

EU Referendum: Charity Commission guidance

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CHARITY
COMMISSION



Guidance – an overview

- Charities must always stick to their mission – the charitable purposes for which they were established
- A political purpose cannot be a charitable purpose
- Campaigning and political activity are **a means to an end**

Guidance – an overview

- Charities **must never engage in party political activity**
- Must remain independent and politically neutral
- Must not give support or funding to a political party, candidate or politician
- Must not be used as a vehicle for expression of a trustee's own political views
- Charities must guard their independence and reputation

Political activity

- activity aimed at securing, or opposing, any change in the law / in the policy or decisions of central government / local authorities / other public bodies, whether in this country or abroad
- includes activity to preserve an existing piece of legislation, where a charity opposes it being repealed or amended

Political activity

- Campaigning can directly **further** your charity's purposes – political activity can only **support** them
- Political activity must not become the charity's reason for existing
- Campaigning and political activity must be related to the charity's purpose
- Charities must never engage in party political activity

Trustee Checklist

- How would this support the purposes of my charity?
- How likely is it that the campaign will achieve its objectives? How long will it take?
- Is this the best way to achieve those objectives?
- What are the risks to my charity (reputational, financial or otherwise?)

Trustee Checklist

- What evidence is there to support answers to the questions above?
- Is my charity non-party political, and seen to be so?
- Is all our campaign material factually accurate and supported by evidence?
- Risks/benefits of using emotive material?
- Effective use of charitable resources?

Good decision making

Trustees must:

- act within their powers
- act in good faith and only in the interests of the charity
- make sure that they are sufficiently informed
- take account of all relevant factors
- ignore any irrelevant factors
- manage conflicts of interest
- make decisions that a reasonable trustee body could make

Trustees should record decisions properly, so there is no doubt what was decided and why

- The same principles covering political activity apply
- Depending on the nature of the referendum issue or question “there may be some circumstances in which it is appropriate for a charity to set out the pros and cons of a yes or no vote for their beneficiaries”
- *However*, this is distinct from a charity actively campaigning for a ‘yes’ or ‘no’ vote

- **In exceptional cases** charities may consider that the outcome is likely to directly affect the delivery of their charitable objects
- Where the **impact is very indirect or uncertain**, it will be difficult to justify campaigning for a particular outcome
- Trustees must consider carefully their justification is there is a **significant party political dimension** to the referendum

or

- Where the **aims of the charity are narrower** than the potential impact of the referendum

Some issues from the 2015 election

- Charity trustees tweeting endorsement of a candidate
- Complaint received about a charity displaying election posters endorsing a candidate
- “Dalston mosque faces questions over political slogan emblazoned on roof”
- Chairman of a charity published a press release on charity’s headed paper attacking a candidate and local councillors

When things go wrong ...

- One of the most common problems = campaigns not sufficiently related to charity's purposes
- Commission does receive complaints – not everyone will like your campaign
- Have your trustees considered the guidance?
- Have they kept a record of decisions on campaigns the charity engages in?

Published guidance

- Speaking out: guidance on campaigning and political activity by charities
- Charities, Elections and Referendums
<https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9>
- It's your decision: charity trustees and decision making
<https://www.gov.uk/government/publications/its-your-decision-charity-trustees-and-decision-making>
- Campaigning and political issues arising in the run-up to the 2015 General Election
<https://www.gov.uk/government/publications/campaigning-and-political-issues-arising-in-the-run-up-to-the-2015-general-election-case-report>

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