

High Court refuses Charity Commission permission for Judicial Review of critical findings and recommendations by Parliamentary and Health Service Ombudsman (Case No: AC-2025-LON-001404)

Statement by Damian Murray, Interested Party to the Judicial Review claim and subject of 2025 PHSO report: *An investigation into the Department for Education and the Charity Commission: Mr U's complaint* ([Mr U complaint WEBSITE VERSION 0.pdf](#)).

- 1 Mr Justice Fordham has refused permission for the Judicial Review (JR) claimed by the Charity Commission (CC) effectively to quash the PHSO's critical findings and recommendations in relation to my serious concerns and to attempt to prevent their report being laid in Parliament under the PHSO's statutory powers and responsibilities. In spite of this claim, the PHSO report was in the event brought before Parliament in September 2025 thanks to a motion in the Commons moved by Simon Hoare, MP and Chair of the Public Administration and Constitutional Affairs Committee (PACAC). The CC persisted in their JR claim regardless.
- 2 My actual primary concerns about the deliberate concealment of sexual abuse at the former St Mary's College Blackburn by the Marist Fathers charity have yet to be acknowledged let alone addressed by the CC since I first raised them in 2018. And whilst PHSO, Mr Justice Fordham and PACAC have also made no adjudication about my original concerns, and have not been asked to do so, I am very grateful for the care and seriousness with which they have within their remits taken account of the grave issues of governance and regulatory failure I have raised, and the sensitivity and professionalism with which they have dealt with me personally to date.
- 3 I will not summarise the legal points dealt with by Mr Justice Fordham here because his judgement deserves to be read in full; it is thoroughly considered, precise, clear and appropriately detailed. I believe it also to be profoundly important and consequential for future complainants to the CC or any other public body coming under PHSO's regulatory umbrella.
- 4 What I will say is that in my view the CC's claim did not have a leg to stand on and should never have been brought, especially at such an expense of time and public

money. The CC should instead have promptly addressed the serious and pervasive management, governance and regulatory failures that I brought to their attention so long ago now. I cannot overemphasise however that they have proved themselves clearly unfit, incompetent and far too conflicted to investigate at this late stage my original concerns. This should now promptly be done by someone professional, competent, properly qualified and entirely independent of the current CC regime.

- 5 In his testimony to the House of Commons Committee of Privileges on 4 September 2025, Interim CC Chair Mark Simms asserted amongst other things that:

“As a member of the commission’s board since 2023, and as interim chair for the past seven months, I would like to say from the get go that this action [ie CC’s claim for Judicial Review] has been taken as a last resort. Absolutely no public body would take lightly the decision for a judicial review of another part of the state. The whole board has had oversight of this process, has scrutinised it diligently and endorsed the actions taken.”

- 6 That being the case, it is now time for the whole CC Board including Chief Executive to go, as should the senior executive officers who together with the Board negligently in my view failed properly to consider, and instead contemptuously dismissed, my serious and well-founded concerns about governance failures on the part of the Marist Fathers’ registered charity in relation to the deliberate concealment of child sexual abuse.

- 7 I would also urge that the former CC Chief Executive, Helen Stephenson, have her Damehood revoked, and that former Chair Orlando Fraser likewise have revoked his recently awarded CBE. This fiasco happened on their watch and with their approval.

- 8 My experience with the CC since 2018 has left me in no doubt that, far from being the self-proclaimed ‘expert regulator,’ the CC is in fact an active danger to all charity stakeholders, including donors and beneficiaries and especially to vulnerable children and adults coming under charitable ‘care’. Bizarrely (a word I use a lot in relation to them) the CC has persistently attempted to persuade me and latterly the Court that they are not in fact a regulator at all. Whilst I agree that in practice that is precisely the case, it is not what is required by the Charities Act 2011 (CA2011).

- 9 As things stand, most charity stakeholders would I am now convinced be safer if the CC did not exist. Were that the case they would probably exercise far more caution in dealing with charities like the Marist Fathers, not having been duped into believing that there is a regulatory framework in place and operating effectively as they might imagine under CA2011. Given the sheer size and diversity of the charitable sector I can barely imagine the scale of wrongdoing of all kinds that must be rife there whilst the CC's top brass doze in their highly remunerative and, in their minds, non-accountable sinecures.
- 10 And one more point for the time being. The CC, and indeed the DfE, will claim that they have already apologised to me and paid me 'compensation.' They have in fact done neither. And I must emphasise here that I have never claimed financially from anyone as part of my enquiries.
- 11 The 'apology' letters that CC and DfE sent to me extremely belatedly, reluctantly and purely on the insistence of the PHSO, were very much of the 'Sorry you're upset, but...' variety. CC could only bring themselves to admit that they had not communicated with me as well as they could have. This is the understatement of the age. I presume they mean that they should have shouted 'Go away!' at me even louder than they did until I did in fact go away. That was never going to happen.
- 12 That said, I was paid £1,000 each by CC and DfE, again at the insistence of PHSO. This is a standard, token payment required by PHSO where they have found maladministration and injustice and is at the bottom end of a statutory scale. When I first complained to PHSO I did not even know such payments were made. To badge this as 'compensation' however would be wholly inaccurate. (Incidentally, £1,000 might buy you two hours of a London barrister's time, so I await with interest the CC's, ie the taxpayers', final legal bill for pursuing their JR claim against PHSO and for trying to kill off my serious, legitimate concerns about the Marist Fathers.)
- 13 The time and opportunity costs I have incurred on this process over eight years now could in fact quite justifiably be valued at something north of £100,000 before we even consider the unnecessary stress to which I have been subjected, and this would still be a lot less than most CC senior executives are paid in just one year.