

**Beyond The Rule of Law  
Part Two  
Contempt For Evidence**

When the malicious allegations were made to the Charity Commission, we knew we had the evidence to prove the allegations were malicious and unfounded so we immediately responded to the Commission and said we understood they must investigate and that we would supply all the evidence required without delay. However, it quickly became apparent that there was no auto acknowledgment from the Commission, and neither was there any proof that emails were sent as there was some kind of queuing system.

When you are accused of serious wrongdoing, and you have all the evidence needed to prove your innocence, you tend to treat that vital evidence as important and expect investigators to do the same. How much contempt the Charity Commission had for vital evidence has been revealed by a recent Subject Access Request made by Eileen Chubb to the Charity Commission, which revealed the below record log extracts;

***“Phone call to the Commission made 7 August 2020:***

*“EILEEN CHUBB called to check we had received her emails she sent in yesterday just before 1700”*

***“Extract from an internal email sent 10 August 2020:***

*“I’ve just had a call from Eileen Chubb from COMPASSION IN CARE – 1102282. She was really frustrated and upset as she has been trying to submit sensitive information to us via email, to cscorres1 about allegations about the charity. I can see we have received **4 emails** from 06/08/2020, 07/08/2020 and 10/08/2020. However, Eileen said she has submitted about **26 emails with attachments**. I advised she used the enquiry form so she would receive confirmation of receipt, but she said she had previously tried that, and it wouldn’t work so I suggested making sure all documents were pdf and file size up to 10 MB. She said if this doesn’t work, she may try by post.*

*She asked to speak to you, but I advised I would pass on her information to you.  
Eileen Chubb*

***Extract from an internal email sent 10 August 2020:***

*“She called the helpline on Friday too and I did speak to her as she was being very persistent with one of your colleagues. **I’m going to email her to confirm we have received some information. Hopefully, that might stop her calling in.**”*

Stop someone calling in and say you have received **some** evidence. To this charity and its trustees and administrator who worked through the night, so our helpline was not

impacted during a pandemic with a 60% increase in calls, we worked hard to provide that evidence to the Charity Commission; without any assurance that evidence was received or even read.

It is relevant to note here that **after** many months of distress and many hours spent submitting evidence in vain and obtaining a lawyer as we realised that no matter what we did, the Commission were not interested in evidence at **all**. We submitted a formal complaint about TM and the Charity Commissions conduct to the board of the Commission. During the subsequent investigation TM placed a completely spiteful malicious letter on our file that contained completely **fabricated allegations**. **See below extract.**

### **19<sup>th</sup> April 2021**

"The regulatory case could have been resolved much earlier had the trustees been accepting of the concerns identified and understanding of good governance advice and guidance provided by the Commission. We do use proportionality in considering what action to take, especially with smaller charities. Where trustees take immediate action to rectify matters themselves there is usually no need for us to use regulatory powers and instead support charities with general advice. In this case we decided that the use of regulatory powers through providing a regulatory action plan was more appropriate where trustees were unwilling to take on board the concerns raised."

All of the admin issues on our website were completed and we submitted full minutes of the trustees meeting, but what the Commission objected to, was our robust evidence in **defence** of Edna's Law and the book. That we refused to have our website censored and that the Commission had no legal remit to interfere in our website content. We were entirely reasonable in making amendments to admin issues on our website; as we knew that after our previous website crashed, we had to transfer all content in the space of two days and there were things that could be improved; **but** we refused to stop campaigning for Edna's law and the book which was **never** a litigation risk.

### **Extract from complaint review 17th June 2021 in relation to the above.**

*"The charity's legal representatives wrote to us on in December 2020, ahead of the January 2021 deadline we had set, with the trustees' response to the Action Plan. My review found that we had evidence to show that the trustees had undertaken a significant amount of work to implement the Action Plan, although not all actions had been completed.*

*Our response to the charity's legal representative conveyed disappointment that the trustees had not taken the time to do the work that was required. This statement was not helpful or consistent with the Commission's approach to using the appropriate tone of voice in correspondence. It also discounted the work the trustees had already done to comply with the Commission's requirements"*

The above extract concludes that what was placed on our record was, “**not helpful or consistent**” What was placed on our file was fabricated, detrimental statements without any substance of truth. The Charities Commissions evidenced actions clearly demonstrate that an **abuse of power** has occurred.

- . We want to know **why** we were targeted
- . We want full accountability

Its compounding the damage to tone down **that abuse of power** and describe it in terms of “not helpful” The Commissions actions have and continue to cause grave injustice.

### **The Non-existent litigation risk**

The Commission **continue** to pursue the book “There is no ME in Whistleblower” which details the case for Edna’s Law. All the evidence we have submitted continues to be ignored. WBUK clearly state they object to only one line in the book, as the record shows we fully responded to this and asked WBUK for the evidence to support their objection.

WBUK have **never** provided this nor have we heard anything further since our response to Coad law. WBUK making a completely unfounded threat of libel and then using the fact they had made an unfounded threat; to make a complaint to the Charity Commission that there is a litigation risk is one thing, but for the Commission to take this allegation at face value with **no** evidence is quite another.

The Commission have refused to treat WBUK/Halford Hall as anything **other** than an ordinary member of the public.

The Commission were sent the following documents which are **published** on our website and at **no** time did the Commission consider the contents of these documents to be a litigation risk, as **WBUK accept** the contents of these documents to be **true**. What we have repeatedly highlighted to the Commission is, what do **the below** documents say about the credibility and conduct of WBUK?

[Truth Defence, The Independent Investigation of WBUK](#)

[The Misconduct of WBUK](#)

[The naked Truth](#)

What the Charity Commission need to answer, given the contents of these documents and taking into consideration the following,

- . The fact that the Commission were provided with these documents
- . The Commission **accepted** the contents of this evidence as **not** a being a litigation risk because the contents **are true**,

**Why** did the Charity Commission decide to take the unevidenced, libellous, politically motivated, malicious allegations of Halford Hall/WBUK at face value?

The unevidenced allegations of WBUK/Halford Hall included allegations that were later dropped by the Commission without any apology, because we proved them to be completely malicious; for example, that I was selling books for financial gain and the whistler were misusing charity funds. These are serious allegations to make;

- . Why can such serious **slurs** be made with Impunity?
- . Why did the clear evidenced concerns about WBUK/Halford Hall **not** impact on the **credibility** of the complainant?
- . Why have the Charity Commission continually described the reporting of serious concerns to the correct authorities as “a dispute”?

Returning to the initial investigation, we reached the point where trust was lost because it was glaringly obvious that evidence was being ignored.

We had thought the investigation was to understand the truth, but the Commissions behaviour had nothing to do with the truth, we quickly started to feel vulnerable and at the mercy of a witch hunt, as the Commission had decided we were guilty of something, and they were determined to find something to pin on us.

There are dozens of examples we could use, and the following is just typical,

We were accused of the book, “There is no ME in Whistleblower” being a litigation risk, which was completely untrue, the complainant WBUK/Halford Hall, had threatened libel because they objected to the line “WBUK are being investigated by the regulator FCA” WBUK completely backed off when we responded with the following letter.

### ***Our letter to Coad Law.***

***“16th March 2020  
To Coad Law.  
Dear Mr Coad,***

Today on return to work I was made aware by a third party of a letter addressed to me, from yourself dated 10th March 2020, which had been sent to my publisher, no such letter has been received by me directly by either post or email.

Firstly, you suggest we take legal advice, as a small Charity under unwarranted attack for the third time by your client, for exposing truthful information in the public interest, we do not have the means to access legal advice at this point and would need to crowd fund such assistance. Meanwhile I will respond to the points you raise.

Our stance based on the all the evidence, is that we have not committed any libel in telling the truth, acting on concerns brought to our attention nor in our efforts to protect vulnerable people.

We were made aware of a letter made public by your client two days before we received this same letter dated 14th February by post. On being made aware that we were being accused of lying to MPs regarding the FCA investigating your client, we immediately published in full the Andrew Bailey Letter. This letter clearly states the comprehensive evidence we had submitted had been referred to the investigation unit. What I find of grave concern is that any individual could read this evidence and fail to investigate.

You refer to the 14th February letter in which Tom Lloyd refers to an extract of a letter from the FCA dated 17th January. \*Please note we have not been provided with a copy of this letter and request this is forwarded without delay as we have asked the Treasury Department how such an assurance could be given to your client and therefore a copy of this letter would be helpful in the circumstances. We only have your client's assertion that this letter even exists.

However, the facts remain that we submitted comprehensive evidence from independent witnesses and victims of exploitation to the FCA and received a written response that the evidence had been referred to the investigation unit, trusting that a regulator will indeed investigate such serious concerns may be considered naive but certainly not libellous.

I have already written to Andrew Bailey again, drawing his attention to the fact that this charity has been threatened by WBUK for reporting legitimate concerns in the public interest and asking how (Should the assertions of WBUK be true) that a decision as to the conduct of WBUK could be made without **any** investigation of the evidence we submitted? We await his response.

I draw your attention to our published evidence which includes,

A copy of the WBUK case management contract (From numerous sources)

Evidence from independent witnesses

Statements from victims

A legal verdict in which a judge questions the legality of a WBUK costs claim.

I also draw your attention to the two letters made public by Sir Norman Lamb MP resigning from The APPG on whistleblowing because of a lack of financial transparency by the secretariat, WBUK. Which had already caused serious harm to your client's reputation.

Your threats to report this charity to The Charity Commission for bringing evidence of serious concerns to the prescribed regulators attention is staggering, report us on the day we **fail** to take such action.

As to the threats that we should withdraw my book from circulation due to the FCA investigation reference, I note that the chapter "Complicit in Compliance" is **not** challenged at all by your clients and the acceptance of the facts exposed therein puts your client's reputation beyond defence.

Finally, in response to your three requests,

We will not be writing to all MPs as your clients request amounts to asking us to deliberately mis-lead MPs and at a time when your client is pushing for their own dubious law change.

We will not be tweeting a retraction as that would amount to misleading our followers and the public.

We will not be withdrawing my book. *There is no ME in Whistleblower* There is nothing libellous in my book, it just inconveniently contradicts your client's evidence to parliament and exposes your clients compromised financial agenda on these separate issues. As for the FCA quote I have already dealt with this in full.

This letter is being sent via email and post

I look forward to receiving the requested document unredacted

Yours Sincerely

Eileen Chubb"

We have never heard another word from WBUK, nor have they **ever** published or produced the letter we requested. In a recent radio interview Halford Hall stated "WBUK have been investigated by many regulators".

We had free advice from a top libel firm when WBUK made malicious allegations to the Charity Commission, that advice was; threatening libel, knowing you have **no** case does **not** constitute a "litigation Risk" The Charity Commission were provided with all the evidence and concluded that.

Letter from TM dated October 2020

*"The founder's letter to Coad Law seems to acknowledge that the statement made in the book, There is no ME in Whistleblower, could be incorrect and puts that down to naivety in interpreting how regulators make decisions.*

Where is the evidence to support this blatant lie?

We had obtained a lawyer by this point who could not believe that the above conclusion could be made. The Charity Commission continued like this all the way through, taking each piece of evidence and completely misinterpreting it. There is **no way** that the letter to Coad law could be read the way the Commission chose to read it. Our lawyers agreed. This is just **one small example** from dozens of biased aggressive, completely fabricated conclusions made by the Commission in the face of robust evidence to the contrary.

**We were forced to obtain lawyers when the following incident occurred.**

The Commission wrote to us on August 25<sup>th</sup> 2020

*"The list of questions being asked, to help us with information gathering, is considerable and we wouldn't normally expect trustees to address so much in writing. We could instead hold a video meeting that would need to be attended by all the trustees if you think it would be more helpful to do that. We would need to keep the meeting focussed on the operation of the charity only, so timescale is managed and especially for trustees with other commitments. Please let me know by 11 September if you would like me to arrange a meeting, or would prefer to respond in writing."*

We responded on 25<sup>th</sup> August

*"We prefer to answer all questions in writing as prefer to have a paper trail and the helpline is working on a 60% increase in calls"*

We then commenced work the next day, mainly working through the night or early hours of the morning, working through the night to answer every single question the Commission asked in detail and to provide supporting evidence.

What should be noted is Eileen Chubb was working from **10am** and still taking helpline calls at up to **11pm at night** when staff came off the late shifts, Eileen wrote up all the case files and then proceeded in the **early hours of the morning** to work on the considerable questions the Commission demanded answers to. Eileen was surviving on less than **3** hours sleep and that was her only **break** time in a 24-hour period. Could any member of the Charity Commission work in these conditions and under the **same** pressure?

Nevertheless, the submissions were sent to the Commission, three times to ensure they were received. Eileen then emailed to enquire if the Commission required **any more** information in our ongoing efforts to **cooperate**.

The Commission emailed on 2<sup>nd</sup> October 2020

*"Dear trustees*

***Compassion in Care (1102282)***

*As previously explained in my email of 24 September, I am contacting you to confirm I am now in a position to decide on how best to progress the case. We will require a virtual meeting with all the trustees, to explain some of the concerns we have and to provide the opportunity for the trustees to comment on any action that we may require. I will send an invite to you all through outlook, which will include a link to join the meeting and provide details of how to do that. As you do not need to leave your homes there is no risk of not adhering to social distancing restrictions. Please confirm whether the email addresses used to contact you individually are the ones that you will be using to access the meeting. If Ms Chubb*

and Mr Honour will be sharing the save device for the meeting which email will that be on?

Please can you let me know whether you will all be available on any of the following proposed dates:

Monday 12 October at 10.30

Tuesday 13 October at 10.30

Wednesday 14 October at 13.30

Ideally, we would like to keep the meeting to well within two hours duration. If all the trustees are not available, I may have to delay the case progression until a meeting can be arranged. Please get back to me as soon as possible to secure a date, as I know you are eager to reach an outcome as soon as possible.”

The dates were **all** helpline days, there was **not** a single reference to the considerable work we had undertaken. The Charity Commission had chosen to deliberately ignore irrefutable written evidence. Because that evidence could not be so easily overcome in a written response from the Commission, they chose a verbal meeting where they would be able to minute **whatever** narrative they chose.

We immediately wrote back and said we would be pursuing a complaint and were obtaining a lawyer, we asked that **no** conclusions were reached for **7 days**, until we had legal representation. **Five days** later the Commission sent a set of conclusions that were accompanied by an outrageously slanderous letter. Our lawyers were shocked by the contents, as it bore **no** resemblance to the evidence at all. This was our last direct content with the Commission. Our lawyers advised not putting a formal complaint in until after they had dealt with the Commission in relation to our case; as they feared **retribution** on the charity for being so honest in raising valid concerns about the Commissions conduct

The Charity Commission held a number of meetings with our lawyers, they would verbally state their position as being reasonable when confronted with the evidence; but would then write a completely contradictory account. This confirms our previous concerns regarding their conduct and tactics.

Because our experienced, capable, charity lawyers advised us according to the evidence, the Charity Commission then turned on them, asking for written accounts of the legal advice we were given! Legally privileged information.

There are dozens more examples of **perverse, unjust, irresponsible** conduct. We could and **will, if necessary**, seek legal remedy.

The evidence shows the Commission targeted Eileen Chubb, stating she could “**resign** if she did not like the Commissions behaviour”. Regardless of the fact this would have resulted in abandoning 300 high risks ongoing helpline cases, and all new helpline

callers would be left to the mercy of calling organisations like WBUK, whose misconduct instigated events in the first place.

The trustees