concern is that the excellent board that has been assembled is being held in contempt by you and you are wasting the array of talents willing and able to actually help you.

8.4. MQ was made aware of the situation and spoke with TC. MQ expressed his view that the email I have referred to was “inappropriate and crossed a boundary”. I agree. The manner in which TC addressed SD was gratuitously rude and objectionable. I can see no requirement in the email for it to be passed to the Board and note in passing that this is an example of TC raising and vigorously pursuing an issue without a firm factual foundation.

## The Vulnerable Person

- 8.5. On 31<sup>st</sup> May 2020, SD sent an email to TC correcting an assertion he had made that a member of the SLT had shared documents with committee members contrary to an agreement that he would not do so.
- 8.6. Later the same day TC responded suggesting that he (the SLT member) had jumped the gun and his email continued that she (SD) would rather protect the SLT member and find fault with him. The last paragraph of the email reads: "You are too eager to try to scold me. Personally, the fact that your memory of events and understanding of content is often so poor, if I were dealing with you in my professional capacity, I would be offering the protection that should be provided to Vulnerable Clients".
- 8.7. Although there is no reference to it on the face of the email, it had an attachment, the vulnerable consumer policy issued by the Financial Conduct Authority. This explains the aims of the policy and after providing a very wide definition of vulnerable, it sets out a list of who might be considered as being in vulnerable circumstances and the first in the list are "clients with mental capacity deficiencies (including language or communication), including mental illness and dementia."
- 8.8. In my interview with her, SD described her feelings on receiving that email. She told me, and I accept, that she found it very upsetting, she was absolutely heartbroken and devastated at what she had read as an accusation that she had dementia or mental incapacity. What hurt her most, she said, was that it was so personal. She initially did not know what to do but decided to share it with SS and MQ, who is the Senior independent Director.
- 8.9. MQ confirmed to me that SD had telephoned him in tears after receiving the email. He felt the email was completely out of order and suggested he should ring TC, which he subsequently did. As a result of that conversation TC agreed to apologise to SD.
- 8.10. The following day, TC sent an email with the subject "Sorry" which read as follows:

"Further to my conversation with Mark, I am writing to apologise for my comment last night. As you know, I work in financial services and a vulnerable persons policy is for the protection of clients. It means that one must take extra care to be clear, to treat the person



with a greater level of care. To make sure the person understands the content and context of any conversation . To check understanding and ensure that the person is comfortable to proceed with any course of action. To pay special attention to any feedback received . It is a far greater level of respect and care than one would necessarily exercise under normal circumstances. So I am sorry that you felt that I was not living up to my signature. And indeed beliefs. I hope you will accept this explanation and apology.”

- 8.11. I mention that the reference TC makes to “not living up to my signature” is to a statement that appears below his name on emails TC sends which reads “be kind whenever possible. It is always possible!”.
- 8.12. It appeared to me that the explanation provided in the email was effectively a repetition of the original statement and made the impact and intent of the original message worse rather than better. TC told me that he felt horrible upon being told that he had upset SD with the message and that it was not his nature.
- 8.13. In his written submission to me, TC repeated and relied upon the explanation in the “sorry” email above but added that “There were several occasions that Sandra exhibited either a lack of understanding or poor memory of event or unwillingness to listen”. I invited him to explain what he had meant by elaborating on the position in the email “sorry” above. He repeated the position of the FCA in relation to vulnerable people. I interpreted what he told me to be an attempt at justifying what he had said rather than distancing himself from it. If he had not meant to suggest that SD was vulnerable in the way SD had read it, the situation could have been dealt with by TC simply withdrawing the suggestion. I am not convinced that even now TC recognises just how offensive his message was. Bearing in mind TC was reacting to being told that he was wrong to find fault with the SLT member I have no hesitation in characterising this behaviour as rude, objectionable and insulting.
- 8.14. At the Board meeting on 12<sup>th</sup> October when the issue was raised again he repeated his previous explanation and his attempted explanation leads me to conclude that TC does think that SD is vulnerable within the meaning of the FCA guidelines.

### Getting my retaliation in first

- 8.15. In advance of a Board meeting scheduled for 4<sup>th</sup> June, TC emailed the Board on 31<sup>st</sup> May 2020 with a long list of comments and questions based on the Board documents that had been circulated. The message is headed “getting my retaliation in first”. TC explained to me that this was a tongue in cheek reference to quoting footballer Graham Souness. He acknowledges that it was “perhaps a careless choice of title for anybody who would not understand the reference.” On the face of it there is nothing offensive about the statement itself, but I attach some importance to it as it is indicative of the approach and attitude TC was adopting at that stage. It was an offensive and provocative way of pursuing what may very well be entirely justified and appropriate questions. I observe in passing that this email was sent the day before TC reported matters to Sport England as described above in Section 7.

### The role of elected Board members

- 8.16. A meeting involving SD, MQ, SS, SV and TC took place on 25<sup>th</sup> June 2020. TC described the meeting to me as “a car crash”. TC emailed after the meeting at considerable length raising a significant number of issues and questions. I need not consider the substance of the email but I note it contains the following observation; “People should be asking for help as critical friends, rather than treating us with suspicion and protecting your own little ‘echo chamber’”. TC explained that the “Echo Chamber” reference relates to SS, SD and SM working to themselves, not listening to anybody else, mistrusting any outside input and making decisions that they just expect to pass off as Board decisions. The email concluded “You really do need to consider whether you are part of the problem, of the low reputation of TTE among the membership or whether you feel able to be part of the cure. On today’s evidence, I know what conclusion I have reached. I guess this message will be greeted with the usual wall of silence. I would recommend that you try to re-establish my trust in you.”
- 8.17. MQ responded to that email the following day in neutral terms. Just over an hour later, TC emailed MQ with a series of propositions and included the following “Table Tennis will not progress while the Board naval gaze for the remainder of the year. I

understand that you do not like the tone of my messages. I am being honest. I bow to your greater experience in board membership and acknowledge my own naivety. However, nothing will ever change if we all sit there congratulating ourselves for not arguing and playing nicely. Respect is a two-way street and I feel it is pretty short supply if I ever question what Sandra is wittering on about at any time. As I said, change is needed.”

- 8.18. The following day, MQ replied in a constructive and restrained manner. The first paragraph reads “A number of points you make are simply not true” and explains what they are and continues “I am not saying you don’t have some valid points to make but pick your battles, otherwise the worthwhile points get lost in the noise.”
- 8.19. This is another situation where I find that criticism from TC is based, at least in part, upon incorrect facts. Some of the phraseology used in these emails is, to put it at its lowest, rude. TC told me in interview that he didn’t regret a single word in his email, although he did accept that “wittering on” was not a good expression.

#### An Olive Branch

- 8.20. On 29<sup>th</sup> June 2020, TC sent an email to SS SD MQ and SV on the subject of “An Olive Branch”. There is nothing objectionable about this, quite the reverse. It contains an apology and identifies the Board meeting on 26 September 2019 (as referenced at Section 6 above) as the point at which his good relationship with the Board ended so far as he was concerned. He speaks of needing to put right what he saw as bad communications but acknowledges that he “went about doing it the wrong way and have continued in my aggressive way all year”. He goes on to make a series of suggestions as to the way forward.
- 8.21. This conciliatory email came about as a result of SD contacting SV and telling her about the problems she was having with TC. SD had been very upset and SV agreed to speak with TC which she did. SV told me that when she spoke to TC he was genuinely taken aback and said he was horrified if he was responsible for upsetting SD. He said that he was going to make it right and the “Olive Branch” email was the result.

8.22. I accept the evidence of SD, SV and TC in relation to this email. The reaction of TC to the call from SV is clearly indicative that TC does not appreciate the effect his tone and language can have upon others.

August 2020 (The Nationals)

8.23. On 6<sup>th</sup> August, SV sent an email to SD and others about the procedure for changes to the Junior Nationals to which SS replied the same day. TC reacted and, on 7<sup>th</sup> August, sent a long email, citing ITTF regulations and A Code for Sports Governance. He suggested that SS was acting with complete contempt for the Board and indicated that he was taking advice on the process of a vote of no confidence in SS, SD and SM, which he later referred to as his “scorched earth” approach. The email was copied to Sport England and the next day, shared with all Board members. On 9<sup>th</sup> August, MQ reacted shortly, saying he did not see the problem in the same way as TC and expressed himself to be comfortable that SS and the SLT follow the Board directions. There was then an exchange about the Code for Sports Governance which led to what I can fairly describe as a tirade from TC in an email dated 9<sup>th</sup> August. Once again, I do not have to concern myself with the substance of the emails but the tone and language.

8.24. The email to MQ opens with what I regard as an insulting piece of sarcasm: “I am puzzled that you are finding this concept so difficult”, followed by extensive quotation from the Code of Governance. TC then indicates that he has advice as to the first step in the process necessary to pursue a vote of no confidence. The message continues:

I feel the main problem is actually Simon and he exerts too much influence on Sarah and Sandra. [REDACTED]

[REDACTED]

[REDACTED] None of our juniors are competitive on the world stage in the top echelons. What is his KPIs? What is the strategy? [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED] I think that Table Tennis England would move in a more effective direction if he were not running it. [REDACTED]  
[REDACTED]

If Simon goes, then Sarah and Sandra may be saveable

8.25. I note in passing that the date of this email is one day after TC had been advised by Sport England that his concerns were not to be investigated further giving rise to the possibility that the tone of his email was driven by pique.

8.26. Several directors reacted with calls for time to consider and on 11<sup>th</sup> August TC emailed the Board and included the following statements:

“My understanding is that whilst you may agree with some of the points I am raising, I am going about things in the wrong way. I need to be more collaborative and less destructive.”

And further on:

I apologise for my methods. I have got used to fighting all my own battles in my working life. I am sure I will be more effective with a little help from my friends.”

8.27. I have quoted only a tiny fraction of the contents of TC’s emails, but I have read them all in detail and I fully appreciate the context. Of those remarks I have quoted, I conclude that the tenor of these emails is hostile and aggressive and not, in my opinion, an appropriate way of addressing fellow board members. I also note the acknowledgment that TC’s way of dealing with things had been destructive.

## 9. A DUTY OF CONFIDENTIALITY

9.1. The letter of complaint alleges that TC used information he had obtained as a Director. Additionally, SD alleged that TC had breached his duty of confidentiality by disclosing matters that had been discussed by the board.

- 9.2. Although there is no Code of Conduct in place for Directors, TTE produced a document entitled “Board Guidance”. Section 6 is headed “The Responsibilities of Board Membership” and paragraph 6.3 deals with the duty of confidentiality which is explained as a duty not to speak about board matters to non-board members or share board materials unless authorised to do so. I asked TC in interview if he had received this guidance but he could not (nor could SV) remember being given a copy. Nevertheless, he accepted that a duty of confidentiality existed. He suggested that there may be two exceptions to this duty, however, when the material is personal or in the public interest.
- 9.3. In his written submissions to me, TC said that he was unaware of any unauthorised disclosure and asked for details. Three instances were specified:
- Joola Plymouth
  - YouTube references to finances and how they are allocated
  - A recording of the Board meeting held on 12<sup>th</sup> October 2020
- 9.4. I shall deal with each of these in turn. Joola Plymouth (“the club”) is a club which operated for a period as a Talent Development Centre (later known as Centre for Excellence) with TTE providing a coach. The club were obliged to pay 30% of the salary of the coach. There is a long and quite complicated history to the dealings between TTE and the Club but, in summary, after the closure of the Centre for Excellence and the redundancy of the coach, TTC invoiced the club for a final payment of £9961.38. TC became a member of the Finance and Audit Committee and the debt due from the club came up as an aged debtor. TC tells me he raised the matter at three separate meetings and was told that SM and Matt Stanforth were dealing with it. Not satisfied with the explanations he was being given, TC spoke to a friend in MAG, Kevin Buddell, and asked what he knew about the matter. As a result of what he was told, TC embarked upon what I would describe as an investigation without the knowledge of the Board or Committee members. TC reported his concerns about the way the matter had been handled to Sport England. The matter came before the Finance and Audit Committee on 18<sup>th</sup> November 2020 and the draft minutes record a lengthy discussion.

- 9.5. I am looking at this matter solely to consider whether TC's involvement in this matter resulted in him breaching his duty to keep board discussions confidential. TC told me that his contact with Joola was through Kevin Buddell who was the Chairman of the Club. I note that the final settlement agreement I have seen was signed by Kevin Buddell on behalf of the Club and I assume that he had been involved in the negotiations leading to the settlement. I have seen no evidence that any information was relayed by TC to the Club of which the Club would otherwise not have been aware. Accordingly, I am not satisfied that in relation to the club there was a breach of confidence.
- 9.6. As to alleged breaches of confidence in YouTube broadcasts relating to finances and how they are allocated, I deal with the broadcasts I have seen later in relation to Social Media (See Section 14).
- 9.7. I have viewed each of these broadcasts and there are a number of references by TC that relate to finance and the allocation of funds. It does not appear to me, however, that the comments made by TC disclose any information or detail of Board discussions that would be regarded as confidential. In fact, on an issue that is almost certainly in the public domain, TC appeared not to know if Sport England funds were earmarked for elite players or whether the Board had a discretion to allocate funds as they saw fit. Accordingly, I do not consider that this element of the complaint is made out.
- 9.8. The third allegation of a breach of confidentiality is said to arise out of an audio recording of the Extraordinary Board meeting held on 12<sup>th</sup> October 2020. TC admits that he recorded the Zoom meeting without informing the Board or obtaining consent. TC has volunteered the fact that he has invited others to listen to the recording and in interview he told me that he has a group of friends numbering about 15 with whom he shared the recording. TC denies that this amounted to a breach of confidence
- 9.9. On the face of it, it is difficult to imagine a more flagrant breach of confidentiality than this. I have considered whether the fact that the whole of the meeting was concerned with discussions about TC's behaviour in some way acted as a release for TC of his confidentiality obligations. I have, however, concluded that even though TC was the



sole topic of the meeting, revealing every word that was said amounts to a breach of his obligation to treat board discussions as confidential. He was free to relate and discuss the actions adopted by the Board, but I do not accept that allowing others who were not present to listen to a recording of the entire meeting was justified. I also note that in the course of the meeting, TC raised a health issue said to affect a member of the Board. In my view he had no right at all to publish it outside the Boardroom.

9.10. I deal later in this Report with events subsequent to 12<sup>th</sup> October where other issues of confidentiality arise (See Section 15).

## 10. SIMON MILLS

- 10.1. Simon Mills joined TTE in 2014 as Head of Coaching and Performance and was later promoted to his present position of Director of Sport. He told me that the 2025 Review put before the Board on 26<sup>th</sup> September 2019 was for discussion purposes, sharing with the Board where they had got to, and not to be signed off by the Board. When he received TC's email dated 30<sup>th</sup> September (at paragraph 6.7) he was flabbergasted. In all of his years in Sport Governance he had never seen an email in such terms. He was stunned and saddened by the rudeness. He had no inkling from the meeting itself that TC held the views he expressed in that email.
- 10.2. SM told me that he never thought that TC liked or trusted him or respected the work of the performance team. He was conscious that TC was continually picking on issues where answers to his questions did not match his views. If he has a view about something he kept going and going.
- 10.3. He was aware that SS had been contacted by Sport England about a number of issues TC had reported to them in June. TC had become increasingly unhappy with the Board and the staff about the way things were working though Covid. Several of his concerns reported to Sport England related to SM, the level of staff turnover, TC's view that SM had undue influence and he even raised the 2025 Review relating back to the Board meeting last September saying that SM had not delivered good quality



papers to the Board. Although he did not see the full list of concerns, he assisted SS with the response. He did not think these criticisms were justified.

- 10.4. SM thought that the investigation undertaken by TC into the debt incurred by Joola Plymouth was instigated in order to show him in a bad light. He was shocked that TC had embarked on this exercise without any reference to him at all or the Finance and Audit Committee.
- 10.5. SM told me that in August 2020 changes to the under 12 rules regarding coaches caused uproar and resulted in TC emailing extensively. SM was shown an email dated 10<sup>th</sup> August in which TC said he was taking advice as to the process for bringing a vote of no confidence against SD, SS and him, confirming his view that TC had an agenda to get him out. SM was wholly unaware of an email a few days later in which TC had described him in very unflattering terms until I showed him during an interview. He told me that he was “gutted” that TC would think of him in those terms.
- 10.6. Even though SM was aware that TC considered taking steps to get him out, and thought that TC was being difficult, he and his team continued to deal with many questions arising from the Annual review and the AGM including a 3 hour meeting with Peter Charters who had raised many of them.
- 10.7. The performance team were preparing for a presentation to the Board in September and in the lead up to this SM had many conversations with TC answering questions raised by him about the presentation and other matters. He exchanged calls and emails on 11<sup>th</sup> September and the presentation was made to MAG on Saturday 12<sup>th</sup> September which was very well received. TC did not attend that presentation but what was substantially the same presentation had been made to the Board on 10<sup>th</sup> September. A number of people have described critically TC’s body language at that meeting which forms a specific element of the complaint and is dealt with later in this Report (see Paragraph 13.2.).
- 10.8. SM told me that on Friday 18<sup>th</sup> September, TC sent an email setting out a large number of questions many of which he felt had already been dealt with. SS said she would deal with it and emailed TC on 22<sup>nd</sup> September and suggested a meeting later that week. TC reacted and set out a series of what SM regarded as unjust criticisms

and he felt TC was being deliberately provocative with a view to getting him out. He was at his wits end and went home. He contacted and spoke informally to an employment lawyer with a view to getting advice about bringing a grievance. He was really struggling. He says that he phoned SS and she suggested that he take some time off. He had a major project with the UK Sport funding submission. He could not pass that on and agreed with SS that he would continue to work on that but would not do any other work or attend team meetings. He took the rest of that week off and the following week. [REDACTED]

[REDACTED] He decided not to do that as he had work to do on the UK Sport project [REDACTED]. He continued to seek support from family, friends and trusted colleagues. He was not sleeping well and his wife had commented on his [REDACTED] state [REDACTED].

- 10.9. The legal advice he sought was in relation to a grievance, not resignation. He spoke with Jo Head of Operations on 23<sup>rd</sup> September and asked about the procedure to launch a grievance and she pointed him to the staff handbook.
- 10.10. SM told SS that he was thinking about starting a grievance procedure but she told him that she had been contacted by other members of staff about TC's behaviour and that she would be making a formal complaint herself and SM could leave it to her.
- 10.11. SM returned to work at the beginning of October after a period of about 10 days absence.
- 10.12. TC does not accept that SM was off work. He explained that he spoke to the Head of Operations after hearing that SM was off work and he claimed that she did not know he was absent as he was working from home. Additionally, TC asserts that SM had appointed himself to take on additional responsibilities as Team Leader for the Commonwealth Games in Birmingham which was announced on the TTE website on 8<sup>th</sup> October, hardly a sign of stress. In response, SS tells me that the Head of Operations was observing the confidentiality of a health issue of a member of staff when she spoke with TC. As to the appointment, SS says that she made the decision to appoint SM and that the Games are not taking place until 2022.

- 10.13. In all material respects, the evidence to me from SS corroborates what SM has said and is further corroborated to a more limited extent by Alan Cooke and Matthew Stanforth.
- 10.14. On this important issue, I accept the evidence of both SM and SS. Whilst I cannot rule out the possibility that there were other factors involved, I am satisfied that SM took time off primarily as a result stress resulting from the attitude and conduct of TC towards him.

## 11. CIRCUMSTANCES LEADING TO THE COMPLAINT AND THE EXTRAORDINARY BOARD MEETING HELD ON 12<sup>TH</sup> OCTOBER 2020

- 11.1. Although no issues relating to TC's behaviour have been drawn to my attention between the period 22<sup>nd</sup> September and 12<sup>th</sup> October, I should very briefly deal with the circumstances in which the complaint letter that forms the core of this investigation came about.
- 11.2. Matters appear to have reached a critical point in September 2020. I have set out the evidence of SM in some detail. SS has confirmed that his account accords with her recollection. She had agreed with SM on 22<sup>nd</sup> September that he should take some time off. In addition, she received an email from two members of the Performance Team, Matthew Stanforth and Alan Cooke on 23<sup>rd</sup> September. It reads:

"Alan Cooke and I wanted to have a chat with you at some point today if possible. Simon has contacted us both last night explain [sic] that he will be taking the rest of the week off gave us an overview of the reasons why, namely significant issues with Tony Catt who sits on the board.

Both Alan and I have strong views regarding Tony Catt's conduct both publicly and internally. Whilst we have shared these views with Simon, seeing the impact he is now having on Simon, Alan and I wanted to share our thoughts directly with you. We and the rest of the team are 100% behind Simon, but more than this, we have serious concerns about this board member who we feel is having severe impact on individuals and the association as a whole.

We are sure you can understand our concerns and hope that we can chat things through with you shortly.”

- 11.3. I have set out the text of this email because TC was not aware of it until I showed him during the course of our interview. He seemed genuinely shocked and said he had no idea that he had upset either of these members of the performance team.
- 11.4. SS told me that by this time she felt she had reached breaking point herself. She was having sleepless nights and at times she would burst into tears and become emotional. She felt that she was letting her team down by allowing the situation to continue and that something had to be done. She discussed things with SD and decided to ask SM not to pursue a formal grievance on the basis that she, SS, would make a formal complaint.
- 11.5. SD when made aware of the situation with SM and SS and the concerns of other members of the SLT asked SS to hold off from sending a formal letter of complaint while she took advice from Sport England. SD told me that when SS spoke to her about this she was in a “very bad place”. The advice she received was to the effect that she should take soundings from the other directors to see if the views expressed by SS and the SLT were shared by the Board. SD spoke with each of the Directors between 3<sup>rd</sup>/5<sup>th</sup> October and scheduled a meeting for 12<sup>th</sup> October.

## 12. THE EXTRAORDINARY BOARD MEETING 12<sup>TH</sup> OCTOBER 2020.

- 12.1. The Extraordinary Board meeting was held on 12<sup>th</sup> October to discuss the “perspective on the approach and behaviour of Tony Catt”. As has been mentioned (See Section 9) TC made a recording of the meeting without the knowledge or consent of the Board. At his suggestion I have listened to that recording. I have also reviewed what is now an agreed minute of that meeting.
- 12.2. TC and SV have expressed real concern about the way in which the meeting was convened and conducted. I do not consider that an investigation into those issues is within my ToR. Furthermore, the principal complaints that I am investigating had crystallised by 12<sup>th</sup> October.

- 12.3. Whilst helpful in context, I do not place undue weight on the views expressed by the Directors at this meeting. The comments are not, of course, proof of the behaviour that I have to investigate although they are an indication of how TC's immediate colleagues viewed the way in which he conducted himself towards them and the SLT. I have formed my own view from the totality of what I have read, seen and heard during the course of the investigation.
- 12.4. As to the formal complaint made by DL, this was withdrawn in November and does not feature in this investigation.

### 13. ADDITIONAL ELEMENTS OF THE COMPLAINT

- 13.1. In the complaint letter SS raises three further issues that I have not so far addressed specifically but which have been put to TC for comment.

“His body language towards the performance staff at the recent Zoom Board meeting was so disrespectful that it left that team incredibly angry and let down”.

- 13.2. Several of those I have interviewed spoke critically of TC's body language at that meeting. SM told me that “TC was sitting throughout playing with his phone looking out of the window and clearly not listening. He made no comment and showed no interest in what we were doing.” TC's response to this criticism is contained in his written submission to me where he says “I was guilty of this because I had seen the same presentation only a couple of days previously and it held little interest to me. I have since generated a logo to switch on when I turn off my video in zoom meetings”. I think he may be wrong about having seen the presentation before. SM told me, by reference to diary entries, that the preparation for the presentation was not finished until 9<sup>th</sup> September, the day before it was presented to the Board. It may well be that TC was aware of much of the content as a result of the conversations he had had with SM but in any event that would not excuse the rudeness he displayed at the Board meeting.

- 13.3. I consider that his conduct was, as SS complained, disrespectful to say the least and I am not sure that switching to a logo in zoom meetings as TC suggests he will do will demonstrate any more respect.

“Various comments on social media that undermine the staff”

- 13.4. TC’s response to me was that he was not aware of this and asked for evidence. The evidence can be found when viewing the Webcasts (addressed at Section 12 below). Alan Cooke told me that he was approached by a senior coach and two senior players who were angry that TC had made comments about the preference given to senior players so far as finances are concerned. I am satisfied that comments made by TC had the propensity to undermine staff but I have seen no evidence that it has, in fact, had that effect. Subject to that caveat, this element of the complaint is justified.

“He is also quick to make remarks about members of staff ‘not being from table tennis’ which undermines their professionalism”

- 13.5. TC’s response was that he was not aware of this and asked for evidence to be supplied. There is sufficient evidence available on the Webcasts of critical remarks about performance, communications and website for me to uphold the complaint so far as the remarks are concerned, but there is no evidence that the professionalism of staff has been undermined save for the case of SM in the wider context of his treatment.

#### 14. SOCIAL MEDIA.

- 14.1. TC explained to me in interview that he does not use his personal Facebook page for TTE matters. He can post on the site of Everything Table Tennis or MOGMATT (Miserable Old Gits Moaning About Table Tennis). TC also told me that he uses social media for taking soundings from members on various topics. I was told by Neil Rogers that one such “questionnaire” caused some upset with the volunteer members of a committee undertaking a strategic review of the British League chaired by him

and I have seen correspondence which shows that SV was able to resolve the situation.

14.2. I comment elsewhere in this Report on individual Facebook postings particularly in relation to the issue of confidentiality. I have been provided with links to several Webcasts which are available on YouTube and I have watched these programmes in the course of the investigation. I noted that in several instances, TC either prefaced or followed a remark saying “I will probably get shot for saying this” or words to that effect.

14.3. 3 July: Rory’s Table Tennis Topics; Episode 4 (Parts 1 and 2) ([https://www.youtube.com/watch?v=-smZpAE60\\_U](https://www.youtube.com/watch?v=-smZpAE60_U)):

14.3.1. I enquired of TC in interview as to the capacity in which he was appearing in these broadcasts and he immediately replied that he appeared in a personal capacity having known the presenter Rory Scott since 1990. In the broadcast, however, TC introduces himself as a Director of TTE and explains that he is appearing to be the public face, remarking on screen that TTE is not very visible and that was why he wanted to go on the show. His reaction to seeing that clip was to say “guilty as charged”. The issue is not of great significance to my investigation but it was one of a number of instances where TC appeared to react without thinking.

14.3.2. In this programme TC is critical of TTE communications and mentions SM and Alan Cooke in relation to the performance team where, he says, there has been a problem for many years. He also is critical of funding Senior (named) players and “nobody else.”

14.4. 13 July: Ep:13 Ping Pong Show live (The Strategic Direction of English Table Tennis) (<https://www.youtube.com/watch?v=IVQ4dExp2p8>):

14.4.1. In this broadcast TC is openly critical of the amount of money he thinks is spent chasing the top four players. He prefaced the remark by saying that he “may get shot down in flames” which presumably means that he knew it was not an appropriate thing to say.

14.5. July 20: Balls and all show: Ep. 2 TTE Finance and Solutions (<https://www.youtube.com/watch?v=KbLa6zqxIs>):

14.5.1. TC is again critical of the funding of senior players and again prefacing his remarks with the statement that he would “probably get shot for this”.

14.5.2. He speaks of the Board, in effusive terms and says that there is “a fantastically able Board with certain exceptions”. I asked who the exceptions were and he replied that it was himself, explaining that if he applied to become a director he would “not have made the cut”. He is on record as having said that in slightly different terms but in the context of this broadcast, I have difficulty in accepting that explanation particularly as he clearly uses the plural.

14.5.3. TC speaks of a problem with “management people who don’t play table tennis” and what he says following that remark shows it is clearly a criticism of SM. He also says there is “a little problem” with the person running the website who he describes as “not a go getter”.

14.5.4. He concludes the interview with the comment “when you know what’s going on at TTE let me know”. When I questioned him about these remarks, he told me that the programmes are unscripted and that he would make sure he doesn’t use glib statements.

14.6. I do not doubt that the views expressed are genuinely held but I question whether a Director specifically appearing as the public face should be so critical of staff and players.

## 15. EVENTS AFTER 12<sup>TH</sup> OCTOBER

15.1. The scope of the investigation includes consideration of events following the board meeting on 12<sup>th</sup> October 2020. There has been intense activity at times since that meeting and the issues between the majority of the Board and TC have regrettably escalated and have largely now been made public. I have identified and comment in



chronological order on a number of developments which I regard as significant bearing in mind the overall purpose of the investigation.

- 15.2. Before doing so, however, I should record that the form and conduct of this investigation has been the subject of extensive debate and some controversy in the period between 12<sup>th</sup> October and the date of my appointment on 4<sup>th</sup> December. In the event, a subgroup comprising SG, SV and SK was appointed by the Board to manage the process and it is not appropriate or necessary for me to say more about it.
- 15.3. I should also mention that immediately after the meeting both TC and SV emailed the Board separately with fierce criticism of the manner in which it had been conducted including allegations that the meeting itself constituted bullying of TC. The ToR do not require me to investigate what occurred although it is relevant to the context of other events.
- 15.4. On 14<sup>h</sup> October 2020, TC emailed what he titled Formal complaint against SD, SS and SM. It includes a request for an Extraordinary General Meeting and attached further emails including the two emails referred to in Paragraph 15.3 above and an email to Sport England escalating a previous complaint to a formal complaint. I have no information regarding an investigation of this complaint by Sport England
- 15.5. TC explained to me in interview that he does not use his Facebook page for TTE matters. He can post on the site of Everything Table Tennis or MOGMATT (Miserable Old Gits moaning about Table Tennis). On 14<sup>th</sup> October TC posted a message on both of these sites which comprised the text of an email he had sent to SD and copied to the Equality Human Rights whistleblowing website and DCMS and Sport England and his MP. This posting (which I am told was also on the MOGMATT Facebook page) was deleted but there appears to be an error on the activity report I have seen which says it was removed at approximately midday on 12<sup>th</sup> October, which cannot be correct.
- 15.6. TTE responded to this by posting an official statement on its website on 15 October, to the effect that complaints had been made against a director and that Sport Resolutions had been asked to appoint an independent investigator to investigate the complaints.

- 15.7. Between the 15<sup>th</sup> and 28<sup>th</sup> of October a series of emails were exchanged between TC and SD and then MQ. MQ had become involved as SD had become the subject of a formal complaint. In the event, these exchanges had the effect of putting in place a formal complaint by TC against SD, SS and SM.
- 15.8. On 28<sup>th</sup> October, TC lodged an application with the Employment Tribunal. The application was not served until the 19<sup>th</sup> November. The claim is for victimisation as a whistle blower. The Employment Tribunal will doubtless deal with the case in due course, but it seems to me that the claim is fatally flawed for a number of reasons. TC is insistent that TTE is not a party to the Claim, but the Official papers show in the title of the proceedings that the Respondent is TTE followed by the names of MQ, SD and SS.
- 15.9. On 16<sup>th</sup> November, an Extraordinary Board meeting was held to process the actions from the meeting held on 12<sup>th</sup> October. Significantly the formal complaints lodged by DL and by TC were both withdrawn leaving as the sole formal complaint that lodged by SS with which I am now dealing. TC confirmed at this meeting that he had made a recording of the Board meeting on 12<sup>th</sup> October and played it to other people. I have addressed that matter in Section 9.
- 15.10. On 18<sup>th</sup> November the Finance and Audit Committee met. The Joola Plymouth matter featured at this meeting and there were clearly concerns about TC's involvement. The minutes record that issue was taken with TC's description of the matter as "a catalogue of incompetence and lack of communication." TC confirmed he had reported the matter to Sport England. He agreed that he hadn't done the right thing by coming to a conclusion and acting on it without reference to the Board.
- 15.11. By email dated 27<sup>th</sup> November, TC indicated that he would pursue his own investigation. He refers to the Employment Tribunal application and again asserts, wrongly, that TTE is not a party to the proceedings. He also threatens that any use of Article 26.1 to remove him would be evidence of victimisation, QED as he puts it. He says that as the claim is against the three individual Directors, MQ, SD and SS and that TTE should not fund the costs of defending the case. He goes on to assert that any judgment in the proceedings "will show against each of your names". He asserts

that MQ, SD and SS “have a duty as a director to advise any organisation that you are associated with that you have pending legal action against you.” The proceedings are quite clearly against TTE and I have already indicated that I consider that they are fatally flawed. It seems that TC is using them in order to create a situation whereby the use of Article 26.1 would be portrayed as evidence of victimisation or to put pressure on those directors named. I do not suggest that a Director should be inhibited from pursuing a legitimate claim but in the circumstances, I do not regard that the naming or pursuit of these misconceived proceedings against the three Directors as appropriate conduct for a responsible Director of a Sports Governing Body. Furthermore, if the mere act of naming three Directors had the effects that TC asserts, the obligation to act responsibly is even greater.

- 15.12. On 29<sup>th</sup> November on the Facebook page of ‘Everything Table Tennis’ there are numerous speculative entries about what is happening at TTE. There is also a mock-up of TTE website captioned “Don’t ask us anything Anthony Catt” and pictures of SD, SS, SM, Matt Stanforth and Alan Cooke. I have seen no evidence that this was posted by TC.
- 15.13. SD sent a message to members on 1<sup>st</sup> December updating them regarding the investigation. There was an almost immediate reaction from TC who sent an email to an undisclosed list of recipients. I can identify a number of factual errors in TC’s email to which he attaches several internal TTE emails but more importantly it seems to me that this material contains information that could only have been in the knowledge of TC as a Director of TTE. It also contains private information about an employee. The publication of this material is in my view a serious breach of TC’s duty of confidentiality. The breach is compounded as a result of one recipient posting the material on a Facebook page said to have 1,800 members. In interview, TC said that he knew the individual who made the posting, but he had not been asked for permission for the posting to be made.
- 15.14. SD emailed TC on 9<sup>th</sup> December formally requiring him to “immediately desist from disclosing any further confidential and/or personal and sensitive information.” TC responded the same day with counter allegations and included the following statement

“I shall simply add your message to the growing evidence of your “victimisation of a whistle blower” for the Employment Tribunal”.

- 15.15. On 15<sup>th</sup> December, TTE posted an official statement that an EGM will be arranged and TC posted a statement urging people to vote. I understand that the EGM will be scheduled for late January 2021.
- 15.16. TC’s conduct since 12<sup>th</sup> October has included numerous breaches of his duty of confidentiality and the issue of Employment Tribunal proceedings against TTE and naming three directors as Respondents. I have expressed my views about the propriety of those proceedings insofar as the three named directors are concerned.

## 16. AN OVERVIEW

- 16.1. I conducted an interview with TC in two sessions extending to over 6 hours. I have read a large number of emails he has written in the last year or so and I have watched several webcasts in which he has participated. There is no doubt that TC is an articulate and intelligent man who has a real passion for table tennis and an enthusiasm to promote the game.
- 16.2. It is clear to me that he genuinely believes that SM has too much sway with SS, that between them SS and SM take decisions that he thinks should be taken by the Board and that SD is too protective of them. He seems to resent the fact that a large proportion of funding is allocated to the elite players and not those at the development stage. I am not required to express an opinion on whether these beliefs are justified or not but it seems to me that he has allowed his beliefs to colour his approach to his position as a Director elected by the membership with the result that his passion and enthusiasm, instead of being a positive driving force, has become a potentially destructive force.
- 16.3. I have seen many examples of emails where TC has articulated issues without adopting an aggressive tone or pejorative language. I have also seen many which TC accepted with hindsight could have been expressed better or differently. He has expressed regret on occasion and apologised for the way he expressed himself but I

entertain real doubts as to the sincerity of his apologies. When asked by me to explain one apologetic phrase he used, he told me that he was “just trying to appease them” i.e. the Board. As recently as October this year he is on record as saying he has no regrets about his emails. I have heard a good deal about attempts by MQ, SD and other directors to point out to TC that the tone and language in his emails was not acceptable. Often, those discussions resulted in an apology, but any suspension of rude and aggressive messages did not last long.

- 16.4. There have been several examples where TC gets something wrong but he either cannot or will not back track. I have in mind his continued assertion that the 2025 paper was put before the Board in September 2019 to be signed off where the evidence that it was presented for discussion and feedback is overwhelming. In my interview with him, he still attempted to argue that it had been presented as a *Fait Accompli*.
- 16.5. The behavioural pattern recently suggests that TC is on a mission to find fault, whether it be with his colleagues on the Board or members of the SLT. The catalogue of concerns he presented to SE in June was clearly the result of a concerted exercise to demonstrate non-compliance by the Board with the Code of Practice. When his concerns were rejected he sought to undermine the investigation that had taken place. I noted in webcasts he referred to the Board as “they”.
- 16.6. On several occasions TC has recorded his admiration of the ability and skills of his fellow Board members but I have some reservations about the genuineness of the accolades since there are many occasions where he has shown contempt or complete lack of respect for them. Whilst the Board meeting on 12<sup>th</sup> October was a stressful for all, I note TC said he was honoured that the Board had given their time and expressed his awe to the Board. In interview, I asked about the comments made by a Board member who said at that meeting that she had stopped reading his emails as they were too offensive. TC immediately launched into a personal attack on the Director in question. I have made reference to a comment on a Webcast about “certain exceptions” to the gushing description of the talents on the Board (See Section 12).

16.7. During his interview, TC told me emphatically, and more than once, that he is the victim in all of this and he may well believe this to be the case. I don't agree. There is no doubt that he sees himself as the member's champion. I have seen evidence that many of the issues he raises are as TC says the result of questions from members. TC seems unable to accept that proper representation of the members does not require a rude and aggressive or destructive approach.

## 17. CONCLUSIONS

- 17.1. The Terms of reference require me to consider whether the behaviour has constituted "rudeness towards clients, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language." That terminology is taken from the staff handbook.
- 17.2. This case is unusual insofar as there are very few conflicts of fact to be determined. The behaviour which is the subject of the investigation is almost exclusively permanently recorded in emails, minutes of meetings and other documents or on Social Media in one form or another. I have based my findings on my interpretation of what TC has written or done.
- 17.3. Before addressing specific events I need to say a few words about harassment and bullying. Bullying is an emotive term but is not legally defined. ACAS describes bullying as behaviour from a person or group that is unwanted and makes the person feel uncomfortable. That is a low threshold. Harassment, however, is defined and is essentially bullying or unwanted behaviour based upon discrimination. I am satisfied that none of TC's behaviour involves discrimination of any kind and consequently there are no grounds for further action on the basis of harassment.
- 17.4. I am satisfied that some of the comments and actions that I have described or referred to are rude. Others in my view are objectionable or insulting and considered together constitute bullying so far as SS, SD and SM are concerned. It is not essential, although it is more common, for the person bullying to be in a more senior position or have influence over the person subjected to bullying. There does not need to be an intention on the part of the person bullying. In some of the instances I have identified, I am not convinced that TC intended or was even aware of the effect his attitude was

having on others. That lack of intent where it arises does not make the behaviour any easier to accept by those to whom the behaviour is directed.

17.5. As I have mentioned, there is currently no Code of Conduct for TTE or indeed for the position of Directors generally. There is a Code of Conduct for Board members of Public Bodies last updated in 2019. Although TTE is not a public body as the recipient of substantial public funding I consider it is analogous. Two provisions of the Code are directly relevant:

5... 5.4 You must not harass, bully, or act inappropriately towards or discriminate towards others. Such behaviour is not consistent with what is expected of you as a board member and will not be tolerated.

6... 6.1 You will treat any staff employed by the body with courtesy and respect. It is expected that employees will show you the same consideration in return.

17.6. In my view TC is in breach of each of these provisions. I would add, however, that not being rude, objectionable or insulting, and not bullying are such normal and common sense behaviours that it should not require a written code to ensure compliance.

17.7. There is of course no sliding scale against which to assess the significance of the breaches I have found to have occurred. The absence of any discriminatory element is important and takes the significance out of the category of very serious. Nevertheless, I have found that TC's behaviour has had an effect on the health of both SS and SM and was deeply upsetting to SD. It has also undoubtedly had an impact on the efficacy of TTE and its day to day work. For those reasons, I would say that the breaches are of moderate to serious significance.

## 18. RECOMMENDED NEXT STEPS

18.1. Were TC an employee the disciplinary procedures set out in the Staff Handbook would be followed. This is the investigative stage which, in the light of my findings, would be followed by the appointment of a disciplinary manager. The disciplinary manager would appoint a panel who would hear and determine the case and then impose a



sanction from a list of five options: No action; oral warning; written warning; final written warning or dismissal. None of these sanctions are available in the case of a Director apart from the equivalent of dismissal. TC has been the subject of a written warning on 12<sup>th</sup> October 2020 although he does not accept the legitimacy of this sanction. The equivalent of dismissal is TC's removal from the Board. This can be achieved by a very simple process under the Article 26.1 of the Articles of Association which reads "A person ceases to be a director: if that person is requested in writing by a majority of his fellow directors to resign."

18.2. It appears to me that invoking Article 26.1 is the only option that does not require consensual cooperation from TC since the Board have no other mandatory powers available to them.

18.3. With that introduction, I would recommend the following:

18.3.1. This Report should be tabled before the Board for adoption. The Board should then consider whether, obviously with the consent of TC, he is willing to undergo a training course followed perhaps, by a period of mentoring with a senior independent board member. I have noted that TC was scheduled to attend a course for new Directors run by the Sport and Recreation Alliance in March 2020 but Covid caused that to be cancelled.

18.3.2. Alternatively, the Board might consider whether a mediation process is appropriate although this, also, requires the consent and full cooperation of TC if it is to have any chance of success. I am aware that SV has raised this as a possibility but I am not clear as to the extent to which it was discussed and considered.

18.3.3. I would recommend that Article 26.1 should be invoked only if the Board are satisfied that there is no other way of restoring a sufficient degree of trust and harmony to enable the organisation to operate as it should and that staff are properly safeguarded. Doing nothing and allowing the current situation to continue unchecked is simply not an option.



18.3.4. I would also recommend that consideration be given to devising and implementing a formal policy with regard to the use of Social Media by both Directors and Staff which should include appearances on webcast, podcasts and any other public-facing forums.

## 19.A CLOSING REMARK

19.1. Whilst consideration of the decision-making process is specifically excluded from the scope of this investigation it is plain to me that the status and role of the Elected Deputy Chairmen has been a source of increasing tension over the last few months. I would strongly recommend that urgent attempts are made to reach an agreement so that each member of the Board and the SLT is aware of the role that the EDCs perform and, if appropriate, to define the boundaries. There are a number of sports governing bodies who have elected Directors who I am sure will be happy to share their experiences.



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04 January 2021

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ENABLING FAIR PLAY

## ERRATUM

After this Report was submitted, the TTE Board met and drew my attention to the following:

### Typos

1.2 Governance not Government

1.2 The Chair is appointed by the Board not elected by the Board

P2: Steve Kemish not Kernish, as you were already aware

2.3 Minor factual accuracy point: the sub-group was actually created in October (following the 12<sup>th</sup> Oct Board meeting). The present wording might imply the sub-group was created at the 16<sup>th</sup> November meeting.

6.15 MAG stands for Members Advisory Group

8.13 Final line, comma missing between rude and objectionable

9.4 “to the dealings between TTE **and the club**”? Also, MAGS should be MAG

10.4 Jooles should be Joola, and “Audit and Finance” should be “Finance and Audit”

10.6 Sentence appears incomplete. Also, as a point of minor factual accuracy, I am told by SM that the reported meeting was 3 hours long not 5 hours

10.7 The Board meeting was on 10<sup>th</sup> Sept, i.e. 2 days before MAG, not 14<sup>th</sup>

10.8 Missing full stop after “submission” in third from bottom line

10.14 Line 1, capital W required on whilst

13.2 Presentation finished 9<sup>th</sup> September, before presentation to Board on 10<sup>th</sup> September

14.2 Missing full-stop at the end of the para

15.7 Missing “by” between “complaint” and “TC”

16.5 Missing full-stop at the end of the para

None of the suggested corrections impacted upon my conclusions and each of them has been addressed in this revised version.