

**Beyond The Rule of Law**  
**Evidence Part One**  
**The Secret Third Party**  
**12<sup>th</sup> July 2021**

This report will highlight just **one** of the many concerns we have raised about the Charity Commissions conduct to date. We will cover each issue separately and will publish the Commissions own evidence in support of our case.

Many people will be aware of the three **Private Eye** reports on the disproportionate behaviour of the Charity Commission, resulting in a recent misleading apology from the Commission.

We knew that the complainant was Halford Hall/WBUK as Edna's Law and the Anti incentive book, "There Is No ME in Whistleblower" were the target. We have repeatedly highlighted to the Commission that the motive for the malicious allegations was to delete all opposition to WBUKs political agenda. This charity has been the target of a political attack because we exposed and continue to expose Halford Hall/WBUK as evidenced liars, exploiting whistleblowers and causing harm to vulnerable people.

WBUK made a number of malicious allegations to the Charity Commission, these allegations were proved to be false, however the Commission has allowed serious libellous statements to be made against this charity, allegations which had they been made openly on the WBUK website, would have resulted in us taking a successful libel case; allowing us to access the protection of the law.

The Commission has consistently chosen to treat the malicious complainant as an **ordinary member of the public**, raising concerns in **good faith**.

We have proven that these allegations were not only made in bad faith, but made to remove all challenge to Halford Hall/WBUKs political agenda. The consequences of the Commission allowing such tactics to be used against charities who challenge political agendas is chilling.

The Commission verbally confirmed the complainant was GHH/WBUK to our lawyers, but then denied this in writing. (A theme present throughout this case.)

This issue is at the heart of all our concerns and yet the Commission refuse to acknowledge it. The Commissions most recent correspondence of 17<sup>th</sup> July 2021 states,

*"I have found no evidence of any institutional bias on the part of the Commission. We stand by our decision not to disclose the identity of the complainant or provide a copy of the complaint to the trustees. We do not reveal the identity of complainants without their permission, as that might have the unintended consequence of discouraging people from coming forward."*

Clearly Halford Hall/WBUK will not give their permission as they would not openly state what they have **surreptitiously** stated to the Charity Commission.

Eileen Chubb made a recent subject access request, and some information was released by the Charity Commission last week, the withheld information is being appealed, but among the released information was the following extract,

**Extract from an internal email sent 30 September 2020:**

*"...For clarity this is a long running dispute see below extract from The Whistler website for context*

*Please note that The Whistler is not associated and never will be with*

*[3<sup>rd</sup> party personal data], or any legal firms*

*involved with "Whistleblowers UK" Company number 08112953*

*which was dissolved on 7 April 2015 or with "Whistleblowers UK" Company number 09347927 which continued using the same bank account numbers.*

*It is necessary to state this because [3<sup>rd</sup> party personal data] and Eileen Chubb were founder members of Whistleblowers UK and we have received queries about the legal status, actions, finances and aims of those two companies.*

*[3<sup>rd</sup> party personal data] and Eileen resigned to set up The Whistler due to concerns about Whistleblowers UK (known as WBUK) which they made clear in their resignation open letters (these are available on request)"*

The Charity Commission have clearly identified WBUK as the complainant, but also this gives us insight into the Commissions flawed and biased investigation. The Commission were well aware that we had raised substantial, fully evidenced concerns about the conduct of WBUK prior to the allegations being made by WBUK. The Commission were sent this evidence. **If** reporting such issues as abuse of vulnerable people, exploiting whistleblowers for profit and running a surreptitious case management business behind the façade of a whistleblower support organisation can be described as a dispute, the Commissions grasp of facts is clearly biased and incompetent.

In Law bias is defined as

*R v Sussex Justices, ex parte McCarthy* [1924] 1 KB 256, [1923] All ER Rep 233 set the precedent in establishing the principle that the *mere appearance* of bias is sufficient to overturn a judicial decision. In his judgment, Lord Chief Justice Hewart stated the now often quoted aphorism that '*not only must justice be done; it must also be seen to be done.*' The rule is very strictly applied to any appearance of a possible bias, even if there is actually none.

### So what is bias?

Bias is defined as an inclination or prejudice for or against one person or group, especially in a way considered to be unfair.

The two types of bias are:

- (i) actual bias; and
- (ii) apparent bias.

The law distinguishes actual bias from apparent bias. The former is subjective, and deals with the judge's state of mind, while the latter is objective, and deals with the judge's conduct and the surrounding circumstances. Where a judge is actually biased in a decision, then justice has not been done. Where a decision is tainted by apparent bias, then justice is not seen to be done.

### Actual bias

Actual bias arises where the judge is a party to the litigation or has a financial or other interest in the outcome of the litigation. The interest can be the promotion of a cause and does not need to be proprietary or pecuniary. The question is not whether the judge has some link with the party involved in a cause before the judge, but whether the outcome of that cause could, realistically, affect the judge's interest.

## Our Concerns.

1. Throughout all the evidence there is substantial evidence of bias in the conduct, conclusions, and tone of the investigation. This is one of the issues we will be publishing the evidence of in the coming days. We will show beyond all reasonable doubt that **actual bias** is recorded in the Charities Commissions own evidence.
2. We will also show that **perceived Bias** was also an issue in that during the investigation the Charity Commission thought it appropriate for senior members of their staff to share a platform with the complainant.
3. WBUK Halford Hall, have clear links to the **Conservative party, Baroness Stowell** is a conservative peer. It is a fact that Baroness Stowell's appointment at the Charity Commission was opposed on the grounds that she was not politically neutral nor experienced enough, Matt Hancock appointed her regardless.
4. WBUK/Halford Hall have access to peers and MPs via their parliamentary pass.
5. WBUK have abused their public office in order to influence regulators and others by making malicious allegations with the sole motive of removing a charity that

was a clear threat to their agenda. MPs on the APPG on Whistleblowing are also implicated in this misconduct by their knowledge of their secretariates actions as is Baroness Kramer.

Finally, the interim chair of the Charity Commission is **Ian Karet**, he is a partner at the international law firm **Linklaters**. WBUK are **pro** incentives, Employee incentives are a lucrative income for lawyers with offices in the US. Including Linklaters who play an active role in employee incentives. Perceived or Actual bias? The question should not arise at all.

The next part of this series will include how the Commission dealt with our evidence from day one. We will publish the Charities Commissions own evidence to prove **our** case.

Eileen Chubb on behalf of the trustees of Compassion In Care