

Upholding charities' independence and reputation

NCVO recommendations for best practice

Foreword

Charities have a strong tradition of campaigning for change and helping to shape policy and legislation on issues that affect not only their beneficiaries but also broader society.

In addition, while the public's disengagement from 'formal' and organised politics has gathered pace, civic participation has not gone away – it has simply found a new home within charities and the wider voluntary sector. From campaigns to improve school meals to protecting the environment, from improving local health services to 'Make Poverty History' more and more people are choosing single issue causes that they feel passionate about, and working to effect change outside the traditional forms of political activity.

Most notably, campaigning by charities across a broad spectrum of issues at local and national level has energised and provoked public debate in a way that has sometimes left traditional politics in their slipstream. It is increasingly the case that politicians pick up on issues long identified by charities and endorse their campaigning work.

So now more than ever the opportunity for charities to engage in public debate sits at the very heart of our democracy. It is an important and established part of the process by which policy is developed, implemented and tested. Free and open access to government is necessary for a healthy and functioning democracy, so that those who might be affected by decisions (or represent those who might be affected) are able to express their views and present their case.

It is important however that the policymaking process is transparent and understood by the public, and this extends to the role of charities in engaging with and influencing the democratic process.

Charities must already comply with the principles of charity law in all their activities, including campaigning. The Charity Commission's guidance on campaigning and political activities by charities sets out the legal requirements and provides the regulatory framework in which charities must operate.

The guidance recognises the important campaigning role of charities, and makes clear that charities may undertake campaigning and political activity as a positive way of furthering or supporting their purposes, so long as their governing document does not prohibit it. In doing so, charities must be mindful of their independence, must stick to their mission, and must never engage in any form of party political activity.

However, as new forms of communication and advocacy develop, many organisations feel a need for additional and more detailed advice on how best to carry out their campaigning activities, including guidelines that address the conduct of individuals working in charities and the standard of behaviour expected from them.

The aim of establishing this group was therefore to develop best practice recommendations to help organisations ensure that all their activities – and particularly their campaigning – adhere to high standards of transparency and political neutrality, and also that the individuals working within them adhere to high ethical standards.

We acknowledge that there is a difficult balance to achieve between promoting transparency while at the same time avoiding excessive administrative burdens. We certainly do not want to discourage the role of charities in public debate, especially at a time when a growing section of the public appears disconnected from or disaffected by the more traditional forms of democratic engagement.

Furthermore, not all the recommendations will necessarily be appropriate for all charities to adopt: much will depend on the size and resources of each organisation, on the scope of its campaigning activities and other factors that should be left to trustees to decide.

The aim of these recommendations is to help trustees and individuals working within charities to campaign with the confidence and knowledge that they are speaking out legitimately in support of their charity's objectives, in a way that is balanced and effective, and not open to any criticism of bias – real or perceived.

By following the relevant recommendations in this report, charities and other voluntary organisations can demonstrate to the public how they operate to the highest ethical standards, and how they adhere to the key principles of transparency, accountability, objectivity and integrity.

Introduction

Charities have always walked a tightrope in their campaigning work, in part due to legal restrictions resting on 20th century case law which established that charities may not have political objects.

But statute has never provided a description of what counts as a political purpose, and historically charity is closely connected to politics: in the nineteenth century, many charities with political objects were set up before restrictions began to be introduced by the Courts. More recently, the Charities Act 2006 deliberately codified several charitable purposes that are inherently political, such as the prevention of poverty, the advancement of human rights, citizenship and animal welfare.

Charities also have the right to engage in 'political activity': just like campaigning and advocacy, political activity is a legitimate and valuable activity for charities to undertake. So although charities cannot give their support to a political party (and therefore be party political) they can engage and seek to influence political parties and their candidates, as well as decision-makers and politicians on the charity's position.

However, the rules about political campaigning can be difficult to sustain, especially in the context of more divisive charitable purposes, where the distinction between social advocacy and public policy on the one hand and party politics on the other hand is considered by some people to be at best strained, and sometimes untenable.

Charities that campaign must also comply with other existing legislation. Electoral law is particularly relevant for charities that campaign on issues of public interest. The rules were initially set out in the Political Parties, Elections and Referendums Act 2000 (PPERA) and have recently been changed by the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014.¹

The non-party campaigning rules are viewed as problematic for charities that campaign because of the definition of what counts as 'controlled expenditure', as expenditure that 'can reasonably be regarded as intended to promote or procure the electoral success at any particular election for one or more particular registered parties or candidates'.

The elements of uncertainty that such a definition introduces is leading some organisations to hesitate before taking actions which may be deemed as coming within the scope of electoral law. Indeed, during the Parliamentary stages of the Act, much of the debate focused on whether non-party political campaigning by charities could be caught by the rules, due to the broad scope of the definition of 'controlled expenditure' and its extension to activity that does not involve any express mention being made of the name of any party or candidate, and it being immaterial that it is intended to achieve any other purpose as well.

In addition, these changes to the legal framework have occurred in a wider context which many perceive as increasingly hostile towards charity campaigning, with some expressing concerns about charities taking on too great an involvement in political activities. Such views, although not

¹ Under PERA 2000 'controlled expenditure' meant expenses incurred by or on behalf of the third party in connection with the production or publication of election material made available to the public at large or sections of the public. Part II of the Lobbying Act tightens and expands the extent of controls on expenditure by third parties during the relevant period before an election by substantially expanding the already broad definition of controlled expenditure on election materials. In particular, the range of speech and policy activities in relation to which expenditure may now potentially be controlled has been significantly expanded, by reference to a list of matters set out in Part 1 of Schedule 8A of the Lobbying Act.

representative of the majority of public opinion, feed into a perception of charities being party political and have damaging implications for public trust and confidence in charities

The recommendations in this report have therefore been developed with a wish to help charities and other voluntary organisations in their campaigning activities, so that they can operate effectively and confidently, without the fear of opening themselves to accusations of straying into party politics. Today, more than ever, it is vitally important that charities are able to advocate for legislative or policy change and carry out campaigning work in furtherance of their charitable purposes.

Public trust and confidence

Surveys consistently report that levels of public trust and confidence in charities remain high. The most recent Ipsos MORI survey showed that public trust and confidence in charities is resilient, with charities receiving a trust score of 6.7 out of 10 overall, in line with previous research findings.²

However, the research indicates a shift in public opinion in certain areas. People are now attaching greater importance to good financial management by charities. Almost half of people cite 'ensuring a reasonable proportion of donations gets to the end cause' as the most important factor affecting their trust in charities and the importance of this has risen since the last research in 2012. The public are interested in whether charities explain what they do, with the majority of people (96%) saying that 'it is important that charities provide the public with information about how they spend their money'.

In addition, the proportion of people who agree that charities are trustworthy and act in the public interest has fallen from 75% in 2010 to 71%. Although this is a minimal change, there is agreement within charities that it is important to not be complacent and to act swiftly, to ensure that occasional negative media coverage does not have an impact on people's perceptions of charity, and lead to a decrease in public trust and confidence.

Similar research published by nfpSynergy, although focusing on public trust in fundraising and fundraising regulation, suggests that public trust in charities cannot be taken for granted.

These recent findings are an indication that there is scope for charities, and the individuals working within them, to do more in order to uphold and maintain public trust and confidence in our sector. This report identifies a number of areas where charities and their trustees can be proactive in demonstrating how they operate independently of any political affiliation and solely in pursuit of their charitable objectives. In particular, we believe that the priority should be to increase the public's understanding of their role, by consistently and reliably exemplifying high standards of transparency and openness in all activities, including campaigning.

Principles

Charities have a long and honourable tradition of engaging in campaigning activities. They are uniquely placed to advocate for legislative or policy change, and give expression to the 'voice' of diverse (and often underrepresented) groups in society. From the NSPCC successfully lobbying for the first

² Public Trust and Confidence in Charities 2014, Research Study conducted by Ipsos Mori on behalf of the Charity Commission (2014): <http://www.ipsos-mori.com/researchpublications/publications/1679/Public-Trust-and-Confidence-in-Charities-2014.aspx>.

Prevention of Cruelty to Children Act in 1889, to the current campaign by Cancer Research UK for plain packaging to protect the next generation of children from tobacco marketing.

Today charities and voluntary organisations continue to play a vital role in informing and stimulating the democratic process. The disengagement of the public with political parties and traditional methods of participation has been well documented, as has the rise in membership of single issue campaigning organisations and voluntary activities. Many people who are disinclined to participate in elections are engaged in working with charities, community groups or campaigning organisations. So now more than ever it is vitally important that charities are able to lobby for change and carry out campaigning work.

Nevertheless, campaigning by charities continues to be subject to legal restrictions established by 20th century case law, meaning that charities must not have political objects: charities that campaign can do so only as a clear means of furthering their charitable purpose; and a charitable purpose must be for the public benefit and must not be a political purpose.

In addition, charity trustees are accountable for everything their charity does. Widely disseminated and adopted principles of good governance require boards – amongst other things – to: a) ensure delivery of the organisational purpose, b) behave with integrity, and c) be open and accountable.³

Notwithstanding the growing trend of civic action and engagement, and the existence of a strong regulatory framework, charity campaigning is not universally welcomed. Unfortunately, concerns have been expressed about the integrity of some campaigning organisations or those who work within them, and some have detected a recent increase of such criticism.

In addition, charities and voluntary organisations are constantly facing new challenges and asking themselves new ethical questions, including for example how the principles of charity law apply to modern campaigning techniques and communications (the most notable example being the use of social media).

We therefore believe that more can be done to support charities, and the individuals operating within them, in achieving the highest ethical standards to which they aspire.

The basic building blocks used for developing our recommendations are principles that have been drawn from existing rules and guidance, both in the charity and other sectors.⁴ These are:

- accountability
- political neutrality
- impartiality
- objectivity
- transparency
- integrity.

Our recommendations aim to provide support and guidance to charities in thinking through what the principles mean in particular circumstances and practical scenarios, and how their implications can be addressed in a way that ensures the highest standards of behaviour.

³ 'Good Governance, A Code for the Voluntary and Community Sector', October 2010.

⁴ See Annex A for more detail.

The recommendations are based on the belief that these principles should be put into practice when carrying out all campaigning, lobbying and engagement activities. Most importantly, the standards should be addressed actively at organisational level and also at the level of the individual behaviour of charity staff.

Embedding high ethical standards in charities

The principles of charity law set out in the Charity Commission's guidance on campaigning and political activities by charities⁵ provide the basic infrastructure upon which high ethical standards can be developed.

These require that:

- A charity must be established for a charitable purpose, and as a general principle, charities may undertake campaigning and political activity as a positive way of furthering or supporting their purposes.
- A charity must always stress its independence and ensure that any involvement it has with political parties is balanced. A charity must not give support or funding to a political party, nor to a candidate or politician. It may express support for particular policies which will contribute to the delivery of its own charitable purposes, so long as its independence is maintained, and perceptions of its independence are not adversely affected. To protect their reputation, charities need to pay particular consideration to the consequences of working with political parties and their representatives, and be open and transparent about any contact they have.
- Charities can never engage in any form of party political activity. Trustees must not allow the charity to be used as a vehicle for the expression of the party political views of any individual trustee or staff member.

To help meet these requirements, we recommend that the following principles are used to inform the conduct of charities and the individuals working within them in any activity they carry out:

- accountability
- political neutrality
- impartiality
- objectivity
- transparency
- integrity.

A consistent and vigorous implementation of these principles should happen not only with regards to the external communications of the organisation, but also at the individual level by the people representing the organisation publicly and closely associated with its brand.

The nature of campaigning means that the need for constant vigilance is particularly high. This is particularly true during election periods, when issues of public policy can become a dividing line between political parties or the object of controversial debate, making it more challenging for charities to ensure they maintain perceptions of neutrality and independence.

In order to uphold ethical standards within charities, we encourage organisations to take the following steps to fulfil each of the principles identified.

⁵ Speaking out: guidance on campaigning and political activity by charities (CC9): <https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9>.

Accountability

What are the issues?

Charities operate within an accountability framework that requires them to provide relevant and reliable information to stakeholders on the charity's financial position and performance, deployment of resources, organisational structure, policies, priorities, activities and achievements.

The required standard of accountability is set out in the Statement of Recommended Practice (SORP). Charities have to provide detailed financial information about all their activities, in order to give a 'true and fair' account of their status.

The SORP is a very comprehensive document which – in combination with the Annual Report – helps charities explain what they are trying to do, how they are going about it and what is achieved as a result of this work.

However, there are more and more areas that the public is starting to consider as important – and which therefore may have a direct link to levels of confidence. In particular, current trends in a society of information sharing and open data mean that there are increasing expectations from the public that charities go beyond the basic requirements and provide information that fully accounts for their performance during each year.

Recommendations

Charities should take all reasonable steps to provide the relevant information that may assist the general public in understanding their structure, activities, achievements and outcomes.

The information, to be included in the Trustees' Annual Report, should:

- demonstrate that resources are being used wisely and for the stated purpose;
- show that the charity is being organised and managed properly;
- demonstrate that the charity is carrying out its activities efficiently and effectively.

The information should be up to date, clear and easily accessible to stakeholders, including donors, and the general public. For example, the Annual Report should be published in a prominent area of the charity's website (either the home page or one click away).

As good practice, information about the charity's activities should include details about any past or present significant advocacy work, such as:

- past lobbying and campaigning, what has been achieved and how this has contributed towards the organisation's mission and goals;
- current lobbying and campaigning, reasons why this is being undertaken, what the aims of such activities are, and what the expected public benefit may be.

Political neutrality

What are the issues?

The Charity Commission's guidance on campaigning and political activities by charities sets broad principles and guidelines on the charity legal and regulatory framework, and for the most part focuses on the activities of the organisation (as opposed to addressing the specific conduct of individual members of staff).

The guidance makes clear that as long as political activity does not become the continuing and sole purpose of a charity, it is for trustees to decide how best to run their charities and advance their charitable purposes.

This approach allows discretion to the trustees, who are considered best placed to make a judgement about how the general principles in the CC9 guidance will apply to their individual organisations.

However, many organisations have found that it is not always straightforward to determine how the principles apply in practice. Often questions arise about their implications for the day to day activities of the organisation, or for the conduct of the people working there.

Therefore a number of areas have been identified where specific actions could be taken to help charities preserve their political neutrality.

Individuals' personal involvement in politics

We believe that further guidance would be helpful to help charities and other organisations deal with individual members of staff who, in their non-professional time, are active in the party political sphere.

We recognise the importance of individuals' involvement in conventional political activity. As a general principle charities should support members of staff who wish to be active within their community, including those people looking to stand in local, general or European elections.

However, charities must ensure that the active political involvement of any individual does not raise questions about his or her perceived political bias, or affect the impartiality of their policy and campaigning messages. Charities will want to be mindful of upholding the organisations' reputation of political neutrality and not give rise to any accusations of impropriety. These considerations extend to public perceptions: it is therefore important that charities are mindful of how their actions can be perceived and have assessed the relevant risks. Charities may wish to develop specific policies concerning politically active staff, especially those in public affairs or campaigning roles, depending on particular circumstances.

Recruitment of new staff

Another area of consideration concerns the recruitment of charity staff and the practice known as 'revolving door', where ministers, officials and senior civil servants move on to work in the voluntary sector. Charities are increasingly seeking professionals with external expertise and diversity of backgrounds, which has led to the movement of employees between the traditional public, private and voluntary sectors.

It is important not to inhibit the contribution that former ministers, parliamentarians, special advisers and civil servants can make to other sectors. This interchange can have positive effects: bringing people

with different perspectives and backgrounds, adding new expertise and generally enriching the organisation.

However, charities must consider such appointments carefully to ensure that they are not subject to accusations of political bias or conflicts of interest. This is more likely to be a concern in relation to former parliamentarians or special advisers, given that senior civil servants are already prohibited from party political activities.

Recommendations

Individuals' personal involvement in politics

Anyone is entitled to be an active member of a political party or organisation. However, there are some roles within charities - including at the level of trustee boards - where an individual's party political engagement may risk compromising perceptions of the organisation's impartiality.

In order to ensure that such risk is properly managed, charities should require their trustees and senior staff (such as chief executives and those with responsibility for advocacy, public policy and public affairs) to declare any party political activity undertaken in their personal capacity, such as membership of a political party, or seeking nomination as a candidate for election.

The declaration should be made to the board of trustees and, if the charity has a register of interests, it should be appropriately recorded in this document.

It will then be for the trustee board to discuss any implications and ensure that no conflicts of interest arise. Trustees should include a risk assessment of this issue as part of their decision making process, and should keep a record of their discussion. The board may also want to consider making the register of interests publicly accessible, for example on its website.

If an individual intends to seek nomination as a candidate for election, he/she should take all reasonable steps to ensure that any activity to promote their position as a party political candidate does not make connections with his or her role within the charity if this could have the effect of compromising the charity's political neutrality.

Recruitment

Charities should have appropriate appointment policies in place, to govern decisions about the employment of former Ministers, Parliamentarians and Special Advisers within the organisation. Charities should carefully consider such appointments, in light of the skills required for the job and any implications for the charity's public image and reputation.

Once an appointment is made, all necessary action to ensure that the individual employee is no longer perceived to have political affiliation should be taken. For example, it is strongly recommended that, if the individual previously held a pass conferring entitlement to access Westminster, this should not be used for lobbying work on behalf of the charity. This would be a misuse of the entitlement and would be potentially damaging to perceptions of the charity's independence.

Impartiality

What are the issues?

The absence of any party political affiliation is a fundamental requirement of charity law with which all charities must comply. However, in the public's mind it may be possible that a certain organisation reflects particular political values due to the nature of its cause and activities. Furthermore, there may be situations where in the course of their activities particular charities could be perceived as positioning themselves in alignment with a particular party or candidate because of the policy they are supporting or opposing, even though the charity is solely aiming at raising awareness of the policy issue and advancing its charitable purposes. These instances are rare, but they can have a significant impact not only on the particular organisation's image but more generally on the whole charity brand and the public's trust and confidence.

Recommendations

Charities must ensure impartiality in all their activities and communications. This need is intensified with regards to their engagement and influencing activities, in matters of public policy or political controversy, where charities must take particular care.

In particular, charities should ensure that any staff responsible for external communications and advocacy carry out these activities in a way that does not, and is not seen to, favour or discriminate against particular individuals or party political interests.

In order to reassure the public about their impartiality and reduce as much as possible perceptions of political bias, charities should:

- ensure that a sufficiently broad range of views and perspectives has been considered, and
- communicate their position and present their campaign in such a manner that it can be persuasive to a broad range of political interests (eg. both government and opposition parties).

As charities become more innovative in the way that they communicate and engage with the public, policy makers, media and funders, the use of social media requires careful consideration. One reason for this is that it may carry risks that the charity has not previously needed to consider. We recommend that charities have an internal policy or procedure for the use of social media, in order to minimise the risks to the charity's reputation.

A social media policy should detail who can access the organisation's social media account and the kind of messages they should or should not be posting. Appropriate procedures should be in place to ensure that the person using social media on behalf of the organisation understands the 'dos and don'ts', expectations and responsibilities.

Individual members of staff who have set up work twitter accounts should adhere to the organisation's policies and public positions, as required for all other types of communications. Staff should avoid tweeting anything that could be interpreted as supporting or criticising a particular party or candidate. If the account is also used for personal reasons, individuals should be mindful of how such personal use could reflect on the charity's image and act responsibly to avoid any damage to the charity's reputation.

Objectivity

What are the issues?

While there is no legal requirement to undertake research, charities should take all reasonable steps to reassure their stakeholders and the general public about the evidence base they are using to support a policy or campaign. The Charity Commission's guidance recommends that, in carrying out research or endorsing research carried out by other organisations, charities should ensure that the research is properly conducted using robust and objective research methods.

Well founded and effective research is becoming increasingly important in influencing policy and carrying out successful campaigns.

Recommendations

When communicating their messages, both as part of public campaigning and through engagement with decision makers such as Ministers and senior civil servants, organisations and their staff should:

- ensure factual accuracy;
- base their position and asks on sound statistical evidence.

When reporting the results of any research and when information is being summarised, charities should endeavour to frame their communications in a way that is accurate, reliable and meaningful, using language that is both consistent and truthful.

For example, charities may like to ask themselves whether their representation of their results would meet the BBC's standards for integrity in reporting the results of research.⁶ These demand for example:

- that care is taken not to use elements of the research inappropriately;
- to avoid giving figures more weight than can stand scrutiny;
- to consider the emotional impact pictures and personal testimony can have on perceptions when not supported by the balance of argument.

Transparency

What are the issues?

Charities' unique role in society and their relationship with donors, beneficiaries and the public means that they should strive to achieve the highest standards of transparency. Recent media attention around charity sector pay has highlighted that organisations may benefit from going above and beyond their legal and accounting requirements, being open with their stakeholders, and showing their willingness to engage with their donors and beneficiaries about their activities.

The Charity Commission's guidance 'Hallmarks of an Effective Charity' (CC10) sets out six overarching principles that trustees will want to adhere to in order to improve the effectiveness of their charity, and

⁶ See the BBC Editorial Guidelines on 'Avoiding Misleading Audiences' (<http://www.bbc.co.uk/editorialguidelines/page/guidelines-accuracy-avoiding-misleading-audiences/#reporting-statistics-and-risks/>) and on 'Opinion Polls, Surveys, Questionnaires' (<http://www.bbc.co.uk/editorialguidelines/page/guidance-polls-surveys-full>).

already highlights the importance of being accountable to the public in a way that is transparent and understandable.⁷

Recommendations

A charity's duty to be open and transparent should extend to its campaigning activities, including informing the public about its campaigns and communicating. This would mean for example that the charity routinely publishes information that explains why specific campaigns are undertaken, how they relate to the charity's objectives, and what their impact is.

Charities may also wish to consider:

- publishing details of meetings held with Ministers, Parliamentarians' Special Advisors as part of their campaigning activities;
- publishing information about meetings held with senior civil servants (i.e. those at Deputy Director level and above) as part of their campaign activities.

The information made available should include dates of meetings, details of who was involved and a brief but meaningful description of the subject-matter (whether legislation, regulation or policy, or government contact or grant).

Charities are also encouraged to provide clear information about how their income is divided between restricted and unrestricted funds. Within each of those categories, sources of income should be listed in as detailed manner as possible. Charitable expenditure should also clarify whenever possible the type of activities it has been used for.

All this information should be published within an appropriate timeframe on the charity's website, in an easily accessible format and location.

Integrity

What are the issues?

Although public trust and confidence in charities remains high, the changing nature of charities' activities can sometimes give rise to new questions about their integrity and independence.

For many charities, involvement in public service delivery is an effective way to scale up their services and reach more beneficiaries. However this has led to additional scrutiny of charities that deliver public services and simultaneously seek to campaign and influence policy.

It is for trustees to consider how best a charity fulfils its objects. The Compact, the agreement between the government and the voluntary and community sector which sets out key principles and establishes a way of working that improves their relationship for mutual advantage, considers the issue of involvement in policy and in delivering services. It is a clear principle that receipt of funding should not compromise charities' right to campaign.⁸ Charities should uphold and champion this principle, which is fundamental to their independence.

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300122/cc10text.pdf

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214617/the_compact.pdf

Nonetheless, charities must also ensure that their campaigning activity is demonstrably for the public benefit, rather than being unnecessarily constrained by other interests, such as those of funders or resulting from other contractual relationships.

Charities and corporate partners

The number of businesses motivated to partner with charities has risen in the past years. But while a leading reason why companies choose to partner with charities is enhancing brand reputation and achieving greater credibility, the most common reason for charities to partner with corporates continues to be the opportunity to access and generate resources, including funding. This can inevitably lead to an imbalance in the relationship, with charities feeling pressurised into making compromises and sometimes leading to mission drift.

Recommendations

Charities should take appropriate steps to explain and demonstrate to their supporters how all their activities, including their campaigning, are being carried out in line with their mission and in order to advance their beneficiaries' interests.

Charities and corporate partners

Charities should put beyond doubt any question about conflicts of interest – particularly by explaining when their campaigning includes seeking additional funding or support for their cause, for example by engaging in a corporate partnership.

If a relationship with corporates exists, trustees should be clear that regardless of any financial support the charity will always act for the public benefit and for the advancement of its charitable purposes, regardless of any additional interests that the business partner may have.

Annex A – existing rules and guidance

Basic principles of charity law

The fundamentals of charity law on campaigning and political activity are explained in the Charity Commission's 'Speaking Out: Guidance on Campaigning and Political Activity by Charities' (CC9)⁹. The guidance makes very clear that charities must never engage in any form of party political activity, and that campaigning must be undertaken only in the context of supporting the delivery of the organisation's charitable purposes.

The following rules are particularly relevant:

- a charity cannot exist for a political purpose, which is any purpose directed at furthering the interests of any political party;
- a charity must stress its independence and ensure that any involvement it has with political parties is balanced;
- a charity must not give support or funding to a political party, nor to a candidate or politician;

⁹ <https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9>

- a charity can seek to influence government and other public bodies, and may give its support to specific policies advocated by political parties, provided this would help achieve its charitable purposes;
- however, trustees must not allow the charity to be used as a vehicle for the expression of political views of any individual trustee or staff member.

The Nolan Principles

The Committee on Standards in Public Life is an independent committee, which was set up in October 1994 under the chairmanship of Lord Nolan to examine concerns about standards of conduct in public office. The Committee's first report established 'The Seven Principles of Public Life',¹⁰ also known as the 'Nolan Principles'. They are included in the Ministerial Code. They are:

- Selflessness
Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.
- Integrity
Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- Objectivity
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- Accountability
Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate for their office.
- Openness
Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- Honesty
Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- Leadership
Holders of public office should promote and support these principles by leadership and example.

¹⁰ <http://37.128.129.237/our-work/inquiries/previous-reports/first-report-of-the-committee-on-standards-in-public-life/>

Civil Service Code

The Civil Service Code¹¹ sets out the standards of behaviour expected of civil servants. They are based on the core values of:

- Integrity
 - Putting the obligations of public service above personal interests
- Honesty
 - Being truthful and open
- Objectivity
 - Basing advice and decisions on rigorous analysis of the evidence
- Impartiality
 - Acting solely according to the merits of the case and serving government of different political parties equally well

Guidance for civil servants: contact with lobbyists

Cabinet Office has produced specific guidance for dealings between civil servants and professional lobbyists.¹² Government's approach is to not impose a ban on civil servants having dealings with lobbyists, where this serves a proper purpose and is conducted in a proper manner. The need for propriety is crucial: the basic principles of public life set out by the Nolan Committee and the Civil Service Code apply to all contacts between civil servants and other people outside Government.

Private lobbying firms Codes of Conduct

Each of the three lobbying industry bodies (the Association of Professional Political Consultants – APPC, the Chartered Institute of Public Relations – CIPR, and the Public Relations Consultant Association – PRCA) has created its own code regulating the conduct of its members when providing lobbying services.¹³ All codes require members to be open, transparent and honest in their dealings with all political representatives.

In addition, the UK Public Affairs Council has developed a generic set of Guiding Principles of Conduct,¹⁴ which have been jointly adopted by the APPC and the CIPR. These principles are designed to complement the codes of conduct applicable to each specific profession. They are:

- Transparency and openness
- Accuracy & honesty
- Integrity
- Propriety

¹¹ <http://www.civilservice.gov.uk/wp-content/uploads/2011/09/civil-service-code-2010.pdf>

¹² <https://www.gov.uk/government/publications/guidance-for-civil-servants-contact-with-lobbyists>

¹³ APPC Code of Conduct: <http://www.appc.org.uk/code-of-conduct/>; CIPR Code of Conduct: <http://www.cipr.co.uk/content/about-us/about-cipr/code-conduct>; PRCA Professional Charter and Code of Conduct: <http://www.prca.org.uk/ProfessionalCharterCodesofConduct>

¹⁴ <http://www.publicaffairscouncil.org.uk/en/resources/>

Business Appointment Rules

The Business Appointment Rules¹⁵ govern the take-up of private or third sector employment by former ministers and Crown servants. The rules for former ministers state that 'it is in the public interest that former ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one'. The rules for former crown servants similarly emphasise the public interest that 'people with experience of public administration should be able to move into business or other bodies, and that such movement should not be frustrated by unjustified public concern over a particular appointment'. Both the rules for former ministers and crown servants also emphasise that 'there should be no cause for any suspicion of impropriety' when a former minister or crown servant takes up a new appointment or employment.

The Business Appointment Rules were revised in 2011 to set out a new 'general principle' of a two year ban on former ministers lobbying Government after they leave office. The Ministerial Code requires that former ministers seek, and abide by, the advice of the Advisory Committee on Business Appointments before taking up any outside appointment or employment within two years of leaving their ministerial post.

The Civil Service Management Code requires departments to impose similar requirements on civil servants: former senior civil servants must seek the Advisory Committee's advice before accepting any outside appointment or employment within two years of their last day in service. Crown servants at lower grades must seek the advice of their department, and all applications by special advisers are referred to the Advisory Committee regardless of seniority.

Annex B – additional guidance

- [Charity Commission Speaking Out guidance on Campaigning and Political Activities \(CC9\)](#)
- [Charity Commission guidance on Charities, Elections and Referendums](#)
- [Electoral Commission guidance for Non-Party Campaigners](#)
- [Good Governance – A Code for the Voluntary and Community Sector](#)
- [Charity Commission guidance 'It's your decision: charity trustees and decision making'](#)

Annex C – Terms of Reference: NCVO Campaigning and Lobbying Standards Group

Background

NCVO has convened a Group in order to develop and produce key principles and guidelines for charity chief executives and relevant staff to follow when campaigning and lobbying on behalf of their organisation.

¹⁵ <http://acoba.independent.gov.uk/publications/reports.aspx>

Purpose

The Group has been set up in order to develop key principles of best practice on campaigning and lobbying for charity chief executives and relevant staff. In particular, the code will set high level standards of accountability and transparency, including financial disclosure. The code will also provide practical examples of best practice in campaigning and lobbying, and highlight factors which charities need to consider when planning their campaigning and lobbying activities.

Structure

The Group will be chaired by Sir Stuart Etherington, Chief Executive of NCVO.

The Group will comprise of the following members:

- Hillary Allison, Policy Director, Woodland Trust
- Jonathan Breckon, Manager, Alliance for Useful Evidence, NESTA
- Helen Cameron, Head of Public Affairs, Salvation Army
- Angela Kitching, Head of Public Affairs, Age UK
- Sara Llewellyn, Chief Executive, Barrow Cadbury Trust
- Vicki Nash, Head of Policy and Campaigns, Mind
- Chris Simpkins, Director General, The Royal British Legion
- Neil Sinden, Director of Policy and Campaigns, Campaign to Protect Rural England
- James White, Campaigns Manager, Guide Dogs for the Blind
- Chris West, Head of Media and Public Affairs, Leukaemia and Lymphoma Research

A representative from the Charity Commission will attend the Working Group as observer. The representative will contribute to the Group by clarifying any points of charity law and best practice; and by providing information about the Charity Commission's case work experience of this issue.

The Group will be assisted in its work by a wider 'Reference Group' that will act as 'critical friend' and comment on draft material as required.

NCVO will provide the secretariat for the Group, and a senior member of the Policy team will co-ordinate the production of the guidance on the Group's behalf.

Meeting arrangements

The Group will meet on two or three occasions. Meetings will be held at NCVO's offices. It is anticipated that each meeting will last two hours, excluding any reading in advance of the meeting.

Reasonable expenses incurred for attending the meetings will be reimbursed to members of the Group on request.

Outputs

The Group will aim to develop recommendations by Summer 2014.

NCVO will endeavour to implement the recommendations and publicise them as widely as possible across the sector.

