

<b>CONNECT</b>	
<b>Is Winning THAT Important?</b>	

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*What happens when the government and the judiciary sing the same tune?*

- 1 A department of the government lied to the judiciary. The judge recognised the lie and referred to it in her court decision. The judge did not, however, call it what it was – fabricated evidence – and thus a crime. Why was that?

The court decision is still on the Internet today and can be read by anyone. It's not hidden – and neither is the lie – the false evidence. One might ask the question – in which far-flung nation did this travesty of justice take place? It took place in a nation whose judiciary is the blueprint for law, order and justice. It took place in Great Britain – in an English court.



- 2 First, a quick orientation – before we get into the story – to explain the parties involved. As said above, the two parties are – the government and the judiciary.

The **Charity Commission** is a department of the UK government. It regulates charities in England and Wales – but is not a charity itself. It is described on [the UK government's website](#) as “an independent, non-ministerial government department” that is accountable to Parliament. [Scotland and Northern Ireland have their own separate Charity Commissions.]

The CEO of the Charity Commission [England + Wales] is **Helen Stephenson**.

The FTT - **First-Tier Tribunal** is part of the UK's judiciary. It has seven chambers and one – the GRC - [General Regulatory Chamber](#) – hears appeals against decisions made by government regulators.

One of these government regulators is the Charity Commission. This means

that, if the Charity Commission makes a decision that someone doesn't like, they can make the appeal against that decision to the First-Tier Tribunal.

The First-Tier Tribunal replaced the **Charity Tribunal** in 2009. I mention this because the General Regulatory Chamber of the First-Tier Tribunal is sometimes referred to as the Charity Tribunal – because it is concerned with charity cases.

Until her recent retirement, the First-Tier Tribunal division of the judiciary was headed by judge **Alison Mckenna**.

Now for the story!

### 3 **Part 1: The Charity**

In 2008 the Charity Commission [CC] made an order that involved a charity called Sivayogam. The order was that a trustee of the charity - a gentleman called **Nagendram Seevaratnam** - was to be removed from that role.

Orders such as this – to have trustees removed from charities - are often made by the CC. Other typical orders are to have a charity closed down, a statutory inquiry made into a charity – which is also carried out solely by the CC – or to make a charity change the way it operates.

At this point, it's appropriate to say that I know almost nothing about this charity and I have no view about what it does or how it operates. I am aware, from online research, that there have been subsequent interactions between the charity and the Charity Commission.

I am also aware that some people appear to believe that **Mr Seevaratnam** has committed certain wrongs. The truth about this gentleman, however – and the charity itself - is irrelevant to my story.

My story is solely concerned with the court decision made on **13 oct 2009**. It is purely about what the Charity Commission – a department of the UK government - and the UK judiciary in the form of the First-Tier Tribunal. Specifically, it is about what they did and did not do.

Following the CC's order, **Mr Seevaratnam** appealed against their decision – that is, the CC's decision that he be removed as a trustee of the charity.

On the day in question – 13oct09 - the appeal was heard in court by the First-Tier Tribunal. It was only the second case that the Tribunal had heard against a decision made by the CC.

### 4 **Part 2: The Court Case**

There is a long track record of the CC winning their cases, the reason for which might become clearer after reading on.

Back in 2009, the CC had won the first case heard by the Tribunal. The CC, however, against form, lost the second case against **Mr Seevaratnam**. That meant the CC's decision was overturned – by court order - and he was restored to being a trustee of the charity Sivayogam.

The CC had been extremely keen to win this case. How do I know this? It's clear from the decision of the court - that is, if you're prepared to see it.

The CC – as I know from my own experience with them – is ALWAYS keen to win. And as the fifty-page court decision makes clear, winning the case against **Mr Seevaratnam** was so important to the CC that it did not abide by the rule of law.

The decision the Tribunal made is online, as are all such decisions. It [can be read](#) on the Tribunal's website.

Three people presided over the case. They were **Alison McKenna**, Principal Judge; **Stephen Claus**, Tribunal Judge [who [previously worked for the Commission](#)]; and **Susan Elizabeth**, Tribunal Member.

**Alison McKenna** was the president of the GRC of the FTT from 2018 until she [retired from the role](#) in 2021 – but not from her role as the judge in Tribunal cases. McKenna has been a deputy High Court judge since 2019. She hears most of the appeals against CC decisions – including the two appeals that involved me.

This court document provides a window into the operations and practices of the Charity Commission and may well be the clearest indication to the public of how the CC operates. The CC was obliged to provide to the Tribunal, evidence of how it worked – to justify its decisions and “thought processes”, so to speak.

As I know from my own experience of the CC and the Tribunal, taking the CC to court is the best – indeed the only - way to find out the CC's workings relating to one's own case. Not that the CC will ever provide full disclosure – that didn't happen with me - and nor did it happen with **Mr Seevaratnam**.

## 5 **Part 3: The Charity Commission's Tricks**

The tricks employed by the CC to help to make sure they won against the charity came out in court – at least, some of them did.

These tricks were described in the decision made by the judges and published on the court website. Not that the judges called these tricks, *tricks*. They didn't say it – so we'll have to say it for them, after reading what the judges wrote! Even now – after I've read the judge's decision many times – I remain shocked and saddened by the judges' failure to report what the CC had done – and not done – all in the interest of winning. To me, it is clear that justice – being done and being seen to be done – is far less important than supporting the government.

One instance of the tricks the CC used, which the judges heard in court and read in documents submitted to the Tribunal in advance of the court case is

when the CC only told **Mr Seevaratnam** what he had to defend himself against – in other words, the allegations made against him. The CC only told him this when they had to submit this information to the Tribunal as part of the disclosure process.

How could he defend himself when he didn't know what he was accused of?

Another trick is that the CC did not have his evidence in the Tamil language translated into English – or tell him to have it translated. His evidence was therefore ignored by the CC.

As well as those failures, the CC pulled off a couple of whoppers – huge great tricks. The Tribunal judges made some observations about these whoppers – but that was all they did.

The CC's first trick was **The Vanishing Photograph** - *and this was before Snapchat!* The Tribunal's description of this is in sections **6.35 to 6.46** of its decision, from pages 24 to 27.

One of the Commission's staff said that, while she was at a meeting at the charity's premises, she went to the toilet. On her way, she saw a photograph of the leader of a terrorist organisation.

To display a photograph of this person was a criminal offence. This was a serious allegation! **Mr Seevaratnam** WAS NOT ASKED about the photograph during the rest of the meeting – even though they broke for lunch and there was an opportunity for the CC staff members to discuss the photograph – and go and see it for that matter.

The CC staff said in court that they “didn't want to spoil the positive tone of the meeting.” How sweet! Except, they then alleged that **Mr Seevaratnam** had the photograph later, when he couldn't defend himself. Not so sweet.

Oddly, the Tribunal judges reported that the notes, which the same CC staff member made about the meeting *at the time*, didn't mention the photograph.

The first mention of the photograph was in the Commission's minutes of the meeting, which were not given to **Mr Seevaratnam** to approve, because to do so wasn't the CC's standard procedure.

- 6 It's funny - that photograph is like a splinter in my mind. I can't forget about it - it keeps bothering me. Given the chance, like Columbo the detective, I'd like to go back and ask a question or two about it.

Nothing important – just, maybe this question:

Would **Mr Seevaratnam**, who was being investigated by the Charity Commission, REALLY hang an illegal photograph at the charity's premises – a religious Temple - before a meeting with Charity Commission staff?

The second trick by the CC was the **Creative Writing Class**. Who doesn't like a nice bit of creative writing? The CC said that Mr Seevaratnam – at a

different meeting - expressed support for an illegal terrorist organisation.

It's funny, that, because the notes one staff member made at the meeting did not mention this. This expression of support popped up for the first time in the minutes of the meeting. It was just like possessing the alleged photograph - **Mr Seevaratnam's** supposed support for an illegal terrorist organisation justified - in the CC's eyes - removing him as a trustee.

A CC staff member said in court that CC policy was - if there was a key difference between the notes made during a meeting and the minutes written later, the formal minutes were considered the accurate record.  
*Follow the science - and all that!*

#### 7 **Part 4: What did the Tribunal judges say about the Commission's tricks?**

As far as is shown to the public - *nothing*. The judges seemed unfazed. Yes, in sections **6.51 to 6.63** of the decision [pages 29 to 32] they did comment extensively on the CC's standard for evidence. It appears to me that the judges found those standards too low. I can't imagine however what would have happened if someone else - a trustee of a charity, say - pulled off a stunt in the way the CC did. For me, the story about the photograph could hardly be clearer!

When I read the Tribunal's decision - a fraction of which I've described above in only the most sketchy way - to me, it was a clear indication of bias by the Tribunal and fabrication by the Charity Commission, both of which I had already experienced myself.

The Sivayogam case - along with my own experience - says to me, the Tribunal is not a level playing field. It isn't a boxing ring with a guy in each corner and a referee who applies the rules equally to both. It favours the Commission - the establishment. Does the wider judiciary do the same?

The Tribunal's decision in the Sivayogam case was perhaps- founded on the assumption that the Commission aims to build its cases upon properly evaluated evidence and that any failures in that area are accidental.

The Tribunal observed the truth and indeed reported it, as far as it could - or would. Its weakness is that, due to the bias as mentioned above, it could not fully recognise - or at least, report - the truth.

#### 8 To turn the telescope around and look through the other end is - as it so often is - really helpful.

The Sivayogam court case shows us - if we're prepared to look through the lenses in that way - that the Charity Commission is out to win at any cost. It also shows us that nothing bad will happen to the Charity Commission even when its lack of integrity is revealed so clearly in court.

My own experience with the Commission showed me that the CC decides what it wants to conclude about a charity and only allows information that

supports its conclusions. And, as we see here and in my own crossed swords case with **Helen Stephenson's** tribe – the court will support them in that.

I investigated the above case along with a number of others in preparation for my own case, when I took the CC to the Tribunal. I could hardly believe what I read then and I still can't. What it told me, apart from anything else, was that the CC are all about dirty tricks - and to win a case against them was not going to be as easy as it should have been – given the evidence.

In my case, the CC did not consider any evidence that challenged the conclusions which they had already made. To my absolute horror, when it came to the court pre-hearings, the same sitting judge – **Alison McKenna** – ruled that my evidence could not be used to support my case. It was for that reason that I withdrew the court case against the CC, knowing full well that I had no chance of winning.

My case and the one I've described above are just two cases I am very familiar with which tell of horrific details about the appalling practices of this government regulator.

The full story of my experience with the Charity Commission, the Tribunal and, in particular **Alison McKenna**, is contained in a lengthy five-part account, the first four of which have been published. The title is **The Whole Story**. Links to these four articles are under **FURTHER READING**.

Whether the bias of the Tribunal is unconscious or conscious, is not for me to say. What's sad, in a way, is that I used to love - as well as believe in - the justice system. The envy of the world – oh dear!

But we all have to give up our illusions, don't we? And it's great, isn't it? It's all part of becoming wiser and more enlightened.

After all, the truth sets you free!

As a society, however, we can't live with this situation. The government, the regulatory agencies we all rely on and the judiciary all need some serious overhauling. And the sooner we let go of all these outdated and corrupt systems that don't serve us - the sooner we can build new systems that DO!

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### CONNECT'S Maxim and Oath

Connect is only interested in finding and sharing the TRUTH.  
In search of that TRUTH, we only pose questions – we have no answers.

By: Helen King

Source: CONNECT: [Magazine](#)

- 2 [LINK](#) **UK government:** Charity Commission
- 2 [LINK](#) **Courts and Tribunals Judiciary:** First-Tier Tribunal: General Regulatory Chamber
- 4 [LINK](#) **Tribunals:** Charity Decisions: Decision 1310092: Nagendram Seevaratnam and the Charity Commission for England and Wales
- 4 [LINK](#) **Brabners:** Stephen Claus
- 4 [LINK](#) **Judicial Careers Portal:** President of the General Regulatory Chamber Retirement: McKenna

#### FURTHER READING

- [LINK](#) **Wikipedia:** Charity Commission for England and Wales
- [LINK](#) **Civil Society:** 'Commission cannot be trusted with warnings power', says lawyer
- [LINK](#) **The Guardian:** 'Shambles': MPs attack appointment of Charity Commission chair
- [LINK](#) **Firetail:** Is it time to abolish the Charity Commission?
- [LINK](#) **Connect:** The Whole Story – Part1 M- 1475 LF
- [LINK](#) **Connect:** The Whole Story – Part2 M- 1485 LF
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