

Accountability letter re Charity Commission with all Attachments

Compassion In Care
19a Transmere Rd
Petts Wood BR5 1DT
01689 875604
07763 066063

17th April 2024

We write with regard to the following serious issues, none of which are operational matters but relate to serious misconduct by public officials.

We are a small charity that runs on under 20k a year, we have been routinely described as a charity that does extraordinary work on a miniscule budget. Our work is widely reported in the media, just one recent example is the Channel 4 news report into our work on LGBT+ abuse in care settings. We are the first organisation to publish data on both LGBT+ abuse victims and whistleblowers.

During Covid we were the only Charity in the UK who were publishing **real time** reports based on our helpline data, 48 reports in total which were acknowledged by Amnesty International in their report on human rights abuses during the pandemic.

We have to date supported over fourteen thousand whistleblowers and ten thousand families of abuse victims, this is the work we were doing as the following deeply concerning events unfolded.

Chronology

In late 2019 this charity published a report after receiving substantial concerns about an organisation called Whistleblowers UK.

The report was sent to both Whistleblowers UK and the members of the APPG on Whistleblowing and we awaited a response.

There was no response to the concerns we raised other than we were subjected to a campaign of malicious allegations.

In August 2020 at the height of the pandemic and whilst there was a 60% increase in calls to our helpline, we were contacted by the Charity Commission, who told us that someone had made allegations about us. The complainant was later confirmed to be Georgina Halford Hall the CEO of Whistleblowers UK and secretariate to the APPG on Whistleblowing.

We immediately responded to The Charity Commission, assuring them that we understood they must investigate and that they had our full cooperation.

What followed was nine months of hell. This charity was brought to its knees, please see 3 issues of **Private Eye** attached.

The level of bullying we were subjected to by the Charity Commission impacted on the health of both trustees and volunteers at a time when we were already under unprecedented pressure from the increased need for our support from those contacting our helpline.

We were becoming so alarmed by the conduct of the Charity Commission that we were forced to seek legal advice, our lawyer was equally concerned and could not understand the Charity Commissions conduct.

It became clear that the Charity Commission was conducting a political attack on this charity when the Commission pressurized us to stop legitimate charitable activities such as ,

Stop campaigning for Ednas Law

That we should remove our publishers link to the book about Ednas Law

That we should not challenge the proposed "Office of the Whistleblower" in spite of all our evidence detailing how the OWB would negatively impact our beneficiaries

That we should not criticise anything about Whistleblowers UKs agenda, funding, or conduct

That we should not support any whistleblower who had been either exploited financially by Whistleblowers UK or who had been ignored because they were low paid. (in spite of the fact that some of these whistleblowers were suicidal and that the consequences of Whistleblowers UK actions had resulted in continuing abuse of vulnerable people)

The Charity Commission could give no explanation to **Private Eye** for their conduct and apologised to us, but not every injustice can be exposed by **Private Eye**, and we should not have to rely on the media for checks on abuse of power but rather there should be safeguards in place to protect the public.

We made a formal complaint and contacted the secretary of state for DCMS, the DCMS select Committee, the Charities minister, and the Corruption Tsar. We received little or no response.

It is of grave concern that a charity can be politically attacked for trying to protect the interests of its beneficiaries, that Georgina Halford Hall of Whistleblowers UK, can abuse her parliamentary position and access to silence all legitimate challenge and that serious misconduct can be justified as a dispute.

The Charity Commission have consistently refused to release the information we are entitled to by law, and we have had to use the services of an information access specialist who is also being obstructed and will have to resort to the legal route to obtain our information.

Recent Events

Four years later in February 2024, we were contacted by a journalist, Matthew Carr, who stated in writing that Georgina Halford Hall of Whistleblowers UK had issued a press statement to him alleging that this charity had been officially sanctioned by the Charity Commission and that this information had been shared with Whistleblowers UK who had then rang us to discuss the sanction.

We have never been sanctioned by the Charity Commission (we have full copies of all correspondence) unless this alleged sanction has been entered on our file without our knowledge (Misconduct in a Public Office) and the Charity Commission would be in breach of the law if they shared information .

We immediately contacted the Charity Commission about this and received a hostile, defensive reply that did not address the issues at all and that has been their continued stance

The reputation of a charity is considered a financial asset in charity law. The lies being told by Halford Hall are likely to have been repeated to more than this journalist, are likely to have been told to many others including MPs and ministers. The fact that that these are lies and that we have never done anything wrong and so could not be sanctioned and can prove this, are irrelevant, as we are powerless to defend ourselves against malicious allegations, if we do not know what is being said.

It is by pure chance that the journalist repeated the slurs to us in writing or we would not be able to defend ourselves now.

Four years after we proved Halford Hall/ WBUK to have made malicious allegations, we are still fighting for accountability for the abuse of power and misconduct that occurred as a result of malicious allegations to a politically weaponised regulator.

Four years after the Charity Commission first breached all its own guidance in order to attack us, we are still fighting for accountability.

The recent Charity Commission responses and our letters are also attached and please note that we are happy to provide the full five bundles of evidence and submissions that cross reference the misconduct on request.

Conclusions

Charities that challenge a political agenda on behalf of their beneficiaries can often be controlled by the threat of withdrawal of government funding, but our constitution strictly forbids us from taking government funding, so we were able to speak out on these serious issues and would do so again without hesitation.

What is at stake? We will end up with charities who dare not speak up for their beneficiaries who will not challenge law and policy which will adversely affect their beneficiaries and the losers will be the public.

We note that the Committee for Standards in public Life have recently opened a consultation on the Nolan Principle of “ Accountability” which sounds hopeful until you read the remit.

A remit that asks for evidence to be submitted in a format that can be altered or toned down and asks for convenient evidence only.

We will submit this letter as testament to the accountability that actually exists and that is none at all because if such accountability existed, we would not even have to write this letter

If such accountability existed, the Charity Commissions actions would most certainly have resulted in an independent inquiry and root and branch change already.

Georgina Halford Halls conduct, funding and agenda would be a reported political scandal already.

The conduct of a parliamentary pass holder and director of strategy and secretariate to the APPG on whistleblowing is best explained by the political culture that she thrives in, a culture that protects her and allows her the power to harm whistleblowers, vulnerable people, and most of all the public interest. The perversity of this is clear.

If we are wrong about the accountability in public life then we will be happy to be proven so, however that proof will be how you respond to this letter and act on these issues now,

Eileen Chubb

On behalf of the trustees and volunteers of Compassion In Care

Attachments



No. 1551
9 July -
22 July 2021
£2.50

PRIVATE EYE

CHARITIES

Rough justice

THE Charity Commission has apologised for its heavy-handed investigation into Compassion in Care, a tiny charity which has exposed abuse and neglect in care homes, highlighted failures in the regulatory system and championed the rights of whistleblowers.

Eye 1547 reported how the charity, run on a shoestring by Eileen Chubb (herself a former whistleblower, pictured) and a dedicated team of volunteers, was nearly brought to its knees by a nine-month probe by the commission. Triggered by a complaint from an organisation the charity had publicly challenged, the investigation came at a time when the pandemic had seen calls to its helpline more than double and when its services to residents, families and staff had never been more in need.

With the charity forced to explain in great detail whether, for example, it was protected against any libel threats and how its high media profile met its charitable aims of "relieving the emotional and physical distress of those suffering abuse in care homes", the commission probe was described by one charity law expert as a "sledgehammer to crack a nut".

Last week a review by the commission

agreed – in part. It said the tone of its correspondence was at times "unhelpful" and therefore seen as aggressive. It had not taken into account "the distress and worry the trustees were expressing", had placed undue focus on improving the charity's website, and had "applied a level of expectation that was disproportionate to the level of risk associated with our regulatory concerns and the size of the charity". It said it should have engaged in dialogue with the charity earlier to resolve issues, instead of demanding a significant amount of further information.

The review, however, dismissed other complaints from the charity, including that the lengthy investigation was biased and had forced the charity to spend precious resources on lawyers.

Compassion in Care, unhappy that other complaints had also not been addressed, has now asked the commission for a second review and complained to charities minister Baroness Barran. The commission told the *Eye*: "We are committed to learning the lessons from what went wrong in this case. We are aware that the trustees are not happy with the outcome of our review, and we are currently considering their submissions in line with our published processes." Watch this space.





No. 1548
28 May –
10 June 2021
£2.50

PRIVATE EYE

39

CHARITY COMMISSION

Quack team

MORE concerns reach the *Eye* about the curious targets chosen by the Charity Commission for regulatory investigation and action.

The last *Eye* reported on a heavy-handed nine-month probe into tiny charity Compassion in Care, which exposes neglect and abuse in care homes. By contrast, the regulator has for years batted away complaints about charities promoting lucrative unproven “remedies” for health conditions, including cancer.

Charity Commission guidelines say charities must provide evidence of both the effectiveness and safety of any treatments and therapies they promote, and prove “public benefit”. In January, it duly said it would investigate as a “matter of urgency” a charity involved in a Facebook promotion, exposed by the *Sunday Telegraph*, peddling “remedies” for Covid-19 that included duck extract. The postings from 4Homeopathy, an umbrella organisation for 11 homeopathic organisations and charities, were hosted by a member, Homeopathy Action Trust.

Asked for progress on the investigation, the commission told the *Eye* that Homeopathy Action Trust had distanced itself from the posts and “made clear” it was unaware of

them; the commission had provided advice, including the need for the charity to review partnerships.

This gentle regulatory slap contrasts with the treatment meted out to Compassion in Care, but it has not surprised HealthWatch UK, a charity promoting science-based medicine, which claims to have identified 70 alternative medicine charities making misleading health claims and filed detailed complaints on 16 of them.

HealthWatch trustee Les Rose told the *Eye* that the Advertising Standards Authority seemed to be the only regulator to take “rigorous and efficient” action on health claims. According to Rose, “when I complained about a charity with two adverse rulings from the ASA, the commission sided with the charity”.

The commission is finally taking action against the Gerson Support Group, after a 2019 complaint from HealthWatch about its cancer treatment – which is based on an extreme diet and massive doses of vitamins plus coffee enemas.

Asked whether the commission’s efforts might all along have been better directed against charities making potentially harmful health claims than the likes of Compassion in Care, the commission said it was “taking seriously the complaints made by the trustees of Compassion in Care about the conduct of our compliance case”. It could not comment further while that process was under way.



No. 1547
14 May -
27 May 2021
£2.00

PRIVATE EYE

CHARITIES

Punching down

SPARE a thought for Compassion in Care, a tiny charity which punches well above its weight in exposing abuse and neglect in care homes and failures by the industry watchdog, the Care Quality Commission (CQC), yet was nearly brought to its knees by a nine-month Charity Commission investigation.

The charity's research and insights have featured in TV documentaries, the *Eye* and national newspaper reports; and its work has saved elderly and disabled people from further risk, provided them with a voice and unquestionably been a force for good. Run by tireless campaigner Eileen Chubb, herself a former Bupa care home whistleblower, with a dedicated troop of supporters, it also provides a confidential helpline and support for care home residents and staff – all done on an annual charity income of barely £10,000 a year, with no salaries or overheads.

At the start of the pandemic, its helpline calls increased by 60 percent, enabling it to highlight the dangers of infected hospital patients being released into care homes, and the devastating impact on residents and staff struggling from a lack of PPE. Yet its work was then diverted when it had to justify to the Charity Commission how its media profile, research reports and campaigns meet its charitable aims of "relieving the emotional and physical distress of those suffering abuse in care homes" and "educating those working in homes to recognise and report abuse". In the event a timely bequest and crowdfunding enabled it to secure some legal help.

The investigation, apparently launched in response to a complaint from an organisation Compassion in Care had publicly criticised,

was, according to one expert, "a sledgehammer to crack a nut". With a charity run on a shoestring and goodwill, there were, not surprisingly, administrative and governance defects that were easily rectified, such as getting more trustees on its board and improving its annual reports and website.



Eileen Chubb

But the small team are distressed by what they see as a stain on their reputation and have filed a lengthy complaint, alleging bias, to the Department for Digital, Culture, Media and Sport, which "sponsors" the commission. The team were particularly concerned at being taken to task for criticising the CQC, and over the argument that their campaign for Edna's law, a change in legislation to protect whistleblowers, was "political".

Under the three-year tenure of the commission's recently departed chair, Tory peer Baroness Stowell, "straying into politics" has been a theme that has alienated many charity chiefs. Stowell is a former leader of the Lords who had to give up the Tory whip to take up the commission post (*Eye* 1465). Even a Tory-dominated Commons select committee had objected to her appointment, saying she had proved "unable to demonstrate any real insight, knowledge or vision" for the charity sector. Culture secretary at the time Matt Hancock then appointed her anyway.

Charity Commission guidance says political activity can be "legitimate and valuable" for charities, providing it's not the main focus of the charity and is not linked to any party. It also says charities can campaign for changes in the law.

The Charity Commission controversially launched investigations into the National Trust and Barnardo's after complaints over their stance on slavery and racial inequality. The big charities had the skills and resources to swiftly bat them away – unlike tiny charities such as Compassion in Care.

To The Board of The Charity Commission.

An Open Letter, From The Trustees of Compassion In Care, Charity number 1102282

18th February 2024

In August 2020, at the height of the Pandemic, whilst this charity was coping with over 50% increase in calls to its helpline, we were contacted by the Charity Commission regarding allegations that had been made.

We knew that the source of the allegations was Georgina Halford Hall the CEO of WBUK and secretariate to the APPG on Whistleblowing and parliamentary pass holder. (This was later confirmed) as we had at this time already been subjected to a campaign of malicious allegations to various organisation's by the same individual.

Whilst we knew the allegations to the Charity Commission were malicious, we assured the Charity Commission in writing that they had our full cooperation and that we understood they must investigate.

After the first few months it became more apparent that as each of the malicious allegations was disproven with robust evidence, that the Charity Commission officer was becoming more and more angry at the fact that we were innocent of any wrongdoing. The stance taken by this officer was one that amounted to " If I cannot get you on that malicious allegation, I will try to get you on something else"

We obtained a specialist charity lawyer who was shocked at the treatment we had been subjected to. When the Charity Commission dropped all but the following, we realised we were being politically attacked by an instrument of the state. The Charity Commission specifically said the following,

We should not campaign for Ednas law,

We should not object to the, Office for the Whistleblower

We should not to criticise WBUK or the APPG on whistleblowing and specifically to not refer to them as a "Corrupt gravy Train"

We should remove the book, There is no me in Whistleblower, the case for Ednas Law, persisting with the accusation of a litigation risk and ignoring the fact WBUK had previously attempted a malicious SLAPP action using the lawyer, Johnathan Coad, an attempted SLAPP, which was not pursued because there was no merit to their case.

Our lawyer said all our activities were legal and he could not understand the Charity Commissions conduct.

We then made a formal complaint to the Charity Commission who chose to dismiss our concerns until Private Eye read all the evidence and printed articles about the injustice we had suffered. The Charity Commission than made a public apology because they could not explain their disproportionate, bullying behaviour given the evidence. Private Eye also pointed out that whilst the Charity Commission were persecuting us, they were failing to act on serious concerns about other charities, where there was actual wrongdoing such as selling fake cancer cures.

We asked the Charity Commission to implement their own policy on prosecuting malicious complainants because we feared that WBUK Halford Hall would continue to target us with malicious allegations, harm our vulnerable beneficiaries and impede our work. We said that any failure to act by the Charity Commission would embolden the culprit Georgina Halford Hall of WBUK. The Charity Commission failed to act.

As direct consequence of that failure this Charity has been subjected to four years of slander, smearing, harassment, and blatant lies, including the use of anonymous twitter accounts operated by Georgina Halford Hall (Confirmed by police in writing) to intimidate and smear both ourselves and whistleblowers who are volunteers and to mislead the public.

These events culminated on Friday 16th February at 21.00Hrs when we were contacted by a journalist by text and had the following put to us,

“ I spoke with Georgina H.H she said, you were sanctioned in some way by the charities regulator, is this true?

She also said you have declined to speak with her about it, is this true”

This was an official press statement from WBUK Georgina Halford Hall, in relation to a proposed article which would include reference to Ednas Law.

The inference can taken from this statement that MPs, the media, and public have also been told this charity cannot be trusted because we did something wrong and were sanctioned for the Charity Commission. Furthermore, Halford Hall infers she was given both this information and was authorised by the Charity Commission to ring this charity about this alleged sanction.

Georgina Halford Hall has been enabled and emboldened by the Charity Commission to the extent that she can issue the above official press statement.

The harm and distress this has caused is immeasurable. This has been exacerbated by the Charity Commission conduct in steadfastly refusing to disclose vital information via FOI and Subject Access, resulting in us having to obtain a specialist, who is in the process of extracting this information from the Charity Commission, disclosure of which we have always been legally entitled to.

There is an ongoing Met police investigation into The Charity Commission conduct of 2020 because there was already enough evidence to raise the issue of Misconduct in a Public Office and abuse of power.

This letter will also be forwarded to Police, we have taken the decision to make these events public in order to protect ourselves and our vulnerable beneficiaries and our volunteers from any further harm or abuse of power.



To the Trustees Compassion in Care

By email only: info@compassionincare.com

Correspondence address:

Charity Commission PO Box 211
Bootle L20 7YX

29 February 2024

Dear Charity Trustees,

Compassion in Care, 1102282 – Open Letter to the Charity Commission Board

Thank you for the open letter of 18 February 2024 addressed to the Board of the Charity Commission. I have been asked by the Chair and Board to formally respond to the information contained within the letter.

We regret to say that we cannot accept the allegations contained in your letter about the Commission's conduct.

According to our records, your charity's Founder and Trustee, Eileen Chubb, has been in regular communication with the Charity Commission during the last three years, and we previously responded to concerns raised in 2020 through our complaints process culminating in a definitive Stage Two Review response being sent on 11 August 2021.

The assertions raised in your letter relate to matters that were considered at length by the Commission in the course of our previous engagement, which included a dispute between Compassion in Care and Whistleblowers UK. The Charity Commission considers the matter closed and will also not comment on matters outside of our regulatory remit.

To clarify, we do not regulate or supervise X (formally Twitter) and there is no role for us at this stage in conducting a detailed analysis of any comments made between the two charities. Complaints related to matters of disagreement on statements made in the public domain should be raised with the charity directly. You may find it helpful to refer to our social media guidance for trustees which can be found here: <https://www.gov.uk/government/publications/charities-and-social-media/charities-and-social-media>

With regard to the allegation of disclosure of a 'sanction' to a journalist or other member of the public, this is robustly denied and we confirm the Charity Commission has not and would not disclose information about a person or charity or make any such statements as described in your letter. Requests for information are subject to the Freedom of Information Act and would be reviewed accordingly, within the law.

To The Charity Commission

12th March 2024

Dear Ms Stewart,

I refer to your letter dated 29th February 2024, received today, before we address the points you raise, we ask that you note the following,

The Background to these matters

We were targeted by Halford Hall, WBUK with malicious allegations as a result of us raising robustly evidenced concerns about WBUK, including the fact they were misleading the public and media by posing as a charity.

We are therefore very concerned to read paragraph 5 of your above letter,

*“ There is no role for us at this stage in conducting a detailed analysis of any comments made between two **charities**”*

WBUK are not and never have been a charity, when even the Charity Commission is perpetuating this, its small wonder the public have been so misled by WBUK and we were right to raise concerns about this fraud at the time, raising such concerns should never be trivialised as a dispute, it is not a dispute to report fraudulent conduct.

Paragraph 3 of your letter states,

“ Eileen Chubb has been in regular communication with the Charity Commission over the last three years”

This is completely untrue, provide copies of these alleged letters or contacts and dates.

Paragraph 6 of your letter states,

“With regard to the allegation of disclosure of a sanction to a journalist or other member of the public this is robustly denied...”

We have never alleged you have made a disclosure to a journalist or member of the public. We clearly stated that the malicious complainant, Halford Hall, WBUK had issued a press statement to a journalist stating we had been sanctioned by the Charity Commission. I am sure we do not have to point out the distress and harm caused by this blatant lie by an individual who is an evidenced serial liar.

You will recall our concerns raised in 2021, namely that you bypassed your own guidance in targeting this charity as a result of malicious allegations made by the same Halford Hall. This is not a member of the public but the instigator of the allegations.

You will also have on the record that we fully cooperated with your inquiry and stated we understood you had to investigate but as time went on it became clear your conduct was extraordinary, you could give no explanation for your conduct to Private Eye and therefore apologised to us.

Halford Hall WBUK is able to slander this charity today because you failed to take action at the time when it became abundantly clear that the allegations were malicious, and you had the power to prosecute such.

We want a clear statement from you that this charity has never been sanctioned, because we would have been notified of any genuine sanction. We also want confirmation that the press statement issued by Halford Hall is accepted by yourselves to be completely malicious. We do not believe this to be an unreasonable request given the evidence.

Regarding the Police investigation

Today the police confirmed that the case is still open. We expect an apology from you for suggesting we were lying about this.

We went to the police in 2021 because we had evidence that we were at risk of having further false information placed on our file by the Charity Commission as it had done this previously, which are lawyer challenged. We also stated that we were at risk of further malicious allegations being made against us by Halford Hall WBUK associates to the Charity Commission.

You issued a press release to the publication “Third Sector” when informed of the police investigation. We strongly refute your inference that we have lied about this, we have been in regular contact with the police investigation officer as recently as a few weeks ago.

You state on page 2 paragraph 1.

That “We have a duty of prudence as trustees, which includes protecting your charities reputation by refraining from making unsupported public statements”

We agree that we have a duty to protect our charities reputation especially when unsupported public statements are able to be made by Halford Hall WBUK that we have been sanctioned by the Charity Commission.

You have not addressed any of the concerns we have raised, neither the original concerns nor the events of three weeks ago when Halford Hall WBUK issued a press statement falsely claiming that we had been sanctioned by the Charity Commission.

We are deeply saddened that raising valid evidenced concerns on behalf of our beneficiaries has led to this situation, but we would do exactly the same again. We note the hostility of your response and that you have failed to respond to the most recent consequences of the events that started in 2020. Your response is entirely inadequate and evasive.

Orlando Fraser said told MPs in 2022 that he would “ *Intervene to defend a charity that he felt had been unfairly treated*” Now he can demonstrate that commitment.

We look forward to a response to our evidenced concerns

The Trustees

You also made the statement in your letter: *'There is an ongoing Met police investigation into The Charity Commission conduct of 2020 because there was already enough evidence to raise the issue of Misconduct in a Public Office and abuse of power'*. As far as we are aware, this is factually incorrect, and there is no investigation. The Police have not contacted the Commission about this matter. If you have evidence otherwise, please provide the same to us. If you do not have such evidence, then please refrain from repeating such statements, as you have a duty of prudence as trustees, which includes protecting your charity's reputation by refraining from making unsupported public statements.

Please note, any further correspondence that raises the same issues will be filed on the charity's record but will not be responded to unless new concerns are raised or evidence produced, and where it would be appropriate and proportionate to consider regulatory action.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jenny Stewart', written in a cursive style.

Jenny Stewart
Assistant Director Registration and Customer Service