

Submission to the Parliamentary Committee for DIGITAL CULTURE MEDIA SPORT

This Submission refers to the Charity	0142 31mar
JOLE RIDER Friends [1112914] and the Trustees' engagement with	DCW/HMK
The Charity Commission for England and Wales	TCM PM3

1.0 INTRODUCTION

This submission is made relative to a general invitation to the public to submit evidence relative to the work of the Charity Commission on the webpage <https://committees.parliament.uk/call-for-evidence/42/the-work-of-the-charity-commission/>

indicating the last date for submissions being tue31mar20.

This submission is made jointly by the former Director Trustees of the now defunct Charity jole rider FRIENDS.

The former Director Trustees are Helen King and David Swettenham.

The submission is being made on the basis of first-hand experience by the above-named persons of how the Commission operates and how it fails to comply with its own operating procedures.

The effect of these failings for this Charity alone, has been catastrophic. The effect on persons connected with the Charity has also been similarly damaging.

There exists a considerable volume of evidence to support this submission in the form of written documentation and audio recordings. All of this evidence can be made available to the those charged with the responsibility to inquire into the work of the Commission.

Within this submission are included certain key documents, drawn from the body of evidence held. Please see the Section below: CONTENTS.

2.0 CONTENTS

1. Letter to Helen Stephenson [16dec19] – CEO Charity Commission
2. Letter to Lord Tony Hall [13jan20] – Director General BBC
3. Letter to Paula Sussex [29aug16] – EX CEO Charity Commission
4. Letter to Damian Collins [20apr18] – Ex Chair of DCMS Committee
5. List of Complaints filed with the Commission
6. Extract from a document entitled “List Of Issues”

3.0 REASON FOR SUBMITTING EVIDENCE

To help prevent the Commission's continued wrongdoing, affecting the future lives of other trustees and charity beneficiaries, by their actions and non-actions.

4.0 OUTLINE

The Charity was formed in 2005 for the purpose of assisting African government efforts to improve access to education for students in rural parts of the continent. Its principle programme was titled Bikes4Africa. Over a period of 10yrs, 14,000 reconditioned bicycles were delivered to outlying schools in West Africa. All these bicycles were donated by people in all corners of the UK and Ireland. They were refurbished in preparation for schools in Africa by inmates in UK and Irish prisons.

The success of the Charity's operations in affecting the life chances of 14,000 young students directly, was confirmed by partnering Education Ministry and government. That confirmation extended to the programme affecting positively whole school populations. Thus, the positive effect of each bicycle extended to ten students.

The Charity was first contacted by the Commission in Aug2015 on a general enquiry matter. A dialogue between the Director Trustees and the Commission commenced and lasted for approx. 10mths. The dialogue with a particular caseworker proved difficult and did not produce a satisfactory outcome. Due to this, in Aug2016 the Director Trustees requested the intervention of the then Commission CEO, Paula Sussex. That intervention never came.

Instead and in the following month, an Advisory Action Plan was issued by the Commission to the Director Trustees in Sep2016. The Advisory Plan could not be followed by the Director Trustees in its entirety due to issues which had already been explained much earlier to the caseworker. In other words, the Commission issued the Advisory Plan in the full knowledge that it could not be fully complied with. Further, the Commission knew that compliance could have been achieved via a different Plan but, chose not to reveal it.

Without further dialogue, nothing further was heard from the caseworker, or the Commission, for a full 12mths.

In sep2017, the Commission took regulatory action against the Charity without warning or further engagement of any kind.

What happened next was a true tragedy. A tragedy for so many people both in Africa and in the UK. The Charity collapsed totally due to the blind action of the Commission.

5.0 THE OUTCOME

At the point when the Charity became subject to Commission regulatory action, the Bikes4Africa programme was about to initiate a major expansion of its activities. In Jan2018 the first delivery of bicycles was scheduled to be shipped to Sierra Leone on the personal invitation of the country's President. That first shipment to Sierra Leone was hugely significant. It was to herald the first delivery of bicycles to be made as part of an expansion plan which would see 5,000 bicycles shipped to African schools every 12mths.

That delivery was never made due to the evidenced incompetence of the Commission. The Commission prevented the shipment of 420 bicycles to Sierra Leone in Jan2018. The Commission did so by blocking - as extraordinary as it sounds - a vital £90 spend on van diesel, which was necessary as part of the operations to complete the shipment.

The regulatory action by the Commission included a freezing of the Charity's bank account meaning payments could only be made on the expressed authority of the Lead Investigator for the Commission, [REDACTED]. The said Freezing Order was coupled with public notice of a Commission Inquiry being instigated.

That public notice included a standard statement by the Commission that the opening of an Inquiry was not an indication there had been any wrongdoing. Such a statement is entirely inappropriate since the public's interpretation is quite the opposite.

The Director Trustees had no issue with the Commission's Inquiry, since there was no wrongdoing on anyone's part. The Director Trustees however had two major issues of contention.

1. The Regulatory action taken by the Commission had been made public. It was made public without one meeting with the Director Trustees and without one visit to the Charity. The negative publicity for the Charity dealt a heavy blow from which it did not recover.
2. The Regulatory action included freezing of the Charity bank account which for any Charity, or functioning body, would almost certainly be an act of strangulation ending in termination. Termination followed in May2018 as predicted by the Director Trustees. This prediction was made in the Charity Tribunal Court in Jan2018 where the Director Trustees made their attempt to get the Freezing Order on the bank account quashed. The Tribunal hearing was the first of five to be applied for.
It was the only hearing of the 5 which took place.

The Commission won their argument in the Jan2018 Tribunal hearing. The Commission's presented case included the following:

1. Hiding and non-disclosure of evidence

2. Misstatement of evidence
3. Misstatement of truth

The freezing Order remained in place, due to the Commission's misdirection of the Tribunal Court. As a result, the Charity was wholly disabled by the Commission to the point where it was financially and terminally strangulated just 4mths later in May2018.

6.0 WHAT HAPPENED NEXT

Despite the Director Trustees extending invitations to meet - and making requests to meet with the Commission – from as far back as May2016, no meeting ever took place between the Director Trustees and the Commission.

All these invitations and requests were either ignored or rebuffed – until finally in Jul2018, after the Charity had been terminated, the Commission indicated their willingness to meet with the Director Trustees.

That meeting however was not held as a meeting but, instead carried out as two separate interviews with a single agenda set by the Commission. Curiously, despite all the calls for a meeting emanating from the Director Trustees – over a two year period - the Commission threatened the Trustees with serious penalties if they did not attend.

The story of the interviews requires separate in-depth inquiry, since that story reveals much about the Commission's operations and processes.

Following and resultant from the interviews and the Commission's formal records of them, the Director Trustees determined to file formal complaints to the Commission. This determination was made following receipt of the interview transcripts in Nov2018, 4mths after the interviews were held - and 15wks late.

In Dec18, 17 documented complaints were sent to the Commission. Since Dec18, a further ten documented complaints have been filed.

In the lead up to what would have been the second Tribunal hearing, scheduled for Feb19, the Commission formally suspended the Director Trustees pending their intent to disqualify them for a period of 12yrs. This was a tactical move on the part of the Commission to penalise the Director Trustees for;

1. Submitting 27 substantiated complaints, and
2. Making public interest disclosures about the Commission

The Director Trustees withdrew their application for the second Tribunal hearing which now had been refocused on the Suspension Order and the intended Disqualification Order. The withdrawal was made due to what happened in the process leading to the hearing.

The Commission's tactic again included:

1. Hiding and non-disclosure of evidence
2. Misstatement of evidence
3. Misstatement of truth

Arguing in court about evidence presented is naturally part of the legal process. The issue which determined that the Director Trustees should withdraw from the hearing, as instigated by them, was this. The sitting judge [Alison McKenna] ruled in the Commission's favour as to what evidence would be allowed and what would not. Accordingly, the judge had severely compromised the appellants' position to the point where the hearing outcome appeared to have been predetermined.

7.0 **FINALLY**

This submission has been hurriedly compiled due to late awareness of the public invitation to forward submissions about the workings of the Charity Commission.

It is hoped however, that from both the script above and the copies of documents contained below, that a clear impression will be gained that there are numerous serious issues to be explored in-depth by your Committee.

Lastly, the case brought to your attention concerning the Charity jole rider Friends and its Trustees is not an isolated case. The Director Trustees are aware, and have detailed knowledge of, other Charities where there are major concerns involving the Commission's failures and errant practices.

In the interests of the charity sector, and all those connected with it in some form, it is hoped that the inquiry will consider this evidence and do so in the depth it deserves.

LETTER TO HELEN STEPHENSON - CEO Charity Commission

The Charity Matrix

working with all good causes for

collaboration|funding|development

TCM is a jole rider initiative

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AN

OPEN LETTER

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monday 16 december 19

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tcm.9503

Helen Stephenson
Chief Executive Officer
Charity Commission
102 Petty France
London SW1H 9AJ

IMPORTANT

Also sent by RM signed for delivery

Dear Helen Stephenson

JOLE RIDER

On tue10dec19, I was sent by email a copy of the Charity Commission's Final Report in conclusion of the Inquiry into the registered charity subject thereof. An invitation was included with the Report to comment on its factual accuracy, prior to publication by yourselves.

What follows includes my comment on that Report.

The Report is understood to have been written by [REDACTED], being the person who, as the Lead Investigator, orchestrated the Commission's Inquiry into the Charity's affairs.

Having carefully read the Report, I am pleased to make the following comments.

The Report contains 16 paragraphs which are, essentially, general statements. In the main, they simply reference certain names and occurrences, quoting dates and periods of time. I have no comment to make about these paragraphs.

The remaining 39 paragraphs and elements, however, include statements which range between:

1. A serious and misleading distortion of fact
2. An incomplete statement of fact
3. A complete fabrication of fact

These 39 paragraphs and elements are a mix of both lying by Omission and lying by Commission.

The clear effect of the above categorised inaccuracies is to place in the mind of the reader a thoroughly inaccurate and damning statement of account. This being so, that reader is wholly misled into believing a distorted version of truth, representing a total misstatement of reality.

Importantly, the issues to focus attention on are these:

1. My colleagues and I know that the Report is materially and unequivocally fictitious. By this note to you, I am formally telling you so.
2. [REDACTED] writer of the Report, and the Lead Investigator for the Inquiry, taking into account all that has been written, evidenced and shared with the Commission, also knows the Report to be fictitious.
3. You, Helen Stephenson CEO for the Commission, with ultimate responsibility for these issues also know, for identical reasons, that the Report is fictitious.

To be clear, you are aware of the fictitious content due to the fact that the persons heading the Charity as Directors - and also acting as Trustees - only ever replied to the Commission direct to yourself, doing so from an early point in time. Not only were you made personally aware of all matters covered throughout the Inquiry - including the Commission's failures to follow its own processes and guidelines - you were made explicitly aware of all criticisms made of the Lead Investigator, [REDACTED]. In particular, I refer to her woeful investigative practices, her unprofessional conduct and lack of due process. These failings are in addition to her evidenced false statements and lies.

As you will know, the criticisms concerning [REDACTED], and those involving yourself, have been well documented. They have been previously relayed - all 27 of them - to the Commission via the formal complaint channels for such matters. Given their nature, evidenced content and undeniable seriousness, the Commission's dismissal of those complaints - on the basis that they were more than 3 months old - would, without any doubt, be regarded by any independent examiner as utterly shocking.

What the Commission is guilty of, headed by yourself as CEO, is gross misconduct of the highest order. As mentioned above, these accusations were detailed for you in the 27 complaints levelled against the organisation you head. Those complaints point to and elaborate on the Commission's shameful practices, revealing a deeply errant culture.

We will observe, with more than keen interest, what will now unfold in the time ahead, resultant from details to be revealed about you and the Commission. Further on, it will be for others to make what they will of this behaviour within a public funded organisation, charged to serve the community, but failing, catastrophically, with such clear evidence of such.

Finally, given all the above, my colleagues and I conclude by asking the following questions. Firstly, what is the Commission's position, and particularly your own, with regard to the following:

1. You knowingly releasing for publication into the public domain, false, inaccurate and misleading documentation?
and
2. You doing so with full awareness of the likely effects of your actions upon all persons concerned?
and
3. Additionally, you knowingly releasing for publication a document, the contents of which is an attempt to deflect attention from the clear failings of the persons involved in compiling the document, by wrongly and shamefully accusing others?

An open question tabled to be answered by others is this:

To what extent were the actions and non-actions by the Commission retaliation for:

1. The 27 complaints filed with the Commission against yourself and [REDACTED]?
All of which remain unanswered
and
2. The 2016/17 Trustees' Annual Report revealing damning details of the Commission's failings?
and
3. The published whistleblowing website, again, drawing attention to further failings of the Commission?
A website of exposure you attempted to silence

This was a most interesting action - you actively encourage whistleblowing about charities but resort to an abuse of power to silence or suppress whistleblowing about your own organisation.

Whatever your answer might be to these questions, I, my colleagues and others now look forward to the unfolding story which lies ahead, connected with all the above issues and more.

IMPORTANT NOTE:

Should you decide to go ahead and publish the Final Report in its current form, then, I ask

that you also publish this letter, as an attachment, making clear reference and link thereto. I thus give you permission to do so, BUT ONLY in full and unfettered form.

Kind regards

David Swettenham
The Charity Matrix

The Charity Matrix

working with all good causes for

collaboration|funding|development

TCM is a jole rider initiative
the bike shed 10 hampton street 10 tetbury 10 gloucestershire 10
gl8 8ld

AN

OPEN LETTER

01 666 500 880 | frontdesk@jolerider.org | jolerider.org

monday 13 january 20

0031

tcm.9503

Lord Tony Hall
Director General
BBC
Broadcasting House
Portland Place
London
W1A 1AA

IMPORTANT

Sent by RM signed for delivery

Dear Lord Tony Hall

JOLE RIDER

On fri10jan20, the BBC published a story on its news [website](#) [below] centred on a press release and accompanying end of Inquiry report. The press release and subject report were published earlier the same day by the Charity Commission. The subject being the above-named charity.

Given the letter sent to Helen Stephenson CEO for the Charity Commission, on 16dec19, containing a comment on the report drafted by Lead Investigator [REDACTED], my associates and I were surprised that the Commission published what they did.

We had three reasons for that surprise.

1. The considerable misinformation contained in their report

2. The fact that Helen Stephenson is wholly aware of that misinformation
3. Additionally, the reasons for this view had been made exceptionally clear to the CEO

Further, the CEO had been clearly aware of the misinformation, together with other failings of the Commission and the Inquiry itself, evidenced over the Inquiry's entire 2yr 3mth term. It is in fact contestable, that an Inquiry ever took place despite the reference to one.

BBC News website: <https://www.bbc.co.uk/news/uk-england-gloucestershire-51064271>

The Commission's report and the related press release are considered by TCM, the former Trustees and others, to include and represent:

1. A seriously misleading distortion of facts
2. An incomplete statement of the facts
3. The complete fabrication of facts

Due to the BBC's publication of the above, I spoke to a [REDACTED] by telephone, Friday evening, on the news desk for BBC South West. I began by asking him, if the BBC would be interested to receive for publication an alternative angle on the story. Mr. [REDACTED] answer was anything but, a "yes" or "of course".

Having introduced myself by name and explained my personal interest in the story, being in a position to comment in detail on the issues, I and my associates were stunned by his negative reaction to receiving by email any details offering a completely alternative view.

It was clear that Mr [REDACTED], knowing my identity, never once mentioned the *Right of Reply*.

In fact, Mr [REDACTED] was somewhat incredulous that I might be suggesting that the story put out by the Commission, and readily accepted by the BBC for publication, might not be fair and true. He explained his position was due to the Commission being a *trusted statutory organisation*.

Mr [REDACTED] negativity continued throughout our 13min conversation and only at the end did he, with extreme reluctance, give an email address for Points West in Bristol. I chose not to use it.

Given the above, I write to you today to ask the following questions and to clarify the BBC's policy on issues of this nature.

Is it:

1. Policy to publish stories from the Charity Commission without seeking a response from the persons cited
2. Policy to not include any reference to the fact that the persons cited have not been contacted for comment
3. Policy to decline an alternative view when it is offered by those same persons

In your response, please do not refer me to the BBC's own published guidelines on this topic. My colleagues and I are fully acquainted with them. I ask the above questions to seek clarification from you on the BBC's application of those same guidelines.

I look forward to receiving your response in early course.

PS: I have enclosed a copy of the letter to Commission CEO Helen Stephenson, dated 16dec19.

My sincere kind regards

David Swettenham
The Charity Matrix

NOTE:

Since the letter was sent, a BBC journalist has offered to meet with the writer. That meeting has been placed on hold for the time being, pending outcomes.

LETTER TO PAULA SUSSEX - Ex CEO Charity Commission
JOLE RIDER FRIENDS
registered charity 111 2 914

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Paula Sussex
CEO
The Charity Commission
Head Office
London jole rider
changing children's lives
through education

Dear Paula Sussex

JOLE RIDER FRIENDS - REGISTERED 111 2 914

I write to you today seeking your help.

In November of last year a stream of communications commenced with The Charity Commission office in Liverpool with respect to an issue relative to this charity's governing document and, in particular, the accepted observation that the Trustees were not acting fully in compliance therewith.

The Trustees, who are also the directors, have been working to correct for non-compliance with the assistance of the Commission's caseworker [REDACTED].
Regretfully, and despite our best efforts, the dialogue appears to have been broken and before the issues under development have been fully addressed and resolved.

Whilst all communications have to date been by email we have ceased receiving emails from [REDACTED] since May16. Due to the importance of the issues and, moreover, the negative impact the delay in resolving the position is having on our charity's strategic management and development plans for the near future we are highly concerned and seek your help.

In an email dated 27 JUL 16 we requested of [REDACTED] that all further communications are made in writing through our respective postal addresses. We have not had a reply to this request. Further, we would have initiated written communication ourselves before now except that postal addresses seem to be something that is not readily published for any of The Charity Commission offices.

I am hoping this impasse can be quickly overcome with your help in supplying the correct address for [REDACTED] and more importantly requesting him to answer our outstanding questions by writing to us at our postal address in Tetbury.

I thank you in anticipation.

Kind regards

Yours sincerely

David Swettenham
CEO
jole rider

LETTER TO DAMIAN COLLINS - Ex Chair DCMS Committee

pireaus m3

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friday 20 april 18

8165

pm3.8155

Damian NT Collins MP
Parliamentary Select Committee
Digital, Culture, Media and Sport
HOUSE OF COMMONS
London
SW1A 0AA

I write to you on a matter of grave concern relating to the Charity Commission and their conduct relative to an inquiry being conducted into a charity with which I have a connection.

I regret to inform, that I and a number of my associates have been appalled at the behaviour of the Commission's officers and the manner in which they conduct their business. I, and others, would never have believed this was possible before my involvement in the affairs which continue to unfold weekly. We believe this matter is of significant public interest, and particularly for your Committee, and this is the reason for writing today.

My concern is primarily for the charity in focus. More generally however, I have equal concern for the other charities which the Commission will doubtless interact with in the future. Given the role and the importance which charities play in the UK, as I know you will understand all too well, I cannot stress enough our belief that your Committee should be fully briefed. It is only then that your Committee can make its own informed assessment.

The ever-lengthening list of issues, that I can only describe as stemming from incompetence and unprofessionalism, continues through this very week.

Despite continued efforts to achieve progress for all concerned, at various levels in the

organisation, the Commission's inept processes have only served to frustrate that progress. The Commission's CEO, Helen Stephenson, despite being fully aware of the case, has herself unfortunately chosen not to engage.

I am currently compiling a detailed compendium of the issues to make available to you. This will highlight the Commission's thoroughly unprofessional and inept behaviour. I have available comprehensive documentation in support, evidencing our views and comments relative to the issues. These I can also make available to you and the Committee as required.

In advance of that, I have attached to this letter a summary of the main issues.

Given the importance of the charity sector in the UK, and indeed well beyond the UK borders, I am bound to say this. First and foremost, our thoughts are with charity beneficiaries, but not least the employed workers and dutiful volunteers engaged in charity work. For all these people, the sector deserves a professional, capable and effective Commission to both serve it and regulate it. No person should argue otherwise?

The unprofessional conduct, misuse of resources and total ineptness witnessed at close hand, is not what the sector or the public expect, or should have to endure, from the Commission.

If this was a case of simple misfortune, stemming from the incompetence of one individual at the Commission, I would not be writing to you today. In our opinion the issues are of such magnitude and so broad in nature that, rather than stemming from one single individual, they are a direct indication of an endemic problem embedded within the Commission's systems.

I am fully aware that both you and the Committee must be horrendously busy dealing with the multitude of issues which have recently been made public in the media. When time allows however, I feel I must press you to accept a briefing, in whatever form you require, to assess the enormity of the issues I speak of.

For the moment, I wanted to give you this brief insight in advance, elaborated as it is by the summary attached. I will happily make available to you the detailed compendium with any amount of further information you may call for. To facilitate this, my associates and I will happily attend a meeting in London for the purpose.

Finally, I must add that the Charity has an international focus on education in Africa. Due to this and the negative impact on its work by the Commission, I will also be making contact with the Secretary of State for International Development in due course.

My kind regards

Partner
Pireaus-M3

LIST OF COMPLAINTS FILED WITH THE COMMISSION

Document: Evidenced Complaints Matrix
Complaint against the Commission of:

FABRICATION of TRUTH:	01
REFUSAL to MEET:	02
CONCEALMENT:	03
RECKLESSNESS:	04
NEGLIGENCE:	05
INCOMPETENCE:	06
MISMANAGEMENT:	07
MANIPULATION:	08
DECEIT:	09
MISCONDUCT IN PUBLIC OFFICE:	10
DERELICTION OF DUTY:	11
ABUSE of POWER:	12
UNPROFESSIONAL CONDUCT:	13
BREACH:	14
HUMAN RIGHTS VIOLATION:	15
OBSTRUCTION:	16
MISGUIDANCE:	17
DEFAMATION:	18
CONTRIVANCE:	19
INTERFERENCE:	20
RETRIBUTION:	21
NON-COMPLIANCE:	22
FALSE and MISLEADING EVIDENCE:	23
PROJECTION:	24
HUBRIS:	25
BULLYING and INTIMIDATION:	26

In a document titled List Of Issues, which was prepared for a Tribunal hearing to overturn the Commission's intention to disqualify the Charity Trustees, the Director Trustees made the following statement:

- 6) The reason the founder Trustees are bringing this Appeal Hearing is:
- a. To regain, what might be regained, from a seriously damaged personal reputation in the public eye, caused by the careless and inept procedures of an errant regulator - all claims of which are substantiated in written evidence. Further, a regulator which is known to fabricate, invent and tamper with evidence.

This has been uncovered by the founder Trustees in this case [all provable] and by Judge McKenna in a previous case [Decision dated 13 October 2009].

In the previous case Judge McKenna criticised the Respondent in a number of areas including:

- i. Breach of Human Rights
- ii. Procedural unfairness
- iii. Lack of due process
- iv. Lack of rigour in gaining reliable evidence
- v. Lack of systematised investigative process
- vi. Absence of procedural formality

All the above issues in the previous case, ruled on by Judge McKenna, are present in the current case.

- b. To attempt to bring public attention to the serious risk posed to the charity sector and to public trust in charities. This risk is posed by the very regulator which is tasked by government and funded by the public to promote and protect public trust in charities.

- c. Given a level playing field, given sufficient time, given the full disclosure of all relevant facts and documentary evidence, the founder Trustees will be proud to argue their case, line by line, answering every single accusation presented by the Respondent. In so doing, they will be looking to help prevent the Respondent's continued wrongdoing, affecting the future lives of other trustees and charity beneficiaries, by their actions and non-actions.

END