

LETTER FROM ALAN PARKER

24th May 2018

Dear Mr Twigg,

I am writing to you to confirm the evidence I gave to the International Development Committee on Tuesday and to provide further supporting evidence, in the light of some recent media comments.

In particular, I wanted to provide further underlying facts relating to my evidence to the Committee that the complaint made about Justin Forsyth in August 2015 was a complaint about the handling of the previous complaint against him, not a complaint about new misbehaviour. This statement by me reflects the clear and specific legal advice received at the time from specialist employment lawyers, Lewis Silkin, who advised Save the Children UK throughout this issue. The legal advice was that the original complaints made against Justin Forsyth in January 2012 and March 2015 had been resolved by agreement between the complainants, Justin Forsyth, and Save the Children UK. Save UK was advised by the lawyers that as a matter of law there would need to be good reason to reopen a disciplinary or conduct matter which had been concluded, e.g. if new allegations came to light. The facts of the allegations against Justin Forsyth were not in dispute in any of the earlier cases, as he had acknowledged and apologised for what had happened. There had been no new allegations against him.

It was because of this background that the legal advice was that the appropriate way to respond to the complaint made in August 2015 was to establish the review, which was set up immediately, into the way in which the earlier complaints against Justin Forsyth were handled. This was alongside a separate review into the culture of the organisation.

This was the basis on which I gave my evidence of the facts to the Committee.

The Committee may also wish to know that at a later date, in September 2015, the original complainant wrote to Save UK saying that she would like Save UK to treat her complaint of 14 August as a formal grievance. External legal advice was again taken from Lewis Silkin in relation to this development. Save UK was advised by a second partner in Lewis Silkin that the course of action on which it had embarked, namely carrying out the review, was appropriate. Save UK was advised that the case law relating to reopening disciplinary proceedings showed that it would require exceptional circumstances to reopen a closed disciplinary matter. We were advised that at the conclusion of the review the trustees would have the necessary information with which to decide whether exceptional circumstances existed to reopen an investigation into the original conduct of Justin Forsyth. In the meantime, the matter was taken forward in accordance with the grievance procedure until the grievance was withdrawn.

For completeness, further advice was given in October 2015 by Freshfields, after I had stepped down as Chair of Save UK. I understand that Freshfields was asked to advise whether Save UK should reopen an investigation in relation to the original complaints made against Justin Forsyth. They agreed with the advice given by Lewis Silkin. When the review into past complaints was delivered in October 2015, the Trustees agreed not to re-open the investigations. This was a unanimous decision and was in accordance with the recommendation of the Sub-Committee that had been convened to consider these matters. The Trustees received advice from the Sub-Committee that it was not appropriate to do so in accordance with the legal advice given by Lewis Silkin.

I appreciate that the contents of all this legal advice were unlikely to be known to the complainants or their supporters, but it is clear that at all times Save UK acted specifically in accordance with the legal advice it received.

Finally, I would also like to confirm that I did not provide a reference to Unicef regarding Justin Forsyth, nor was I Chair when a conversation did take place between Save the Children and Unicef's head-hunters.

I shall be grateful if the Committee will regard this letter as further evidence to its inquiry, and I am happy for the contents of this letter to be made public.

Yours sincerely,

ALAN PARKER