

5th August 2020

Your ref: TM/C-521993/

Mrs Tina Madge
Regulatory Compliance Case Manager

Dear Mrs Madge

Thank you for your letter dated 04.08.20 in which you ask me to respond to *“some regulatory concerns that we have identified regarding the charity. These have been identified following a complaint from a member of the public.”*

I am writing this initial response by return to confirm that we will co-operate fully with your investigation so please let me know if you require any further information or clarification. We are confident that our evidence will prove to the Charity Commission that our work fulfils our Mission Statement as set out in our Memorandum of Association.

We refute all the allegations made by the complainant in the strongest possible terms and will provide all the evidence to do so. The evidence documents are already in the public domain on our website at www.compassionincare.com because accountability and transparency are core values of this charity and so it is our policy to publish such letters, or threats against this charity, with our response.

I will also attach just a small selection of the documents to this letter for your convenient reference. When you examine our website, you will see that the volume of our work is such that it would be impossible to attach everything here, so we have selected some key documents to illustrate our work.

Every 7-10 days I meet with the other trustees to discuss the current work, any trends in patterns of concerns raised on the helpline, and to get updates about new and long-running cases, as we support many of our Callers for years. The first thing we consider with every piece of work we do is how does it fit with our aim to Break the links in the Chain which allows abuse of the Elderly: those links are Complacency, Ignorance, Denial and Silence.

Recently we received a letter from the Information Commissioner’s Office (ICO), with an almost identical set of allegations to the concerns set out in your letter. We discussed the strong likelihood that the next move of Georgina Halford-Hall, Chief Executive of WhistleblowersUK (WBUK) and her associates might make, would be to attack the charity by making a complaint to the Charity Commission to try to silence Compassion In Care because we had published Misconduct of WBUK. This document included irrefutable evidence in the public domain of Mrs Halford-Hall’s personal dishonesty to Parliament and we have also published evidence of her false claims to other organisations. We have also requested corrections to be made by various organisations including Sky News that WBUK is not a charity and we would be happy to provide this correspondence to the Charity Commission.

The above background illustrates the motive for the instigation of the complaint to the Charity Commission because our work is the greatest threat to the agenda of Mrs Halford-Hall, WBUK and its corporate funders.

So your letter comes as no great surprise because it is simply the latest in a series of malicious and vexatious attempts to discredit the work of this charity and particularly to attempt to discredit Eileen Chubb, and above all to silence us.

It is essential for the Charity Commission investigation to understand the context in which the allegations have arisen and you will find the background in **WBUK The Biggest Threat to Whistleblowers** which was

prepared as a multi-purpose document because we anticipated that more such attacks and vexatious complaints would be made. This was the efficient way to deal with such threats without taking time away from our core work of supporting helpline Callers and exposing abuse.

We request from the Charity Commission a redacted copy of the complaint letter which has prompted this investigation. This is essential for us to be able to respond fully to the allegations and to defend the charity, because it was only by obtaining Mrs Halford-Hall's complaint letter to the ICO that we were able to prove that she had knowingly misled the ICO by withholding crucial evidence and making unsubstantiated and malicious allegations without any evidence what so ever. The ICO's Ms Karla Bailey notified us that she had not been provided with the document, she realised that she had been deliberately misled. Please see **Ms Karla Bailey's letter**.

We understand that you will need to redact the name of the complainant. We know it is either Mrs Halford-Hall or someone closely connected to her, simply due to the wording of the issues.

I have brought the letter to the attention of the other trustees and Ms Chubb and Mr Honour will write to the Charity Commission separately.

You are advised that it is a criminal offence under section 60 of the Charities Act 2011 for anyone to knowingly or recklessly provide false or misleading information to the Commission. This includes suppressing, concealing or destroying documents.

Please could you confirm that the above applies to complainants as well?

We have assessed the concerns raised against the Commission's risk framework. As a result of that assessment, there are a number of regulatory concerns which the Commission has decided that it needs to examine further with the trustees. These are set out below:

1. *Failing to act in furtherance of the charity objects by claiming to be a journalistic organisation.*

Compassion In Care has never claimed to be a journalistic organisation. Please could you produce the evidence of this allegation? Like other charities, we work closely with print and broadcast media in the furtherance of the charity's objectives, ie to expose and stop abuse of the Elderly and to educate the public. An example was for instance BBC Panorama "Behind Closed Doors" which led to the conviction and imprisonment of 3 abusers of elderly people, and a greater public awareness of the issues involved in abuse of the Elderly.

Another example was when we exposed that relatives of care home Residents were being banned or restricted from visiting for raising concerns and in another report we exposed the fact that care homes with poor inspection reports had been re-registered under new names to hide the bad reports. Both of these were featured in the media because we were the first charity to report them.

None of this makes us a journalistic organisation. Many charities employ full-time press officers. We challenge anybody to examine our work and compare it with any other charity in the Elderly care sector.

2. *Failing to act in the charity's interests where it appears to be pursuing the personal interests of a trustee,*

as seen on a website called The Whistler (also referred to as the charity's sister site). Please provide the evidence for this allegation which, like all the other allegations, we strongly refute and will provide the evidence in further responses, and we expect the complainant to be required to do the same.

We have always made clear in our documents that we cannot campaign for Edna's Law without including input from whistleblowers in sectors other than care. The Whistler is an informal network of whistleblowers from various sectors, who have originally come via the helpline and Eileen Chubb co-

founded The Whistler in order to meet this need. As you will see from the Books page of The Whistler, Ms Chubb's books are only two amongst many involving whistleblowing issues.

The Whistler has no bank account, no budget, all the volunteers pay for their own expenses and payment for their website is made by volunteer, Christine England and she will provide the records to prove this.

3. *Failing to comply with GDPR where the ICO found the charity did not appropriately respond to a SAR.*
The complainant appears not to have provided the Charity Commission with the full evidence of our response to a Subject Access Request by Mrs Halford-Hall, just as information was withheld by the complainant to the ICO. Under no circumstances will this charity ever provide confidential information provided to us on our confidential helpline. When we asked Mrs Halford-Hall in writing to confirm if she was requesting confidential information from our helpline, she confirmed that she was. We can provide the written account from the ICO investigation officer Ms Karla Bailey that she had not been provided with all the context or all the evidence. When we had asked the ICO for advice on how to handle the SAR, we were advised that our Callers' confidentiality must take priority over Mrs Halford-Hall's request for information. I will look into the privacy policy issue given our current declaration that all contacts are in strictest confidence and given we currently do not and have never used people's names, but allocated identifiers assigned a coded system due to the sensitivities of working in this area.

4. *Reputational risk to the charity where a trustee is at risk of litigation.*
I will provide full evidence on the threats by WBUK, including to Ms Chubb's publisher to withdraw her book *There Is No ME In Whistleblower* was brought immediately to the trustee's attention. There was no reputational risk to the charity because we have the evidence for what Ms Chubb published. In fact, the reputation of the charity was enhanced because our supporters want us to pursue accountability and transparency in order to break the chain of Elderly abuse.

5. *Poor governance where the trustees on the Register of Charities are not the same as those listed as directors on Companies House, and where resolutions on Companies House have not been communicated to the Charity Commission.*

Can you please provide guidance on, do new trustees of the charity have to be made Directors of the company registered at Company's House? I am unclear as to what resolutions you refer to .

6. *Management of conflicts of interest where trustees may have a personal connection as listed at the same address.* Please clarify what conflict of interest is being alleged here. Many charitable foundations involve married couples and families. Mr Honour and Ms Chubb will be writing separately to you on this. At all times as a trustee I have been actively involved in regularly reviewing the charity's work and have had access and input to review all expenditure, policy and events.

7. *Potential personal benefit where a trustee has books advertised on the charity's website.*
The books are advertised on the charity's website in order to raise money for the charity. There is no potential personal benefit to Ms Chubb. We will provide the evidence of this. The books royalties or profits are all donated by the author to Compassion In Care. The books raise awareness about elderly abuse and what legal measures are needed to address the issues. I hold this to be of benefit to the charity only. These facts are public knowledge and are known to Mrs Halford Hall as we have written evidence that she has read this information which we will provide.

In order to consider how to progress this matter I will require the following information from the charity:

- ***A copy of the charity's accounts and Trustee Annual Report for financial years ending 31 August 2017, 2018 and 2019.***

Please see attached.

- ***An explanation of what activities are carried out and how these directly further the charity's objects to relieve the physical and emotional distress of the elderly who have suffered abuse or neglect in care settings, and advance the education of those working in the care to enable them to recognise and report on elderly abuse or neglect.***

This necessarily has to be a very brief overview in this initial response as the charity's work is wide-ranging and I refer you to our website and our detailed "Work For The Year" reports, for further details.

We run a confidential helpline to support families of people living in care homes and to support whistleblowers in care work who raise concerns of abuse. We provide support to both groups in dealing with various meetings and complaints to regulators. Our aim is always to stop the abuse and educate.

We are invited to attend events to educate the public and specific groups on issues of abuse of the Elderly. At such events we always aim to give a voice to families and to whistleblowers so have provided speakers from both groups for panels at such events held at Birkbeck College, Greenwich University, the Centre for Investigative Journalism, various pensioners' and community groups. We can provide all the links to these.

Our work is evidenced not only on paper and on our website, but in numerous broadcast and print media news items. In addition our activities are evidenced on film because a documentary maker, Niels Ladefoged, has followed our work for over 5 years to produce a film for cinema and we can ask him to arrange for the Charity Commission to see that before public release.

Please note too that Compassion In Care appears in the All-Party Parliamentary Group On Whistleblowing's report as being recommended to be a prescribed organisation in proposals for a new law. Whilst we declined it is not credible to make such a recommendation in an official report about any organisation and then make allegations against that same organisation.

- ***What charitable purpose is being fulfilled by the charity's website being focussed on investigative journalism?***

Our website is not "*focused on investigative journalism*". We simply report the evidence of what we do in our News section, as all charities do. See as a random example Community Integrated Care. Many employ trained press officers, that does not make them or us journalistic organisations. As you will see from our submissions to the ICO, this point is addressed there.

- ***What is the connection or agreement where the charity's website refers to The Whistler as its sister site?***
Please see 2 above, where I have already addressed this and will be happy to provide further evidence, including from volunteers in The Whistler network who support each other and pay all their own expenses.

- ***What action was taken by the ICO against the charity for not responding to the SAR request appropriately, and how will the trustees ensure compliance with GDPR going forward?***

No action was taken against the charity by the ICO other than asking us to send a further letter to Halford Hall confirming we only held confidential helpline information that came from Whistleblowers contacting us that were raising concerns about the lack of support and attempts to obtain money made by WBUK. We will provide the evidence and please see Ms Karla Bailey's letter.

• 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?

No action is needed to distance the charity from Ms Chubb because on the contrary this charity stands by Ms Chubb's statements. The charity's donors and supporters give their support precisely because they know that the focus of our work is to continue pursuing accountability of those who abuse, or allow, or conceal abuse of the Elderly. The entire content of these books are fully and comprehensively evidenced and aimed at stopping all abuse and raising public awareness. The only threat of litigation was made by WBUK and responded to fully and we never heard further. We will provide full evidence that WBUK legal representative accepted all the content of the book and was provided with indisputable evidence on the single point objected to. We have heard no further from them.

• Why are the charity trustees not all listed as directors on Companies House? • Why have amendments made to the memorandum and articles of association in 2008 not been submitted to the Commission and was Commission consent obtained for the regulated amendments?

I will respond fully to this in further correspondence. Please could you clarify what exactly you need to address this? I do not understand how those who became trustees of the charity at various times could be listed as directors retrospectively, please can you clarify?

• What is the connection between Ms Chubb and Mr Honour as they appear to live at the same address?

They are partners and founded Compassion In Care which ran as a campaign group for several years before it became a registered charity. I see all the records, please refer to my regular meetings to discuss our work. There is no conflict of interest. Ms Chubb is the operational director and writes all the charity content and is spokesperson for the charity.

Mr Honour deals with all the accounts. The input of both is crucial to the charity's work and has been the foundation of it from the beginning. We will provide further evidence in support of this.

• Does the charity benefit from the sale, or apply funds towards the costs associated with books where Ms Chubb is the author? All proceeds from the sale of Beyond the Façade and There Is No ME In Whistleblower go to the charity, as the publisher will confirm. This is clearly stated on the website. The second book was paid for by the charity, but we recouped the cost by negotiating a deal whereby we were provided with free copies of the book to distribute to supporters and we will fully recoup the initial outlay. The book itself is the heart of our campaign for Edna's law. The book beyond the façade explains why elderly abuse occurs and the second book shows what the solution is. Full evidence will be supplied

I hope this initial response will be helpful. I will ask our volunteer administrator to send a follow-up email this morning with an appendix listing various key documents. Could you please note that due to a very serious illness in my immediate family that if at any time you need further documents could you please contact Christine England our volunteer administrator Christine England on ednaslaw@outlook.com

Please be aware I have always had full access to all records. We have very frequent trustee meetings

Yours sincerely



Margaret Roffey
Trustee of Compassion In Care

Attached accounts