

In the matter of an enquiry in relation to Rabbi David Mitchell

On behalf of West London Synagogue

Sir Michael Burton GBE's Report Summary

Introduction

1. I was appointed on 10 March 2020 by West London Synagogue ("WLS") to carry out an enquiry into the position of Rabbi David Mitchell ("the Rabbi"), who had been suspended from his employment as a Rabbi at WLS on 27 January 2020.
2. I presented my report to WLS on 29 March 2020. As that necessarily contains confidential information relating to the Rabbi, the complainants and some members of WLS staff, I have been asked to provide this executive summary for publication.

The Background

3. As is already public knowledge, there were complaints against the Rabbi in 2016, which were dealt with internally by WLS ("the 2016 Decision").
4. On 25 November 2019, the Rabbi was appointed as joint Senior Rabbi of WLS together with Rabbi Helen Freeman and he entered into a new contract of employment on 11 December 2019. This appointment gave rise to a number of complaints being published in the Jewish Chronicle.
5. My appointment was then publicised to the congregation and staff and reported in the Jewish Chronicle. I believe that it is unlikely that anyone with material evidence to give has been unaware that they had an opportunity to do so.
6. In considering the ambit of my enquiry, I determined that it would have been in no way sensible, possible or in any event just for me to revisit and review the 2016 Decision. This would have been an appeal at the instance of the employer, putting the Rabbi into a state of double jeopardy, and, even if otherwise feasible, it would have been totally unjust to retry him without my re-hearing and reconsidering all the matters which were then in issue and giving him a full opportunity to be re-heard. This is not how employment law works.
7. Nevertheless, had I in the course of my enquiry formed the view that there were serious matters prior to 2016 which for some good reason were not then known about and/or considered, then that might have been some justification for me to reconsider the 2016 Decision.

The Enquiry

8. I have carefully considered communications from 14 people, of whom I have interviewed 11 at some length ("the Complainants"). I also interviewed the Rabbi on two occasions.
9. I am satisfied that all save one of the complaints which were the subject matter of the articles in the Jewish Chronicle had been taken into account and considered in 2016.
10. As for the other pre-2016 incidents that I have now considered, which were neither complained of at the time nor raised in the context of the 2016 Decision nor, save for one, revived in a Jewish Chronicle article, I have concluded that all of them, now long ago, and antedating the 'reality check' that was constituted by the 2016 Decision, are not sufficient, of themselves, or taken together, to reopen the 2016 Decision.
11. I have also considered specific complaints against the Rabbi since 2016 and I am entirely satisfied that:
 - (i) they do not, whether of themselves or taken together, constitute any material criticism of the Rabbi such as to justify his suspension or not honouring his contract; and
 - (ii) in any event they do not indicate any kind of similarity to or repetition of the complaints which led to the 2016 Decision.
12. I also considered general criticisms which were made by some of the Complainants. Even if support for them could have been found without specific examples, they do not support a case for the Rabbi's suspension, particularly when set against his manifest talents and experience.

Conclusions

13. I can therefore conclude that, for the reasons I have given, I am satisfied, having considered all the evidence before me, that:
 1. **There are no grounds to continue the suspension of the Rabbi.**
 2. **There are no grounds for not honouring his contract of employment.**

Sir Michael Burton GBE

29 March 2020