

Complaint about the Charity Commissions Conduct

*We must stress the fact that this complaint and the attached evidence bundle need to be read carefully, any attempt to disregard the facts will result in scrutiny, as this charity will take this case through every avenue of redress until we have accountability.

Important Background Information

The charity Compassion in Care has never been the subject of a single complaint. It is a small charity in relation to income, that has been running on 10k at most annually. The charity has a huge work output. The charity operates an established national helpline and regularly publishes information highlighting important issues.

The charity has supported over 15 thousand whistleblowers and families of abuse victims to date and at any one time has a minimum of at least 200 ongoing helpline cases. These ongoing cases involve helpline callers who have been identified as particularly vulnerable and at risk of harm, the charity routinely supports those at risk of suicide.

The charity has no paid staff and relies on the commitment of the trustees who have dedicated their lives to the work and personally sacrificed much to do so. The charity also relies on volunteers who are all former helpline callers, who recognise the value of the help they were given and want to give that same help to others.

The daily work of this charity has saved countless lives and protected many thousands of vulnerable people from being abused. During the Covid crisis the value of this work was particularly recognised by the public and national media. The charity helpline saw a 60% increase in calls, and we published 19 special reports highlighting the plight of those in care homes and that of the staff that spoke out to protect them.

The trustee Eileen Chubb takes all initial helpline calls, during the pandemic working up to 14 hours a day, taking calls up to 10pm in order to support staff coming off late shifts.

The nature of the helpline work, listening to horrific details of abuse and injustice is a hard task in normal times; during Covid, the catastrophe that swept through care homes was unprecedented and the charity was supporting hundreds of staff whose mental health was so severely impacted it was life changing. In the midst of this, one of the charity trustees was contacted by the Charity Commission.

The Charity Commission

4th August 2020 Email and attached letter sent to M Roffey.

"Please find attached letter for immediate action"

The tone from the Charity Commission from the outset was aggressive and biased. Mrs Roffey's husband had just been diagnosed with cancer and she only saw the Commissions email by chance.

The other two trustees, Eileen Chubb (EC) and Stephen Honour (SH) were not informed that a complaint had been made by the Charity Commission, at this early stage it was clear that the Commission had already made a biased judgement that as EC and SH were partners, they must be guilty of some wrongdoing. There is clear evidence of bias from the outset and despite the trustees fully cooperating, the biased attitude of the Charity Commission only became more glaringly apparent as the investigation progressed.

The Complainant

The trustees had previously been targeted with malicious allegations and threats from Georgina Halford–Hall, the CEO of an organisation called WBUK. **(Since confirmed as the complainant to the Charity Commission)** This malicious campaign against Compassion in Care was instigated as a direct result of the following,

- A. Compassion in Care had started to receive an increasing volume of helpline calls from whistleblowers who had previously contacted WBUK and had either not been contacted back or had been asked to sign a contract agreeing to pay considerable amounts of money to WBUK in exchange for any help. We reported these concerns to the relevant authorities. We published the evidence and provided the APPG on Whistleblowing with the evidence.
- B. Abuse of vulnerable people continued unchecked as a result of WBUK actions in ignoring whistleblowers who contacted them.

- C. Some of these whistleblowers were very vulnerable, some suicidal, the trustees of this charity would take the same actions again without hesitation.
- D. WBUK are the secretariat of the APPG on Whistleblowing, a position funded by the pro bounty law firm, Constantine–Cannon; WBUK are also funded by this firm.
- E. We regularly challenge proposed legislation, including that proposed by WBUK, that will adversely affect our beneficiaries, this is part of a charity's duty.
- F. Our evidence identified that WBUK had not reported child abuse brought to their attention, we supported the whistleblower to report this to the police.

Compassion in Care has never received a response to our reports from any member of the APPG, nor from WBUK, who have instigated a vicious campaign of malicious allegations.

The legal issues this case raises

As a result of this case, we have concluded that small charities are particularly vulnerable to these types of malicious allegations, in exactly the same way as an individual whistleblower is. Small effective charities reporting abuse, or other serious concerns need legal protection.

What this case has highlighted in particular is that malicious false threats of libel can effectively silence a charity, not because there is any truth to the allegation but simply because the allegation is made. The Charity Commission have pursued this allegation despite copious independent evidence that the allegation is false. The fact that the book at the centre of these allegations is a barrier to the political ambitions of the complainant sends a

chilling message on how easy it is to misuse a public office to exert undue influence on a regulator.

We respond to the Charity Commission

Maggie Roffy fully responded to the Charity Commission on **August 5th** within 24 hours of receiving the Commissions email. Stating that we fully refuted the allegations and assuring the Commission of our full cooperation.

We provided the Commission with full evidence including the previous malicious allegations made by WBUK to the ICO. Eileen Chubb and Stephen Honour also submitted full and robustly evidenced responses, to the Commission **within** 48 hours of the Commission contacting M Roffy.

The trustees worked through the night in order to do this so that the helpline was not disrupted, however the Commission's investigation did impact on the helpline. The Commission were given full cooperation and provided with robustly evidenced responses which received no acknowledgment from the Commission, and we had to send numerous copies of the same documents before we received a written acknowledgment that the evidence had been received. We told the Commission that we understood they must investigate and gave our full cooperation.

The Allegations

The Charity Commission refused to provide us with a list of the allegations, so we had to presume what the allegations were from the Commissions correspondence.

We were accused of selling our books on the charity website, we pointed out we were not selling the books and that we were happy to provide full records to prove that all royalties from the books were donated to the charity. We were confident that robust evidence of the truth would be sufficient, but as time went on it became clear that the truth was irrelevant.

We were accused of acting as a journalistic organisation and pursuing unspecified personal interests and that EC was at risk of litigation, all completely untrue and provably so.

It is only much later when we were forced to seek legal advice and our lawyers assessed the evidence and concluded that there was firstly no evidence to support the accusations of both the complainant and the Commission. Our lawyer said it was clear we had chased the Commission with evidence from the start and normally charities do not respond so rapidly and with so much evidence to show the allegations are false.

We had even provided the Commission with an assessment from a top libel firm who kindly did not charge us.

No matter how much evidence we submitted over the following months in answer to the Commissions questions, the evidence was disregarded, and the same questions asked again and again in a slightly different way. The Commissions correspondence contained statements that were blatantly biased and reaching flawed conclusions rather than the questions you would expect from a neutral investigation.

We kept informing the Commission about the amount of pressure we were under from the helpline due to the pandemic, but this was not acknowledged in any way, in fact the Commissions

behaviour was seriously impacting on our vulnerable beneficiaries.

The Commission were well aware that there was huge demand on the helpline but suggested if any of the trustees were unhappy "*they could just resign*". There was zero regard for the fact that would result in abandoning 300 high risk, live cases due to the pandemic workload and hundreds more people would be left unsupported.

All the trustees gave many hours of their time each week, much more than the any trustee would be expected to give. All the trustees were actively involved in the work of the charity but only Eileen Chubb could work the 12 to 14 hours a day needed to run the helpline. The other two trustees had employment commitments. No charity could obtain a trustee to work 12 hours a day, 6 days a week. The Commissions behaviour was extraordinary.

There was a total disregard on the part of the Commission of any duty of care toward our beneficiaries, they took the stance we could just abandon high risk vulnerable people. No matter how much we explained or how much evidence we provided the commission refused to acknowledge it. The trustees were made sick with the worry, it seemed to the trustees that the Commission had some other agenda, because of their disregard for the truth.

We had started to lose trust, looking back at all the correspondence it is quite clear that we had done nothing wrong at all, but we were nearly destroyed by the injustice.

Despite the comprehensive evidence and working through many nights to answer the same questions over and over, things came to head in September, when the Commission wrote and asked if we wanted a video meeting, or if we wanted to respond in writing to pages of questions, many of which we had already answered previously. We replied stating, we would rather respond in writing as we preferred to have a paper trail. By this point the Commissions accusations were being added to each time they contacted us. We felt we were enraging them by defending ourselves as we had done nothing wrong.

By this point none of the trustees were sleeping and the Commission had brought this charity's services to its knees. We had already undertaken over 40 hours of written work, answering the same questions repeatedly to no avail and whilst we could disprove the malicious allegations and the Charity Commissions assertions in any court with the evidence we had supplied, we are a tiny charity without the means to access legal help.

We undertook the latest Commission request, which amounted to a further 17 hours of written work, which we undertook through the early hours of each day. By this point the helpline was taking calls between ten am and 10 pm and this last 17 hours of work for the Commission, which totalled 58 hours of work demanded by the Commission, in the middle of a pandemic and undertaken to demonstrate cooperation, despite our workload and having no paid staff.

Whilst we expected no support during Covid, we never foresaw that that our only contact with the Commission would be so detrimental to our beneficiaries. The Commissions whole approach was demanding and completely devoid of any

understanding. The only thing that kept us all going was the huge support from our volunteers and members of the public. The Commission had totally demoralised us all.

We submitted this fifth set of full submissions, cross-referenced with evidence to the Commission and heard no more so we emailed the Commission explaining the strain of this hanging over us was causing real harm and asked when we could expect a response to the evidence. We waited some time and then received an email giving us three dates: all on helpline days for a meeting. We responded that we had undertaken the considerable written work, which they clearly had not even read. The trustees spoke and decided to crowd fund for legal help, we informed the Commission we were seeking legal help, which we hoped to obtain in 2 days and asked them not to reach any conclusions until we obtained this.

Two days later the Commission emailed a set of conclusions which our lawyer (which we had obtained in 2 days) described as conclusions that were impossible to reach given the evidence we had submitted. The requirements were accompanied by a particularly vicious letter, which made wildly inaccurate accusations which were not included in the requirements, our lawyers were truly shocked by this.

Nine months later and the Commission has used tactics against us that has driven our legal bill to the total budget of next year's work.

To date the Commissions behaviour has included the following evidenced examples:

- . They have pursued Edna's law and the non-existent litigation risk of the book, both issues which the complainant would find politically expedient to have removed.
- . They have demanded from our lawyer legally privileged information regarding their advice.
- . Senior officers of the Commission have shared a public platform with WBUK, the complainant in this case, who has regularly tweeted she is advising the Charity Commission on Whistle-blowing issues.
- . They have demanded we remove records from Company House which is unlawful and physically impossible.
- . They have repeatedly attempted to censor information on our website, which relates to the failures of regulators and which they object to on the grounds we should not question regulator's failures. The Commission have no remit to dictate what a charity publishes and are also in breach of the rule of law, regarding exceeding their jurisdiction.
- . They have repeatedly misled our lawyer in verbal conversations but written completely different versions causing more legal costs to us and further distress and impact on our beneficiaries.
- . They have accused us of not cooperating, which given the written evidence and our comprehensive responses is incredible.
- . Changes we offered to make to the website, because we were trying to act reasonably were completed at yet more cost to this charity, the response from the Commission was to accuse us of

not doing the work. Our lawyer had to write to them and point out the truth yet again. However, this added to our legal costs.

. At the start of the investigation the Commission asked for three years accounts and annual reports which we supplied, and when they could find nothing wrong started to demand accounts that were not due for 10 months and which were with our accountant. Our lawyer had to point out the unreasonableness of this.

. Despite the Commission having three years accounts and seeing we had run on less than 10k a year, they demanded to know how many buildings we owned and staff we employed.

. Despite the Commission being aware that all the charity's utilities were paid by Stephen Honour from his own funds and the excessive hours the trustees gave to the charity, there was not a single word of recognition from the Commission.

. Governance issues which were undertaken by a reputable private company, with expertise, were not acknowledged by the Commission even when it became apparent that a resolution sent to the Commission had been lost by them at the time.

. They objected to our crowd justice page, the need for which was caused by the Commission in the first place.

. The Commission demanded we remove content from our website that reflected badly on regulators, which amounts to us ignoring or suppressing the concerns of our beneficiaries for no other reason than to falsely enhance the reputation of regulators.

. We had to inform the Commission that the rule of law demanded we research whistleblowing in all sectors.

. They stated our helpline should not be a conduit for those raising concerns about WBUK, which would in effect mean that we should turn away beneficiaries contacting us desperate for help on the grounds that they had been failed by WBUK, so we could not support them nor help stop the abuse of vulnerable people because they had the misfortune of being failed by WBUK.

. The last letter sent by the Commission during the third wave of the pandemic accused us of only tweeting and writing a book, in spite of our team of Twitter volunteers tweeting that the helpline is so busy. The Commission would appear to be monitoring our Twitter, **but only** selecting information they can find fault with and ignoring all tweets that contradict their accusations. The book being written is a project we have been funded to specifically produce and is three months late due to the Commissions behaviour.

Regardless of the evidence we have submitted and the truth, despite the expertise of our lawyers, the Commissions attitude has been one of, we will get you for something no matter what.

During Covid the Commission made much noise about supporting charities, this is perverse given that a front-line charity dealing with life and death situations has been targeted as we have- at any time, but in the middle of a catastrophic national disaster is appalling. There has been a total disregard for our beneficiaries and for the important work we do.

We have concluded that one or more of the following facts have played a part in this appalling situation,

- . Post Oxfam and Kids Company, the Charity Commission have made a conscious decision to find any charity involved in a complaint guilty regardless of the truth in an effort to make themselves look effective.

- . Baroness Stowell's appalling attitude to charities and total lack of experience has contributed to this situation. Her public statements amount to calling all charities and trustees self-serving crooks.

- . There is clear evidence that big charities involved in wrongdoing are less likely to be targeted by the Commission due to their access to legal defence, whilst small charities are easy prey.

- . Many good small effective charities have been targeted by the Commission; this is common knowledge in the sector.

- . Baroness Stowell is politically connected to the complainant in this case.

- . The complainant, WBUK, has mis-used their public office in order to target and attempt to delete this charity whose work is directly opposed to the complainants political agenda.

- . The Charity Commission, like many regulators, are employing individuals who have either no investigation skills or very poor investigation skills. This has resulted in massive injustice and harm to the public interest.

. The real risk of bias in an investigation has not been considered at all by the Commission. This and many other aspects of the Commission's investigation are in direct contravention of the rule of law.

The police have been provided with robust evidence that the complainant WBUK, knowingly made false allegations to the Charity Commission, this is a criminal offence that the Charity Commission should be pursuing themselves but are too biased to do so.

This charity's trustees and volunteers have been targeted by troll accounts directly linked to Halford Hall of WBUK, in one tweet taunting us with, "See how you like being reported" regarding her report to the Commission, clearly malicious.

What should not be forgotten is that this charity was reported to the Charity Commission **because** we acted on reports of abusive practices by WBUK which were putting lives at risk. The evidence for this was provided to the Commission who have totally ignored this fully evidenced fact.

We expect that those involved in this appalling scandal are immediately suspended pending a full investigation by an acceptably qualified and independent body.

We are also providing this evidence to parliament and the police with copies of this document and the evidence bundles.

Finally, in order to protect this charity's vital work from any more unwarranted retribution, we are publishing and making this information available to the media. We have no choice but to publicise our crowd justice page in order to recoup the costs

caused by the Commission and ensure we have legal representation for the future retribution we expect from both the Commission and the complainant, WBUK.

The Trustees of Compassion in Care

Attached, Evidence Bundle A. Correspondence in date order between Compassion in Care and the Charity Commission.
Bundle B. Witness impact statements from trustees and volunteers

