APPENDIX 1

LETTER TO: **Judge Andrew Bano**
The President of the War Pensions &
Armed Forces Compensation Chamber

FROM: MS PHYLLIS JAYARATNE
Former House of Lords employee

LORD IRVINE THE THEN LORD CHANCELLOR'S OFFER OF THE POST OF SOCIAL SECURITY COMMISSIONER TO YOU WAS A BRIBE. THIS WAS IN ORDER FOR YOU TO DISMISS THE RACE CLAIM AGAINST THE HOUSE OF LORDS (HOL) MY FORMER EMPLOYER. THE ISSUE OF RACISM WAS THE PRIME CAUSE FOR THE NON-PAYMENT OF MY APPROPRIATE BASIC REMUNERATION, OVERTIME AND ASSOCIATED BENEFITS OVER A PERIOD OF 10 + YEARS BY THE HOL. YOU CONCEALED THE ISSUE OF NON-PAYMENT & EXPLOITATION UNDER THE GUISE OF "WE FIND NO DISCRIMINATION". THE NON-PAYMENT OF MY APPROPRIATE REMUNERATION AFFECTED THE APPROPRIATE PAYMENTS OF OCCUPATIONAL AND STATE PENSIONSRESULTING IN SIGNIFICANT FINANCIAL HARDSHIP.

I brought the Race Discrimination claim against theHOL in 1999, at that time you were an Employment Tribunal (ET) Chairman and Lord Irvine was the Lord Chancellor. As you know, Lord Irvine held a unique triple role which combined the Judicial, Executive and Legislative functions and incorporated various responsibilities inter alia, appointed the President and Chairmen of the Employment Tribunals, recommended the Chief Social Security and Child Support Commissioners, and recommended High Court Judges to the Queen for appointment. It was acknowledged by most Senior Law Lords at that time that the triple role of the Lord Chancellor breached the Convention of Human Rights which guarantees a fair trial by an Impartial and an Independent Tribunal. This was especially so inmy particular case where a non-white minor employee of HOL had lodged a race claim against the HOL.Lord Irvine'sconflict of interest was evident. After you dismissed my case as a direct result of Lord Irvine's intervention (for details see my website: www.racialabuse-houseoflords.comI have also clarified this in later paragraphs of this letter). Since the dismissal of the case **I have repeatedly forwarded correspondences to many authorities among others, EHRC, Tony Blair and Gordon Brown former Prime Ministers, David Cameron and the departments of the Judiciary including Lords Chief Justice's Office about you and Lord Irvine.** It is interesting to note that Lord Irvine resigned in 2003 and the Lord Chancellor's post as it was during Lord Irvine's era was abolished in June 2003 by Tony Blair's government. This is more than a coincidence.

I was employed by the HOL in April 1989 as a part time Clerical Officer for 18 hours net p.w. in the Refreshment Department, and when I lodged the race claim, I had been in the HOL for 10 + years. I was the only non-white among a sea of whites in the Clerical and Executive Staff of the Refreshment Department and was subjected to significant racial discrimination, both overt and covert which I would explain later in this letter. You were aware of these acts from my Amended Claim and Witness Statement. The main perpetrator was my line manager Lorna McWilliam (LM) whose racist actions were akin to thoseof a Leader of the **Ku Klux Klan** (KKK) . LM had a visceral hatred towards non-whites which I had explained in detail in my website: www.racialabuse-houseoflords.com. For her, I was the **'nigger in the woodpile'**. In spite of her visceral, virulent racism she was awarded a MBE which the HOL Honours Forfeiture Committee must revoke. This is the first occasion to date that

an employee of the HOL has brought a race claim against this institution. HOL never envisaged a race claim would be lodged against them by a non-white minor clerical employee. It is therefore inconceivable that Lord Irvine the Lord Chancellor did not have an intrinsic interest in the outcome of this claim, a) in order not to tarnish the HOL with the stigma of racism thus preserving its dignity and b) to prevent the erosion of the public confidence in the Justice system as HOL in its judiciary capacity was the highest Court of Justice in the United Kingdom at that time. Hence, in the round, the adverse consequences/sullying of the reputation is enormous. Consequently the logical implication of Lord Irvine is inevitable. Therefore it follows that Lord Irvine instructed you to reject the overwhelming evidence in my favour, and ignore the contradictory and perjuredevidence of the Respondents in order to dismiss my race claim. I have reasons to believe that the press was and is still being gagged. **The gagging of the press was a pre-requisite so that (a)the collusion, conspiracy, lies and deceit leading to an Unfair Trial (b) institutionalised racism and the visceral, virulent racism mainly of LM (c) non-payment of my appropriate basic remuneration, overtime, and the associated benefits (d) the fraudulent acts of LM and HOL and (e) such fraudulent acts resulted in the payment of erroneous State and Occupational Pensions and impacted in significant financial hardship, are not in the public domain in order to stifle the inevitable outcry.**

The original race claim was lodged at the ET by Ms FarzanaJaved, a young racial discrimination case worker at the Redbridge Racial Equality Council in September 1999. Subsequently Mr Jayaratne (Mr J) my former husband a non-lawyer, took up the case and it was his view that theoriginal claim was not at the required standard and therefore lodged an Amended Claim on 12 January 2000at the First Interlocutory Hearing. After perusal of the Amended Claim you told Miss Gayle White, the HOL Counsel, **"Something must have happened here".**With the Amended Claim Mr J also submitted to you a request for disclosure of documents vis a vis, Carole Hunt's (my white comparator who was recruited in May 1998 as Receptionist/Office Assistant on the pretext of**'assisting Phyllis with her heavy workload'.** These words were used by LM when informing me and also documented in my Appraisal Report) May 1998/9 Appraisal Report and the May 1998 and June 1999 payslips. This was in order to confirm that the new white employee was recruited at a higher rate than me even after 10 years' of service. This confirmation was necessary in a race claim, as the burden of proof was on the Applicant i.e. me, to prove that I was treated less favourably than the comparator. The fact that my comparator who was to assist me was recruited at a higher rate coupled with the fact that she was employed for 30 hours net p.w. while I was told that the maximum hours I would be offered would be 22 hours net p.w. was added proof (if proof was ever needed that the comparator was recruited under false pretences) that I was treated less favourably. At the end of the First Interlocutory Hearing, you told HOL to bring those documents to the Second Interlocutory Hearing in February 2000 so that you would peruse them prior to disclosure. At the Second Interlocutory Hearing you were absent, and in your absence, the hearing was chaired by Mr John Warren who was adamant that he would NOT peruse the documents and stated :

- **"The documents would not help either party or the Tribunal".**

At the first tranche of the main hearing in April 2000 when you returned as the Chairman, Mr J reminded you that Mr Warren refused to peruse the documents stating the above. You then stated that **"the matter has been dealt with"**. The matter was not dealt with, as the documents were not perused which was in stark contrast to your own instructions at the first interlocutory hearing.Therefore your statement was a non sequitur tantamount to a **LIE.**The non-perusal of these primary documents, leading to non-disclosure placed me

at a considerable disadvantage, thus breaching the principle of **'Equality of Arms'.** Immediately before the First Tranche of the main hearing in April Miss Gayle White the Counsel for the Respondents handed to us and the Tribunal a document/ **questionnaire (28 questions)** titled - **'List of Issues'** instead of responding to our Amended Claim.At the hearing Miss White put to me each and every question on the List of Issues, you told her "You are asking her each and every issue as if this would go for an appeal". This particular response of yours is loaded with significance.

Let me remind you the basis of the allocation of the number of days for the first tranche. I was notified by the Croydon ET on 16 November 1999, that the case was allocated for 3 days as from 4 April 2000.The allocation of 3 days was on the basis of Ms FarzanaJaved's original claim. This claim was of course superseded by the Amended Claim. You told both parties of your appointment as the Social Security Commissioner at the end of the 3rd day of the First Tranche of the hearing. You informed us that you would not be available until end of November 2000 due to your new appointment. You were aware that "something must have happened here" when you said that after reading my Amended Claim on 12 January 2000. Therefore for you to adjourn the case for 8 months later, which is not just and fair, 'something did happen here'. You told us the adjournment was due to **'so called new appointment'** as the Social Security Commissioner. This is irrelevant in the context of the significance of the race claim against the HOL, therefore I believe the adjournment for that length of time was due to Lord Irvine's instructions to you. The inordinate delay of 8 months in itself would have been sufficient grounds for the case to have been dismissed under normal circumstances.

At the First Tranche (April 2000) of the main hearing you permitted the case to go ahead without a Notice of Appearance by the Respondents to my Amended Claim. This is a requirement of the Employment Law Schedule 1 Rules of Procedure Clause 3 Section 1 which states, that a Respondent 'shall enter an appearance to the proceedings by presenting to the Secretary a written notice of appearance' inter alia stating whether or not the Respondent intends to resist the application and if he intends to resist, setting out sufficient particulars to show on what grounds. Clause 3 (2) states "A Respondent who has not entered an Appearance shall not be entitled to take any part in the proceedings". There are some caveats but those do not apply in this particular case. Respondents/HOL were permitted by you to deal with the issues in their Witness Statement. The attached **Appendix 2** reveals a few examples of your perverse Decision (for further corrupt practices at the courts and racial abuse at the HOL please see my website: www.racialabuse-houseoflords.com) as you had accepted the bribe.

You stated at the April hearing, HOL had to maintain confidentiality of their employees' personal documents, hence the non-disclosure, but as I stated earlier, it was your own instructions at the first Interlocutory Hearing that the documents should be perused prior to disclosure.However your stance changed where my confidentiality was concerned. That was on the issue of my complaint to you that LM opened my July 1999 payslip in my absence fromthe office, due to victimisation/suspension for calling the managers 'Racists'. The opened envelope was a window envelope containing my pay slip which was enclosed in a larger envelope and posted to my address. My name was hand written by Carole Hunt and the address was hand written by LM. At that time, I lived in Essex but LM wrote Exeter. The post office had crossed off Exeter and written Essex. After several complaints/ reminders to the Human Resources office, I received it 2 months later. You maintained confidentiality only for the white comparator's pay slips/personal documents, while you deliberately ignored my confidentiality as regards LM opening my payslip. You asked for the envelope which was handed to you by Mr J. You said that you would keep

this as a reminder when preparing the Decision. I requested this envelope/evidence from the Tribunal after the claim was dismissed but I was informed via Mr John Warren(the Chairman at the second interlocutory hearing), to whom I referred to earlier, that my file was destroyed.**The opening of my pay slip byLM, is a criminal offence**. LM opened my July 1999 pay slip in order to find out how much I was paid as Staff Gratuities by the Human Resources Office. Until that time it was LM, who calculated my meagre Staff Gratuities. However as a result of the Internal Investigation, in July 1999 my entitlement for Staff Gratuities was taken over by the Human Resources Office. Hence LM opened my payslip which was a **deliberate and malicious** action, this therefore is a criminal offence. **You kept my envelope as evidence of criminality to show Lord Irvine and destroyed It subsequently.**

Racism reared its ugly head which manifested itself in i) **overt** and ii) **covert** aspects.

Overt aspects were a) Non-payment of my rightful remuneration and its associated benefits, b) the abrupt refusal of access to answer the telephone which was essential to carry out my duty of updating the functions diaries for Peers and the Corporate Clients(the refusal of access was LM's and those instructions were conveyed by the white comparator whom I trained. This was a demotion making my post untenable), c) ending abruptly another duty which was to escort Corporate clients from the Pass Office and dealing with Peers(both duties i.e. answering the telephone and escorting corporate clients plus 4 of my other duties were transferred to the white comparator. Theveracity of this evidence was confirmed by both, i.e. you and the Respondents),d) changing the position of my desk and that of the comparator, were in order so that the first port of call for visitors, would be the white comparator thus marginalising me (see website pages 9 and 10, Point 5), e) denial of training, (as mentioned below the training that I specifically refer to is the specialised Desk Top Publishing – DTP - training which was beyond the capability of the in-house trainer, yet I was not sent ona professionaladvanced training course. I was the only staff member who was allocated this duty, as no other staff member was able to do it. Taking into consideration the transfer of 6 of my duties to the comparator as stated in (c) above, your written decision stating,"Carole Hunt's training were entirely different from the Applicant's requirements and we consider that no proper comparison can be made of their treatment in this respect" is a perversion of the truth), f) denial of a full time post. These **overt** actions vis a vis the abrupt ending of the telephone facility, the escort of corporate clients from the Pass Office and dealing with Peers,and the changing of the position of my desk were **for the specific purposes of (i) hearing a white voice, and (ii) exhibiting awhite face for the public thus confining me to the desk solely in order to carry out the specialised Desk Top Publishing (DTP) duty**. However part of the DTP duty entailed typing the menus for both Peers and Corporate Clients which meant, I needed access to the diaries and the telephone. Therefore the refusal of access was nonsense and absurd, this was ample proof of LM's virulent racism.**As regards the DTP I remind you that it was you who pointed out that Word-Perfect 5.1, software package I was given for the DTP was totally incompatible and you also agreed with Mr J that I should have been given either Quark Express or Page Maker software. My tardiness was due not only to the incompatible software package but also to the denial of training. I should further remind you that prior to the allocation of the DTP task to me in September 1991, it was carried out by an outside printing firm at a cost of £90,000 per year. This job was neither discussed with me nor the essential training was given. I was given only an instruction manual for the incompatible WordPerfect package.** I was expected to meet deadlines, and to work to a professional standard causing me severe distress while HOL profited by **£90,000** per year, yet a professional advanced training course that would have cost **£500** was deliberately denied.

At the beginning of 1999 a new software package Word 6 was installed, and once again this was an incompatible package to deal with DTP work and also no training was given**(website pages 7 and 8, Point 3).**My Personal file has no records of invoices/documentation for training courses for the DTP duty. You verified it yourself and there were no such records re invoices.

Yet you LIED to defend HOL that I was given several training courses because you accepted the Bribe.

The **covert** aspect was revealed during the disclosure of documents eg. some of my Appraisal reports included an extra pagewhich was attached to the agreed and signed Appraisal Report. This extra page contained false, derogatory annotations which I had not seen before. **(website page 4, Ludicrous excuse 9 and page 7, Point 3).**

I remind you that at the end of the first tranche prior to the adjournment. Mr J requested the attendance of 4 additional HOL witnesses (those 4 witnesses were separate to the 6 HOL witnesses who were cross-examined) in order to clarify certain essential issues pertaining to the race claim. You told me, "first, issue Notice to Admit Facts and if there is an equivocal or non-response I would deal with the issue when the case is re-convened in November". At the commencement of the hearing in November, Mr J informed you that the 4 witnesses refused to respond and a letter was received to that effect from Miss Gayle White, the Respondents' Counsel. You then said, that you cannot recall you advising Mr J myrepresenta-tive, to issue the Notice to Admit Facts. This is a **downright LIE**. Mr J who is not a lawyer would not have known by any stretch of the imagination of the existence of this document - Notice to Admit Facts - until you explained the purpose of the document and advised him to serve it. You further told Mr J, a) if an order is issued for the 4 witnesses to attend, they would be hostile witnesses and Mr J would not be able to cross-examine them and b) if we bring them to court, "I will accept whatever they say. I advise you**not** to bring them to court". This was intimidation and it shocked me. At this point I would refer to your written Decision under 'Our Findings'Clause 10. **".....because some members of the Respondents' staff who could have dealt with those matters were not called to give evidence".**This is spurious and misleading. You implied that we did not request the attendance of the 4 Witnesses, when in fact you advised Mr J not to bring them to Court !

In Employment Law, Schedule 1, Rules of Procedure, Clause 4 - 'Power to require further particulars and attendance of witnesses and to grant discovery' and in **Clause 4 (2) and (3)** in summary, state that a 'Tribunal on its own motion, could require the attendance of a party to produce any document or answer any questions to clarify any issues likely to arise for determination and assist in the proceedings'.

The above does not refer to any hostile witnesses. It lays down the procedure to follow which you did not adhere to, presumably as the outcome of the case had already been determined due to the instructions of Lord Irvine.

My Skeleton Argument which was submitted at the Appeal to the EAT stated, that you could have adhered to the above rules. In fact Mr Justice Lindsay, President of the EAT confirmed my viewpoint when he documented in his Decision, Clause 8,"there is a detailed machinery provided in the Employment Tribunal Rules which if used, can lead to a requirement or Order by the Tribunal that particular questions should be answered - See Employment Tribunal Rule 4 (3).This was not used in this case". For Mr J Lindsay it was the end of the matter, Lord Justice Latham, at the Court of Appeal, after dismissing my case, asked me, **"Have you got anything to say?"** I replied, "the case has been dismissed but my remuneration has not been paid". Lord J. Latham replied: **"That is not a point of law "**.

Non-payment is a violation of my Human Rights, and employers must pay the rightful remuneration and**that is the law!** For those who are sceptical about the British Justice System (BJS) as quite a few are, it would not be a surprise to hear about the venal judges. Let me quote two articles. One article was published in the Sunday Express on 28 August 2011 under the heading,

'Scandal of the Judges who shame Justice',

> "A total of 29 members of the judiciary were sacked, including one coroner and six tribunal panel members. Offences ranged from "inappropriate behaviour or comments" to professional misconduct or getting into trouble with the law themselves. Another 25 resigned while under investigation, including two judges, and 18 magistrates." ..... "Last year 28 members of the judiciary were also given reprimands by the OJC*(Office for Judicial Complaints)* and another 24 were offered advice, warning or guidance".

Another article in the Sunday Times of 20 October 2013 under the heading**, "The guns have gone, old soldiers are dead, but the law grinds on",** stated, **"In the immediate aftermath of Bloody Sunday, the Ministry of Defence methodically obstructed, misled and lied outright. Aided and abetted by it, the then Lord Chief Justice, Lord Widgery delivered a shameful whitewash....."**. For those who believe in the BJS, it would be hard to swallow the venality of such learned Judges.However, bearing in mind my earlier statement, **a)** that this was a race claim against the HOL, **b)** undeniable Perversion of Justice and Corruption and **c)** Lord Irvine's triple role, it is realistic to conclude that Lord Irvine colluded with the Chairman and Judges. Pressing on this point, at the end of Mr J's oral submission to both Mr Justice Lindsay and Lord Justice Latham (CA hearing was on 28 February 2002) adjourned the case for deliberation, **but almost immediately** they returned and read out from lengthy documents excluding the key points raised by Mr J. Therefore it was abundantly clear that both of their statements were prejudicial as they were pre-prepared. I requested several times for Lord J. Latham's written Decision and finally I was informed that I had to collect it from the Office of Smith Bernal Official Shorthand Writers to the Court. **This was in August 2002 which was 6 months after the CA hearing. Themost revealing issue is that Lord J Latham's written Decisionwas both unsigned and unstamped, therefore it was not a Sealed Judgment.**

Both these Judges took us for fools and vastly underestimated us. They also firmly believed I would lie low and never envisaged that I would pursue the case for this length of time and leave no stone unturned.

Now, let me go back to the second tranche of the hearing. Just a week before the start of the Second Tranche (27 November 2000), I received a letter dated 22 November 2000 from ACAS informing me,**"I have been contacted by the Solicitor representing the Respondents. She has asked that I contact you to establish whether you wish to put forward any proposals for their consideration, on a 'without prejudice' basis, before the hearing".**

I would also remind you that there were 2 prior letters from ACAS dated 7 February and 7 March 2000. The 7 February letter stated, **"I have recently spoken with the solicitor representing the respondent. She advised me that she would be interested in hearing what figure you have in mind for settling the case (and how it is calculated) without recourse to the employment tribunal".**

The 7 March 2000 letter stated, **"Following the Interlocutory Hearing on 29 February I spoke to the solicitor representing the House of Lords. She advised me that she was**

keen to establish whether you were interested in possible conciliation to resolve this matter. .....I would be grateful for your comments as to whether you would be interested in pursuing possible settlement of the case. If this is the case I would be very interested in ascertaining what your wife is looking for to resolve this matter. Is it purely a matter of financial compensation or are there other factors required ?"

The above 3 letters from ACAS were forwarded to Mr J as he was my representative and **all 3 letters were signed by John Bidder, Conciliator.**On 24 November 2000 I received a telephone call from Mr Bidder stating that the other party had left a message with him, requesting proposals from me. Mr J forwarded my proposals 'Without Prejudice' toMr Bidder on the same day, i.e. 24 November. The proposals were in two parts, **a)financial** with various sub-headings i.e. Compensation for Racial Discrimination from 1989 to date, Loss of earnings, Overtime, Profit Sharing Bonus, Staff Gratuities, Loss of Future Earnings, Value of Pension Contributions and NI Benefits lost, injury to feelings, humiliation, harassments including aggravated damages, Victimisation (Suspension and Breach of Confidentiality), Loss of Congenial Employment, Interest from 1989 to date (simple interest at prescribed rates) and **b)Non-financial** i.e. a fulsome apology from the Clerk of the Parliaments and the two main Respondents. I did not receive a written response either from ACAS or HOL, but Mr Bidder telephoned and advised me not to go ahead with the hearing because it would be very stressful for me, instead that I should ask for £5000 compensation. I replied that they owe me thousands of pounds in unpaid salary alone, before talking about any compensation. The offer was derisory. I have explained further below whereby both Ms Gayle White, HOL Counsel, and the HOL pretended as if they were not aware of these ACAS correspondences.

Once more I would go back to the Second Tranche of the hearing. At the Second Tranche in November the 6 HOL witnesses who were cross-examined committed perjury, you made caustic rejoinders to such perjured evidence in order to give the appearance of a Fair Trial. On several occasions, you vigorously defended them, responded on their behalf, and even asked LM the first Respondent, if she wanted to change her answer. I was helpless and wanted to screamat the way you conducted the hearing during Respondents' cross-examination. LM and Rupert Ellwood the two main Respondents' responses to the questions :- **a)** Why was I not given contracts, **b)** Why was I denied training and **c)**Why was I not offered a full time post when I was carrying out 67 hours p.w. - were mostly, **"I don't know"**. In spite of the non-committal responses and the perjured evidence to which you made pointed remarks, your written Decision stated that the Respondents were credible implying that I was not, and dismissed my race claim. You further stated: "We considered Miss McWilliam to be a principled and open witness and we were impressed by the fact that she readily admitted incidents which might be expected to show her in a poor light in the context of a discrimination claim". Those incidents you referred to were mainlythe racial comments stated in the website: www.racialabuse-houseoflords.com**pages 14, 15 and 16, Point 11.**

However **you deliberately discarded her innumerableracist actions**(which I had also included in the Amended Claim and in my Witness Statement and also www.racialabuse-houseoflords.com)towards me over a period of 10 + years which portrayed her as an out and out RACIST. **You had a blinkered approach**. Suchbiasedjudgment (through Lord Irvine's instructions) and abuse of process resulted in an unfair trial to my detriment.The second tranche commenced on 27 November 2000.The first two days of the tranche was taken up by the cross-examinations of both Mr Embleton and Ellwood. LM's cross-examination was due to take place on 3rd day. You were aware "something must have happened here" (you stated that after reading the Amended Claim as stated in **page 2**), and I

believe you wanted a settlement to take place, therefore prior to LM's cross-examination you advised Ms Gayle White, the HOL Official Counsel:

> "Try to compromise and settle this, because *Mrs Jayaratne is a loyal, conscientious employee who took great pride in her work, and that is something that you cannot forget".***(*You deliberately failed to include this finding in your Decision because you had accepted the Bribe. Mr Bibbianiused these same words the following day after you made this comment. How did you know what Mr Bibbiani would be saying the following day?)***

The case was adjourned in order for Ms Gayle to pursue. We were in the Applicant's waiting room when Ms White visited us but she did not even sit down to discuss, but stood at the doorway and asked us "what do you want, money or job or what?" We were surprised not only at her standing at the doorway, but also at the question, because as mentioned on **paras39-52,page 6, and paras 3-25, page 7** she should have perused my proposal which should have been in her custody. I told Ms White that HOL had my proposals already in their possession and I explained the ACAS involvement, she said she would ask for a copy of the proposals. The only conclusion I could come to is that she was fibbing, and that HOL was aghast at my proposals including a financial element for Racial Discrimination which they did not want to admit to, hence Lord Irvine's involvement to dismiss this claim. When the hearingcommenced the following day, you did not refer to the feedback of your request regarding the settlement. Similarly, there was no feedback from Miss White. It is my belief that this was due to the **closeted briefings** you and Lord Irvine/ HOL hadon a daily basis. Mr Bibbiani's (Mr B - head of the Refreshment Dept)evidence given the following morning adds credence to that fact,when he used the same phraseology in describing me i.e.* **"Phyllis is a loyal and conscientious employee".**You do not know me, therefore for you to comment that I was a loyal and conscientious employee, did come from those closeted briefings. This is a logical conclusion.

It is blatantly obvious that there was a concerted conspiracy to dismiss my claim, therefore you handed your transcript or the Chairman's notes to Lord Irvine **(Chairman's/Your Notes were denied to me in spite of my several requests. These Notes are a necessity if an appeal is based upon or includes an allegation that the Tribunal's Decision was perverse. (Piggot Bros& Co Ltd - v - Jackson & Others (1991) IRLR 309, CA.** I believe Lord Irvine instructed a person/unit to act as a filter. I have reasons to believe, based on personal experience through the correspondences I have received to my complaints ofcorruption, raised with several persons/ organisations that **this unit/person is still in existence.**
I also believe all my correspondences are still with this unit.This person or filter responds by stating:

> **"Case is Closed" ; "Forget the past and move on" ;**
> **"You have exhausted all avenues".**

The case was closed with no decision on my Non-payment.

Furthermore, a case cannot be closed if it contravenes Article 6 of the Human Rights Convention i.e.Right to a Fair Trial. I was deliberately denied the opportunity to explain my side of the story at the Witness Desk because you frequently reminded that :

- "I have no time" ; "I have other matters to attend to".
- "I have to wind up other cases".
- "Hurry up with your cross-examination".
- "Have you got many more questions to this witness?"
- "Can you finish this witness's cross-examination by this afternoon?"

This was not a Fair Trial as you accepted the Bribe.

Race discrimination and Non-payment are intrinsically inter-related and inter-woven. You divorced the element of non-payment from race discrimination, and concluded that "We find no discrimination" without deciding on the aspect of non-payment. The issue ofnon-payment is still outstanding. i.e.**Unpaid** appropriate Basic Pay, Overtime and other associated benefits alone, amount to £243,622 without any interestto date + compensation. You documented (the 'Filter' inadvertently failed to delete the only statement in my favour) in your written Decision,

> "However, it is not in dispute that **throughout** her employment the Applicant has worked very much longer than her contracted hours and it appears to have been frequent for her to work up to **60 hours per week'**. (*I was paid only for 13.9hrsp.w.)*

No amount of legal acrobatics can overrule the above unequivocal statement. At this stage, it was within your remit to order HOL to pay my due remuneration, but you deliberately failed to do so. Furthermore, Herbert Smith the reputed Solicitors who perused all my documents **(including all the payroll documents from the commencement of my employment in April 1989 + proposals for compensation)** had documented in a Draft Letter to the Clerk of the Parliaments that,

> "**House of Lords have a moral justification to pay Mrs Jayaratne's remuneration".(*moral? Not a legal justification*?For some reason Herbert Smith said 'Mrs Jayaratne's remuneration',it should have been 'Mrs Jayaratne's Unpaid remuneration'.**

Herbert Smith Solicitors at this stage were prevented from assisting me, when HOL abused their powers once moreby removing the Pro Bono facility for me. Herbert Smith asked me to pay upfront if they were to go ahead and asked from HOL for £146,000 (the correct unpaid salary including associated benefits alone are £243,622 withheld by HOL) in unpaid monies. I have no funds available to pay Herbert Smith as I have been plunged into poverty by you. The core point is the non-payment of my appropriate remuneration and its associated benefits to which I am legally entitled to. Of course interest to date and compensation need to be taken into account. No spuriousexcuses should be given.You have to depend on the Person/Filter Unit set up by Lord Irvine/HOL.Furthermore I have lost on both my State and Occupational Pension Benefits as my salary was based on Fraudulent figures of 13.9 hrs.

Universal Declaration of Human Rights Article 23 states:

'Everyone, without any discrimination, has the right to equal pay for equal work'.

You did not pursue the non-payment issue although it was within your remit to order HOL to do so. The issue of non-payment is a serious injustice caused by HOL, in its capacity as the then highest court in this country. LM resorted to deceit and lies to **a)** exploit me and **b)** prevent me from receiving my rightful remuneration. She took it upon herself to abuse her position as a manager and everyone in authority turned a blind eye. HOL never investigated my complaints throughout, but when I called them racists after 10 years' patience, an Internal Grievance Investigation was held which was a white wash. At the final Grievance Procedure meeting in the presence of Sir Michael Davies the Clerk of the Parliaments at that time, Mr Embleton the Deputy Establishment Officer, explained that:

> **"Racism is everywhere even in Civil Service. Miss McWilliam belongs to a different generation(*KKK)*and cannot be corrected".**

Therefore I was expected to accept what was everywhere and LM was allowed to continue to abuse me and no steps were taken to investigate my complaints but HOL lied to the Tribunal that I never complained of race discrimination...

Hitherto I have neither referred to LM's fraudulent DWP actions nor your tacit acceptance of it. Prior to such reference I would remind the background information as detailed below:

I was working 67 hrsp.w., (**website page 8, Point 4**, for the basis of the 67 hrs) although I was supposed to work 22 hrsp.w. net. LM should have paid me for the 67 hrsp.w. and offered me a full time post but she did not, in spite of my written request which is documented. Instead of offering me a full time post, she recruited my comparator for 30 hrs net p.w., when LM was unwilling to increase my hours for more than 22 hours net p.w. (The increase of my hrs from the original18 p.w. to 22 p.w. **(website page 8, Point 4 above).** Furthermore, during the period of 1989 to 1998, 7 full time posts fell vacant within my department. These posts were not advertised internally. I became aware of these posts only when the new employees started work. I have reasons to believe that LM deliberately instructed other colleagues not to let me know in order to prevent me from applying. Theseinterviews took place on Fridays in my absence, as I was supposed to work only from Monday to Thursday.

I should also remind you that you stated: "I don't think that there is an Equal Opportunity Policy here". **This finding you deliberately failed to include in your written Decision because you accepted the Bribe.**I should remind you that you documented in your Decision that I had worked 60 hrsp.w. throughout**(paras 10-12, page 9 above)** but then in the same Decision you stated that I had not requested for a full time post, when a) I had already requested in writing for a full time post, which was documented in my Personal File and b) I was actually working more than full time hours throughout. Hence your statement of not requesting for a full time post is **specious.**

You disingenuous decision that LM was sympathetic which I have mentioned below in this letter (also see for a full account website **pages 16, 17 and 18, Point 12**,) was based on her witness statement, that (a) she had given me cream cakes left over from HOL functions, (b) she had given me her friend's used clothes, (c) she had given me herbal drinks which she found when clearing up her cupboard. **You disregarded my complaint that LM maintained only the form but denied me substance.**As regards these **'Charitable'** acts, your convoluted statement in your Decision was:

> **"We are satisfied that Miss McWilliam did go out of her way to treat the Applicant sympathetically and to support her for compassionate reasons".**

The above is only one illustration of your **barefaced lies** as regards credibility of the Respondents. I did not need LM's sympathy,compassion, leftover food, or somestranger's used clothes, but what I asked /needed was a) payment for the 67 hours p.w. I worked, b) training and c) a full time post. These requests were deliberately denied. Furthermore your conclusion of LM being a sympathetic person, is once again a perversion of the course of justice. I did not have a contract with HOL to accept leftover food instead of payment.

You stated that it was at my request that HOL reduced my hrs to 13.9 hrsp.w. without explaining the background to the reduction of hours. (how this came about is explained in my **websitepage 9, Point 4**)Your deliberate perverseDecisionimpacted on significant financial hardship to me as you did not make an Order regardingmy remuneration and other associated benefits to be paid. My Pensionwas also affected as it was based only on 13.9 hrsp.w.

Now, I would detail below **LM's DWP fraudulentactions which you deliberately excluded from your written Decision:**

Instead ofpaying me for 67 hrsp.w. and offering me a full time post as explained above, my hours were reduced to 13.9 in order for me to claim benefits. Mr J explained to you

that LM confirmed in writing to the DWP that I was only working 13.9 hrsp.w. when she was forcing me to work 67 hrsp.w. was **fraudulent.**

Your tacit acceptance of LM's written confirmation to the DWP in spite of you (the newly appointed Social Security Commissioner) being aware of my actual working hours as per your **own** findings in your written Decision,**(paras 10-12, page 9 above)you are also culpable of FRAUD.Furthermore, as a direct result of LM confirming that I was paid for only 13.9 hours p.w., leads to the fact that HOL did not pay the employer's 'real' NI Contributions thus HOL also is liable for fraud. The fraudulent acts of LM/HOL impacted in significant financial hardship vis a vis my remuneration and its associated benefits and also on my Occupational and State Pensions as they were based on incorrect/fraudulent figures**.LM forced me to work 67 hrsp.w. as no one was employed to carry out my duties had I gone home after working only 13.9 hrsp.w. She was unable to recruit another employee purely due to her informing the Human Resources Office, and the Staff Adviser that 'there is not enough work for a full time post'. This was provento be another lie as illustrated quite clearly in the following paragraph.

You accepted in your written Decision which I referred to earlier, that I worked 60 hrsp.w. (although I assert that I worked 67 hrsp.w.). You were forced to come to that conclusion because of the **documentary** evidence of HOL/Rupert Ellwood's (Second Respondent) Witness Statement, documenting that two, full time employees were recruited for 90 hrsp.w. to carry out my workload of 67 hrsp.w. In fact you said **"Mr J,You proved your point"**, meaning that you accepted two (white) employees were employed, in total for 90 hrsp.w. to carry out my workload which I carried out single handed and was paid only for 13.9 hrsp.w.**However your Decision deliberately failed to include your remarks you made in my favour in your written Decision**.

If the DWP fraud is exposed, this could result in LM, HOL and also you being liable for prosecution.

In fact I complained in writing to the DWP Fraud Team about the above fraud i.e. the fact of LM confirming to the DWP that I worked 13.9 hrsp.w. only (meaning I was paid only for 13.9 hrsp.w.), when in reality I worked 67 hours p.w. I also told them that due to that fact, HOL did not pay the rightful NI Contributions as they should have. Two months went by, I have had not even received an acknowledgment to my complaint. I therefore telephoned DWP, and I was told that my file was **'sent somewhere'** and that she did not have it. I asked her where the file was sent to, but she was unable to clarify any further except to state that she could not locate it. Sometime later I was asked to contact Mr Tom Rogers in Acton Job Centre but he too was unable to enlighten me. **At this stage it is only a logical assumption that you being appointed as a Social Security Commissioner at that time, and having given a prejudicial decision in my race claim,you were in a position for the 'disappearance' of my NI Contributions file and the relevant correspondences pertaining not only to my NI but also to my pensions.**

I have already written to you several times, accusing/challenging you that you accepted the bribe as a Social Security Commissioner from Lord Irvine in return for dismissing my race claim against HOL. **You did not deny** that I had made false accusations against you. You observed total silence. However someone by the name of James Bano, purporting to be

your brother, sent me two threatening e-mails (copies of both e-mails are enclosed herewith) herewith - **Appendix 3**) stating:

(a) "the negative content has been affecting (sic) my brother's name in the society very badly

(b) "He have (*sic*) lost his peace of life"

(c) **"He also attempted to (sic)suicide"**,

(d) "remove the link as soon as possible"and (e)"I will sue a case against (sic) your website" .

I have also received 10 other e-mails from different sources (including **Stevan Johnson, Morrison and Foerster Law Firms, San Francisco, CA.**) on the same topic intimidating me that I would be sued if I did not remove the web link. I responded that they should sue me for libel, but nothing was done. Their addresses are as follows:

jamesbano@lawyer.com (2 emails)
tanderson@littler.com,
canderton@littler.com
aayazi@littler.com-
lawyer.mendleson@mail.com (2 emails)
albygallun@yahoo.com (2 emails)
mike.ford5643@lawyer.com (2 emails)

adv.stevanjohnson@yahoo.com
Stevan Johnson,Morrison and Foerster Law Firms,
San Francisco, CA.

It is highly logical to state that these sources are connected to you intimately. The 14 e-mails were written in substandard English and contained grammatical errors, the reasons for which are debatable. Someone is obviously using such language in order to distance himself for a reason which I do not know.

Rights of the poor and the vulnerable were smashed into smithereens. You had no moral compass and succumbed to the venalities. Justice was deliberately denied, it was not even seen to be done. This goes against the grain of the well known case law of **'Justice should not only be done, but should manifestly and undoubtedly be seen to be done' .**(R – v Sussex Justices, Ex-parte McCarthy ([1924]) 1 KB 256 [1923] all ER Rep.233). Furthermore in my case there was a **real danger of bias.** (Regina – v - Gough (1993) AC 646, HL - Lord Goff of Chievely).

Lord Lester of Herne Hill a Human Rights Lawyer stated:

> "The act commands public bodies and officials to exercise their powers in accordance with the convention rights, including the principles of legal certainty and proportionality. Where they fail to do so, they are made **directly liable to their victims** for their breaches of duty, and the courts are empowered to fashion effective remedies'.

In view of the above, you are solely liable to remedy this serious injustice of Non-paymentand its associated benefits+ interest to date and State and Occupational Pension Benefits which was purely due to racism. In addition compensation must be taken into account.

HH Judge Alistair McCreath, in November 2011, when sentencing Mr Munir Patel a minor court clerk at the Redbridge Magistrate Court told Mr Patel that:

> " Your position as a court clerk had at its heart a duty to uphold and protect the integrity of the criminal justice process. What you did was to undermine it in a fundamental way.By doing what you did, you created a danger not only to the integrity of the process but also to public confidence in it. A justice system in which officials are **prepared to take bribes** in order to allow offenders to escape the proper consequences of their offending is inherently corrupt and is one which deserves no public respect and which will attract none. The public would expect and rightly expect the courts to take strong action to protect and defend the integrity of the justice system".

There was a similar case in September 2013 at the Preston Crown Court when **Judge Knowles** sentencing David Kelly remarked **"You thought you could buy off justice with corruption. That strikes at the heart of the system and makes a mockery of Justice".**

You directly and deliberately placed not only me but my family in significant financial hardship. You ruined my life. I will NOT keep quiet therefore whatever happens I will fight for my remuneration and rights. HOL withheldmyremuneration since October 1991. I have been fighting this battle with the authorities since 2000 and I will continue to do so until I receive justice.

I would quote the following which is directed specifically towards Lord Irvine, but equally applicable to you:

"Be you never so high, the law is above you".

The above was quoted by Lord Denning during a summing up in the Court of Appeal quoting the great 18th century Attorney, Sir Thomas Fuller.

MS PHYLLIS JAYARATNE DECEMBER 2013