

Compassion in Care
By Email to The Charity Commission.
Ref: CB/C-009619-Y8B8/RC

29th June 2021

Dear Madam,

Thank you for your letter of June 17th, 2021,

We note that while you have upheld many of our concerns, you have not addressed the full impact of those concerns and their implications. We also note that other crucial parts of our complaint have not been upheld for flawed reasons and that some of our concerns have not been addressed at all. We therefore are appealing your review for the following fully evidenced reasons.

Firstly, the head of complaint listed by the Commission on page 6, point 1.

Our response

We have **never** stated that the Commission should not investigate, please look at the evidence, we made it abundantly clear that we understood the Commission must investigate. Our complaint relates to the **biased** investigation.

Regarding the Issues of legal fees and dialogue.

Our legal fees were incurred due to the Commissions idea of dialogue, the tactic of verbally telling our lawyer one thing and then completely contradicting this in writing.

In relation to page 6, paragraph 10 of your above letter, you refer to our social media platforms continuing to reference "*differences*" with another stated organisation.

Our Response. There are three important facts in relation to this point.

1. We are gravely concerned that the Charity Commission has used this terminology to again reduce fully evidenced concerns, raised by **our beneficiaries** and volunteers to the level of a mere "*Dispute*" or "*Difference*". If reporting fully evidenced concerns of abusive practices and systematic corruption brought to our attention by our beneficiaries is something the Commission are opposed to, then we clearly have a dedication to serving our beneficiaries that the Commission disapproves of. We need this clarified.

The links to the evidence were sent to the Commission but we attach them again for your ease of reference.

[The independent investigation into WBUK](#)

[The Misconduct of WBUK](#)

The Naked Truth

2. Our social media and website has always and continues to challenge successive Government policies adversely affecting our beneficiaries, there are substantial amounts of documentation published and available to you; which include letters to Government Departments, Ministers and various select Committees and MPs. We note that the Commission wish us to cease challenging the dishonest actions of only **one** individual organisation, **WBUK** and their **APPG**. Yet the Commission have concluded that they have not acted in a **biased** manner in their handling of the complaint against this charity, which just happens to have been made by **WBUK**.
3. A law is currently being pushed through Parliament (The office for the Whistleblower) by **WBUK** and their APPG, which will result in abuse of vulnerable people and massive injustice to whistleblowers for decades to come. We have evidence from sixteen thousand helpline callers that fully upholds this fact and are duty bound to protecting our beneficiaries and challenging this law every step of the way.

We have two decades of experience, extensive research and published widely on whistleblowing law, we will continue to challenge a law that we know will result in decades of abuse and injustice to our beneficiaries. It became clear during the Charity Commission investigation, that the Commission has no knowledge of these issues. We have to ask why then have the Commission persisted in interfering on issues its has no knowledge nor remit to interfere in? Is this interference normal or are The Charity Commission making an extra effort in this case and if so, why?

The Book which details the case for Edna's Law, "There Is No Me in Whistleblower" is the biggest threat to WBUKs proposed law and the Commission have and continue to aide **WBUK** in their efforts to delete all opposition to their political agenda.

The question we ask, is this the result of ignorance or intent? The Charity Commission **must** address this issue because failure to do so implies they have become the political puppets of vested interests. This case has clearly evidenced major concerns that any charity who is effectively challenging Government policy would be at equal risk of retribution by the Charity Commission and that is why this case must be independently and robustly investigated.

Biased Investigation

Introduction

This issue overlaps many aspects of this case so it's difficult to respond to as a single point, so we have included all the points that are relevant.

Your review states; Page 2, paragraphs 7 & 8 *"My review has identified that the tone and language used in our correspondence was at times unhelpful during our engagement and this resulted in trustees feeling that the Commission's approach was aggressive, for example some of the wording used in our initial correspondence could have incorrectly implied that the Commission had already made a judgement about the regulatory concerns we had"*

Our Response

"Unhelpful" Is not how the trustees would describe The Charity Commissions investigating officers language, which was aggressive, hostile, made unfounded, biased judgements. For example, there are many evidenced examples to demonstrate this behaviour throughout the investigation: We have taken just two examples from the **first** letter the Commission sent on August 4th, 2020.

*"The trustees claim to carry out activities for the advancement of health or saving lives, and for those who have a disability. These are **not** objects of the charity and it is not clear how such activities would fall within the objects of the charity."*

Our response

From the very first, wildly inaccurate statements are made in this first letter of contact. Our charity is and always has been registered correctly, it clearly states on the Commissions website these are our objects. We have included a screenshot from the Charities Commissions website below. When we are wrongly accused in the first letter of contact from the Commission of even having the wrong objects, it does not inspire confidence in fact, it is evidence of a blatantly biased or completely incompetent approach.

View activities - Update Charity | x +

portal.update-charity-details.service.gov.uk/group/update-charity-details/activities

supported whistle blowers and families.

Last updated - 09/11/2018

Classification of activities [Edit](#)

[▶ What classifications mean](#)

What	Who	How
The Advancement Of Health Or Saving Of Lives	Elderly/old People	Provides Advocacy/advice/ information
Disability	The General Public/mankind	Sponsors Or Undertakes Research

Last updated - 09/11/2018

Land and/or buildings [Edit](#)

[▶ What charitable property means](#)

The charity does not own or lease land and/or buildings

Last updated - 01/10/2019

Example Two from the same letter of 4th August 2020.

“What action have the trustees taken to distance the charity from any association with comments made, by Ms Chubb as author of books, that are at risk of litigation?”

Our Response

The very **first** letter from the Charity Commission, **prior** to the investigation even commencing, before we were given **any** opportunity to respond, a statement is made by the Commission that we are guilty. We are not asked **if** there is a litigation risk? we are **told** there is and asked what action we have taken.

The Charity Commission state in their review of our complaint on page 2, see below extract re their approach to investigations **prior** to contacting a charity,

*“We make will **not** have made a judgement about whether the concerns are borne out in fact. We draw our conclusions from the information provided by the charity”*

We have clearly demonstrated that the Charity Commission commenced their investigation with bias and continued it in a clearly biased manner, the trustees fully co-operated but realised before long that no matter how much evidence the charity submitted, the Commission were aiming to find them guilty.

We ask that you note, we are extremely busy and having to continually take time to point out evidence that is glaringly obvious is not acceptable. This is not about “Unhelpful”

language, it is about serious bias and a targeted attack on a small charity motivated by political advantage to the complainant.

The Commissions actions brought this charity to its knees affecting our work with hundreds of vulnerable helpline cases at any time, would be appalling, but in the middle of a pandemic with a 60% increase in calls it is incomprehensible.

Yet in your review you stand by the issues you specifically targeted namely, Edna's law and book in the face of insurmountable evidence to the contrary.

We have repeatedly told the Commission that no such litigation risk has **ever existed** other than **WBUK** making malicious threats knowing they had **no** legal basis to do so. We have proved this with factual evidence from the start, but the Charity Commission had already decided we were guilty of something that was completely unfounded and evidenced as completely unfounded. In making this allegation and others **WBUK** knew these allegations were completely false and as such have committed criminal offences; as to what level of culpability the Charity Commission are implicated in, we are happy for all the evidence to be robustly scrutinised, can the other parties involved give such undertakings?

Again, there are wider implications as a result of this case which must be independently robustly investigated with full consideration also given to the issue of **ensorship**.

These questions must be answered;

. Why have completely unfounded malicious threats of libel been an effective censorship tactic?

. Why has the Charity Commission been so willing to persistently attempt to sanction and censor a charity despite robust evidence that there has never been any litigation risk?

. What are the free speech implications for other effective campaigning charities when completely malicious allegations and misuse of libel law are such an effective censorship tactic despite the fact, no court would uphold such allegations, yet the Charity Commission are far too willing to do so?

We attach two documents; The first is a police report that we made regarding the malicious allegations of a litigation risk.

The second relates to the false information Georgina Halford Hall submitted to the Charity Commission, as you are aware from the evidence, Halford Hall falsely alleges a litigation risk based on her previous malicious unfounded threat of libel in that she objected specifically to only **one** sentence in the book "There is no ME in Whistleblower" that sentence being, **WBUK are being investigated by a regulator**.

We refer you to the recent attached radio interview with **Georgina Halford Hall** who clearly states on the public record “**WBUK have been investigated by regulators**”

All the evidence shows that the allegation of a litigation risk was knowingly and maliciously made to the Charity Commission, the complainant submitted false information and as such, it is a criminal offence. If this is applied to charities it must be equally applied to complainants in accordance with the rule of law.

The Commission have cited guidance on why they should not prosecute, but also confirmed they have **no** malicious complaints policy. This in itself is a serious issue that needs investigation. Charities who are really effective will always be unpopular with certain parts of Government and with any individuals they have exposed as abusers, this make them particularly vulnerable to the kind of malicious attack we have experienced, this issue cannot be ignored, this case raises serious issues and again these issues must be investigated, and action taken.

The separate issue of the complainants identity, our lawyer was told by the Charity Commission that Halford Hall and **WBUK** were the complainant. Continuing to treat this complainant as an ordinary member of the public in all the circumstances is **biased and dishonest**. Our concerns cannot be addressed until the facts of this case are accepted by the Commission.

You state on page 4 “*You have found no evidence of institutional bias on the part of the Commission; we stand by our decision not to disclose the identity of the complainant.*”

Our response

You have wrongly lumped these two issues together, firstly in relation to **bias** which we have clearly evidenced **throughout** this investigation from day one. You have chosen not to uphold this despite the copious supporting evidence; however, you state on page 6 that the Commission acted “**Disproportionately**”

Definition of **bias**

“**Bias** is a **disproportionate** weight in favour of or against an idea or thing usually in a way that is close minded prejudicial or unfair, biases can be innate or learned”

Definition of **disproportionate** “having or showing a difference that is not fair, reasonable or expected.

Acting in a **Disproportionate** way is a cognitive **bias**. You accept you acted **disproportionately**; we maintain that the only reasonable explanation for this **disproportionate** behaviour is that the Commission were unduly influenced and

therefore biased by the complainants parliamentary position. A position that was abused to the extent of, misconduct in a public office,

The Commissions guidelines state that when investigating a charity that the Commission should take all reasonable steps to guard against **bias**, we have clearly demonstrated that these steps **were not** taken in our case.

The Commission have caused real harm to our beneficiaries by their actions, they have caused huge distress to the trustees and volunteers of this charity, not merely inconvenienced them with “**unhelpful**” language

Whilst we appreciate that some of the concerns are upheld, they are upheld in the wrong context and with bad grace. The core concerns have not been addressed. The language in the review is woolly and does not treat the issues with the seriousness they deserve. There are serious implications raised by this case that will impact on other charities, these risks must be addressed.

At **no time** during the investigation has the Commission **once said**, well done for the work you do, the countless lives you have saved and the incredible value for money the charity achieves as a result of the trustees donating their time and using their own funds to make the charity possible at great personal sacrifice.

This charity runs on **less** than the annual income of a part time cleaner, at most on average **10k a year**. Yet the Commission are keen to point out their hardship and difficulties on a yearly budget of **£29.3 million** last year.

The Commission appears not to take the issue of **bias** seriously, but we know all too well the cost in injustice, abuse of power and distress that **bias** results in.

We have received no apology from the Commission for being falsely accused of unevicenced malicious allegations, such as making money from the sale of books and resourcing the whistler with charity money and much more, all subsequently dropped by the Commission when faced with robust evidence of innocence.

You have not responded to our concern that senior management from the Charity Commission appeared on the same platform as the complainant WBUK during the investigation.

Finally, we note that the Commission has not as yet responded to our subject access request.

Eileen Chubb on behalf of all the trustees

