

## **Political Attack on Charity Compassion In Care**

### Background Information

Compassion in Care is a tiny charity running on less than 10k a year. It has been described as one of the most effective, value for money charities in the UK.

We have never had a single complaint before, we have run the charity from home since 2004, with the trustees paying from their own funds all the running costs until donations eventually allowed us to purchase a mobile phone.

The charity has supported over 13000 people, made up of 8000 Whistleblowers and 5000 families who have had a loved one abused in a care setting.

In 2019 Compassion in Care received very serious concerns from many Whistleblowers about WhistleblowersUK (WBUK) which is secretariat of the All Party Parliamentary Group on Whistleblowing, and its Chief Executive Georgina Halford-Hall is the APPG's Director of Policy & Strategy.

The concerns were about WBUK's treatment of Whistleblowers trying to report abuse. As a direct result of us publishing a report in November 2019 and bringing those concerns to the attention of the relevant authorities this charity has been targeted with malicious allegations, first to the ICO by Halford-Hall, and when that failed because we proved she had misled the ICO, almost identical allegations were made to the Charity Commission.

### Series of attacks on the charity

The Charity Commission notified us in August 2020 that allegations had been made. We responded within 24 hours and we explained that very similar unfounded allegations had been made previously to the Information Commissioner's Office, and that the ICO confirmed that it had not been given all the relevant information by the complainant and that we had not breached any laws.

The Charity Commission's correspondence was accusatory and aggressive in tone and as time elapsed it became clear that there were serious issues about both the competence of the investigation and a clearly biased attitude.

The trustees became so alarmed by this tone that we emailed, listing our concerns. We wanted it recorded that we believed political censorship may be involved due to

- the nature of the charity's work challenging Government and the APPG on Whistleblowing,

- apparent bias in the investigation,
  - that the evidence submitted either had not been read or had been ignored
- and we stated that the charity wished to obtain legal representation about the investigation prior to any conclusions being reached by the Commission.

The charity quickly obtained legal representation and a crowd funding page had just been completed when the Charity Commission ignored our concerns and reached a set of conclusions which under no circumstances would stand up to any scrutiny in light of all the available evidence to the contrary. Our lawyer was not even informed. This has denied the charity the right to vital legal representation prior to the Commission issuing completely unjust and misleading statements.

Below in italics are some extracts from the Charity Commission's outcome letter.

*The helpline is not there to act as a conduit for complaints against other whistleblowing organisations.*

We find it of grave concern that the Charity Commission has made such a statement given that serious complaints about another whistleblowing organisation have come from Whistleblowers, including care sector Whistleblowers raising concerns about abusive practices in care homes.

We are concerned that the Charity Commission does not seem to grasp the importance of Whistleblowers contacting a helpline, and that the information which Whistleblowers carry will often involve serious abuse, including life and death issues.

*It is not immediately obvious from the rotating banners that you are on a charity website at all. The initial impression from the website is a whistleblowing campaign organisation.*

The first thing you see at the top of the website is our registered charity number, the charity's name and a video which has the description about elderly abuse in the first paragraph.  
[www.compassionincare.com](http://www.compassionincare.com)

The Charity Commission does not seem to grasp that Whistleblowers contacting the charity are often raising issues which are causing suffering to up to dozens of people in just one care home. The Whistleblowers who contact us do so as part of their efforts to protect victims of elderly abuse, and most have already reported their concerns to various regulators. We believe that our work clearly meets our charity's objectives.

It is ludicrous that we have to point out these facts to the Charity Commission. We have co-operated patiently and responded fully and promptly with reams of evidence throughout the investigation, but these examples show the complete lack of understanding by the Charity Commission.

*Where that is the case it would seem reasonable for information about finding care homes, or practical generic support on identifying and raising concerns to be immediately available*

*on the website, to reduce the resource required to deal with individual requests for information*

We submitted detailed evidence showing how the helpline operates and who it helps. The fact that we are so effective in helping so many people speaks for how well we use our resources. The Charity Commission seems to be applying pressure on us to make snap judgements about helpline calls without paying proper attention in assessing all the details. For example, if a police officer calls us, are we supposed to say immediately that we cannot take this call, or you should not be contacting us? That police officer could be raising a concern about how an investigation into elderly abuse is being conducted. If we did not take the time to understand the situation properly, we would be failing in our duty.

*Trustees should regularly review how a charity operates and it is not clear if this is something that is happening*

We do regularly review our work. The trustees discuss the charity's work every 7 to 10 days as stated previously. We doubt that other charity trustees do so as frequently as we do. We are operating successfully and recognised as effective and value for money. We have evidence that the Department of Health and the CQC have both acknowledged the value of our work.

Are the CC saying the trustees should meet more frequently? If so, it seems excessive, and not in line with the Charity Commission's own handbook for trustees. This unreasonable requirement indicates that we are being treated in a biased manner.

*Charities are free to participate in campaigning and political activity by public debate and to use their voice to try to influence decisions which will support the work of the charity so long as the material is backed up with evidence, is factually accurate, and furthers or facilitates their charitable work. Trustees must ensure that a political campaign activity has a reasonable likelihood of being effective, is a means to an end, and does not become the reason for the charity's existence. We note there is already a proposed change to PIDA and the progress of the Public Interest Disclosure (Protection) Bill 2019 - 21 through Parliament. It is not clear if or how the trustees took the decision that campaigning could be undertaken in furtherance of the objects or it was the best way to achieve that.*

We have already supplied copious evidence, but if we need to spell it out further: **if Whistleblowers are protected by an effective law so that the police investigate the crime, the abusers will be arrested and cannot abuse any more vulnerable people.**

As we have pointed out repeatedly to the Charity Commission, the malicious complainant and WBUK are trying to push forward a law which the public support for Edna's Law would obstruct.

**It is astonishing and we believe it is outside the Charity Commission's remit to tell this charity that it should not be campaigning for Edna's Law, which is what our beneficiaries need.**

This is also whilst knowing that the complaint is motivated by the fact that Edna's Law is the biggest obstacle to the complainant's proposed law.

**All three trustees are 100% in agreement that should such concerns as those about WBUK be brought to our attention again, about any organisation, we will do exactly the same again and if that makes us a bad charity in the eyes of the Charity Commission, then the Commission needs to look very carefully at what it has done here.**

In the Oxfam scandal, that charity failed to act on reports of abuse and was rightly penalised. Here, Compassion In Care is being penalised for acting on abuse and wrongdoing, and the allegations all relate back to that fact as we have pointed out repeatedly.

The Charity Commission says it has been and will be monitoring our website. First they said there was no content, now they say we post too frequently, however if they had looked properly they would see that we have fully responded to all the proposed legislation they quote here and we have laid out factual evidence as to why it would not be effective - hence the need for Edna's Law.

The petition for Edna's Law is approaching **7000** signatures. In contrast the combined petition for WBUK and Protect has (on 01.11.20) **827** and Dr Whitford's at **1222**

Edna's Law is based on evidence from 8000 Whistleblowers but we can obtain more if that number is insufficient for the Charity Commission. Edna's Law is backed up with evidence and does not consist (as the two examples quoted by the Charity Commission do) of only a few pages with vague outlines. Edna's Law is supported by a whole book with detailed evidence.

*The Trustees are allowing the founder to personalise articles and reports in her name and to advertise her books based on personal experience and opinion of whistleblowing.*

We have supplied full evidence that the founders have not only given freely of their own time but that all profits of both books are given to the charity, eg *Beyond the Façade* which the Charity Commission objects to, has been described by members of the public as the most brilliant guide to the care system that they have ever come across because it describes the types of abusers, how they operate and why, and how they are allowed to continue.

If the Charity Commission think that such information does not benefit the care workers and the public with a loved one in a care home, then we refer them to the comments about the book. We totally reject the inference that the author has benefited in any way from the book and we gave the Charity Commission the evidence to prove this.

All three trustees agreed that Eileen Chubb should write all the content because of her direct experience as a whistleblower and using the law, and her experience as an author. Two of the trustees worked in care homes which has given them invaluable insight that is an asset to the charity. The name of the author is stated to comply with our policy on transparency and is in accordance with the decision taken by all the trustees.

Shining a light on regulators' failings to act on concerns or to act in the way they should, can only lead to better care for those in care homes and indeed we have written confirmation from the Department of Health that this charity has made significant improvements to the care sector.

We can also produce written evidence from Andrea Sutcliffe, former Chief Inspector for England, stating in an email to other board members of CQC, the gist of which was that "*Eileen Chubb has an uncanny ability to hone in on these issues*". It is entirely appropriate and responsible for charity trustees to use their skills appropriately for the benefit of their charity.

We do not understand why the Charity Commission regard it as a problem for us to be transparent about who has written an article. Because we became aware that other charities had taken this charity's work and commented on it without acknowledging Compassion In Care, it was decided by the trustees that the website reports should carry the name of the author and a copyright mark. We have copies of our letters to Action on Elder Abuse and The Relatives & Residents Association asking them to stop doing this.

It was our charity which exclusively exposed the issues of retaliation by care homes against relatives who raised concerns, ie banning and restricting visits, and also the first to expose the CQC re-registration scam. During the pandemic, we were the first charity to expose that anti-psychotic drugs were being used inappropriately, and to highlight that care workers were being sacked for raising concerns during the Covid crisis, and we also exposed that untested and Covid patients were being transferred into care homes. As a result of our work we were asked to contribute to the Amnesty UK report on care home deaths.

We can explain if necessary why all the above directly impact on the care of elderly people and how our work meets our charity objects but it should be self-evident to anybody who had read and taken account of the evidence.

*The founder regularly refers to being a journalist and has claimed that information obtained and held from its helpline operation is journalistic*

**This is completely untrue as the evidence we submitted shows.** We have never said that the work of the charity is journalistic. We said that the helpline information requested by Halford Hall is confidential. We rang the ICO for guidance. They asked how it was processed, and we replied that it was published on the website. The ICO said the first exemption that applied was that the information was confidential because it came via the helpline, secondly because we published the information.

The reference we made about journalism to Halford-Hall was intended to be a double assurance to our helpline Whistleblowers that their information would not be disclosed, because of our commitment to confidentiality of the helpline and disclosure would breach our own personal code of conduct.

**It has been taken out of context by Halford-Hall and the Charity Commission which appears to be determined to twist the facts to fit the malicious, unfounded, and clearly politically motivated complaint.**

*The charity's assets are being used to support a non-charitable organisation, The Whistler, by referring to it as its sister site and allowing it to use the same telephone number and email address.*

Again, this is totally wrong and contrary to the evidence submitted.

Firstly, The Whistler website is paid for a volunteer, for which we offered evidence in the form of payment records. **Not a single penny from the charity has ever gone to The Whistler or any of its activities.**

Secondly, the Whistler network is a huge asset to the charity because they use their skills and experience to support the families and Whistleblowers who contact us and we welcome scrutiny. There is no evidence for the Charity Commission to make such a misleading statement.

Thirdly we have explained to the Charity Commission that The Whistler does not have access to our email or phone. It simply displays the charity's details on their website which is entirely appropriate as they support the charity.

The Whistler is a network of Whistleblowers from various sectors including care, who all support Compassion In Care and Edna's Law. They pay all their own expenses themselves and their skills and experience are invaluable in assisting the charity's beneficiaries, but the Charity Commission wrongly accuses it of using the charity's assets. **The Whistler has never received a penny from the charity and the evidence proves this.**

Mobile phone records can prove that our helpline phone is sited in Petts Wood so it is impossible for it to be answered in Milton Keynes which is where The Whistler network is co-ordinated.

Publishing our helpline number and email on other sites for awareness of the charity's work does not mean that other sites can access them, e.g. the charity's contact details being shown on the BBC's Actionline does not mean the BBC answers our phone or uses our email.

*The lack of separation of assets and similarity in the information on the charity website and that of The Whistler is confusing.*

We took the responsible step of making arrangements for the 30% of non-care Whistleblowers who called us to receive support elsewhere. We have supplied copious evidence with specific examples showing how the Whistler supporters assist our beneficiaries.

*The charity name and website is being used by the founder as a social media platform to engage in and provoke supporters to participate in a personal dispute.*

This is untrue. We told the Charity Commission that using the term “*dispute*” is trivialising the issues. Whistleblowers are often said to be “in a dispute” with their employer and it is a familiar tactic to dismiss concerns. We stated in our early responses to the Charity Commission that we were concerned at its use of such a phrase to minimise the concerns about WBUK. We have reported facts and the people involved do not like us doing so. That is not a “dispute”.

As a result of the Charity Commission’s treatment of Compassion in Care in recent events, we have decided to incorporate a level of protection into Edna’s Law to deal with such a scenario. This is necessary because a small charity with scant assets and no full-time staff is in a vulnerable position, especially when that charity is challenging Government policy, which we believe charities should do when a policy adversely impacts their beneficiaries.

This makes such charities more vulnerable to malicious complaints and the Charity Commission seem completely unprepared and oblivious to the dangers of a charity being treated unjustly for no other reason than the fact that it is meeting its objectives.

Regarding the charity’s assets, the trustee Stephen Honour paid the helpline phone bill from his own pocket until we were able to buy a mobile phone and he has paid all the internet costs from his own pocket. His generosity in doing so for many years is what has enabled the charity to run on less than £10k per annum.

It is appalling that the Charity Commission has reached such conclusions knowing all the evidence we have submitted.

Our website and social media are clearly working for the charity’s objects and both have attracted more support for the charity as well as more beneficiaries.

There is clear evidence of bias in saying that we should not criticise Government or the APPG. Given the serious concerns we have about both, **the Charity Commission’s conclusions are extraordinary. They cannot be reconciled at all to the evidence that we have supplied.** The Charity Commission is clearly acting far beyond its remit.

*The trustees have failed to compile annual reports.*

We will do the two-page document that the Charity Commission requires instead of the 18-30-page detailed annual documents that we **currently** publish. We believed that doing these detailed reports was more accountable and transparent than the Charity Commission’s requirements. It is highly unjust to criticise a charity which has always done its best to be totally accountable by publishing more details than what is required.

*Re the Resolution issue.*

We used an independent company for the formation and the resolution which was sent to the Charity Commission at the time.

### *Accounts*

The Charity Commission has asked for the next set of accounts to be completed within 5 months instead of the usual 10 months, which again shows that this charity is being discriminated against and is being treated differently to other charities. The Charity Commission were sent all previous accounts showing we ran on less than 10k on average, the Commission then responded with, how many buildings do we own? How many staff do you employ? Clearly none. All our accounts are in order.

### *Conflict of interest p6, para 3 of the outcome letter*

All the trustees are totally committed to preventing abuse of the elderly.

The Whistler's aim and the charity's aim are both to support and protect Whistleblowers through Edna's Law.

All sectors must be protected equally under the rule of law, which is a concept complied with by this charity. In fact, abiding by the rule of law when campaigning for law reform is a totally acceptable thing to do.

We have to publish this in order to have a link to the crowdfunding page because we have always been accountable, and we have a longstanding policy of always publishing relevant non-confidential information.

*The charity did not fully comply with data protection regulations when responding to a SAR*

**This is yet another false statement by the Charity Commission.** We have provided full evidence that we did respond and comply. We took advice from the ICO on how to handle Halford-Hall's Subject Access Request and we followed their advice. The ICO took no further action on Halford-Hall's complaint other than asking us to send a further letter explaining why we could not give whistle-blowers' information to her. We also explained that the ICO should have informed us of the complaint, such as the fact that we were running a confidential helpline which Halford-Hall had omitted to mention in her complaint.

*The trustees may be putting the charity at reputational risk by supporting the founder's book which may be subject to personal litigation.*

We have supplied full evidence that the only threat of litigation came from the complainant themselves and that was withdrawn when we challenged.

The second book *There Is No ME In Whistleblower - the case for Edna's Law* is alleged to be "a litigation risk" even though we proved that WBUK was the only one threatening litigation and had backed off when presented with evidence.

Because of this malicious allegation we spoke to the Carter Ruck law firm who looked at the evidence and advised that if WBUK was going to litigate they would have done it by now as the threat was 10 months ago. This advice from a leading law firm on libel was given without charge.

*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.*

This is another false and misleading statement by the Charity Commission. The charity has never acknowledged whatsoever that there was any litigation risk or that we had done anything wrong. **It is another example of the Charity Commission twisting the facts to fit the complaint. There is serious bias in all the Charity Commission's actions in this investigation.**

The Charity Commission says we should be telling people how to raise concerns. It fails to understand that the reason our Callers come to us is because they have already been to regulators who failed to protect vulnerable people.

A film crew has five years footage of this charity's work compiled for a documentary and we have offered this to the Charity Commission as further evidence of our work.

The charity is accused of not understanding how regulators operate - despite dealing with complaints from 13k helpline Callers about the failures of regulators.

**The Charity Commission is so completely ignorant of whistleblowing that they actually asked in writing if the charity informs the employers that the Whistleblowers had contacted us.**

The Charity Commission is displaying outright hostility to the fact that this charity has exposed regulators' failings in 1000s of cases. While the Charity Commission may not like that fact, our work has nevertheless saved lives.

## **Conclusions**

The overall recommendations of the Charity Commission would appear to be that

- Edna's Law is dropped
- The books that support the charity and its aims are removed from the website
- Material critical of the Government, WBUK or the APPG is removed from our website
- If we disagree in any way with any of these things, and defend ourselves, that action will be taken against the charity.

The Charity Commission's conclusions are appalling.

**There is nowhere in any of the outcome letter any reference to consideration of our submission that the allegations had been made with malice and without evidence.**

We have been refused sight of the complaint letter.

The Charity Commission sent these conclusions within days of us notifying it that we had now instructed a lawyer.

In everything we do we meet our charity objects. That is exactly why the three trustees have worked so hard for so many years.

**We raised concerns before the Charity Commission sent its outcome letter that political censorship was at play here. Now we have no doubt of that.**

We have no choice but to publicise these events and take action to protect the charity from the Charity Commission and from further attacks by the complainant.

**The Compassion In Care Trustees (Eileen Chubb, Stephen Honour, Margaret Roffey) have discussed and agreed this document online and by phone.**

Enc: Compilation PDF of Charity Commission correspondence