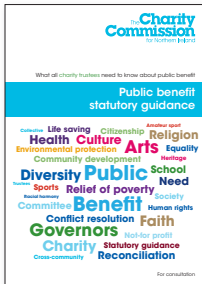


Supporting guidance for charity trustees

The advancement of education

A word cloud of terms related to charity advancement and education. The words are in various sizes and colors (blue and red). The most prominent words are 'Education', 'Charity', 'Governors', 'Arts', 'Improvement', 'Animal welfare', 'Diversity', 'Community development', 'Culture', 'Health', 'Religion', 'Advancement', and 'Reconciliation'. Other words include 'Citizenship', 'Amateur sport', 'Equality', 'Heritage', 'School', 'Need', 'Society', 'Faith', 'Not-for profit', 'Human rights', 'Relief of poverty', 'Cross-community', 'Trustees', 'Sports', 'Racial harmony', 'Committee', 'Conflict resolution', 'Environmental protection', 'Life saving', 'Collective', and 'Health'. The word 'Education' is the largest and is colored red, while 'Charity' is also large and colored red. Most other words are in shades of blue.



This supporting guidance must be read alongside the Commission's statutory guidance on public benefit.

Online or in print

If you are viewing this guidance online, you will be able to navigate your way around by clicking on links either within the text, at the top of each page, or in the chart.

If you choose to read this document in a printed format, you can still use the section headings and page numbers to assist you in moving around the guidance.

We have produced a glossary which provides further information, definitions and descriptions of some key terms. The words in **green type** indicate words that are found in the glossary. You can find these definitions either by downloading the glossary as a separate document or, if you are reading the guidance online, by clicking on the green words which link to the glossary.

Our vision

The Commission's vision is to deliver, in partnership with other key stakeholders in the charitable sector:

'A dynamic and well governed charities sector in which the public has confidence, underpinned by the Commission's effective delivery of its regulatory and advisory role.'

Our values

The Commission aspires to be respected and valued in the execution of its functions and will ensure that in the performance of our role as the charity regulator for Northern Ireland we will be:

Independent: we will maintain independence in our decision making, acting without fear or favour, in the public interest.

Accountable: we will be proactive in accounting to all our stakeholders, which will include involving others on a continuous and appropriate basis and taking responsibility for our decisions.

Proportionate: our actions, procedures and culture will be proportionate to the burden of regulation on charities of different sizes, to the degree of risk involved and to the potential impact within the resources available to us.

Impartial: we will exercise our powers and discretion in a way which is non-partisan and even-handed.

Transparent: we will communicate with and listen to our stakeholders and will be clear about our actions, intentions and expectations.

Consistent: we will act consistently in our decision making.

Equality and accessibility

The Charity Commission for Northern Ireland is totally committed to equality and diversity in all that we do.

We intend to make all of our guidance available to all stakeholders. We will aim to meet all accessibility needs and offer other languages and formats for this guidance, for example Braille or audio or meet any other requirements needed in line with the Commission's Equality Scheme.

If you have any accessibility requirements please contact us.



Contents

Section 1: What is meant by the advancement of education?	4
1.1 Definition	
Section 2: Applying the principles of public benefit to the advancement of education	5
2.1 Identifying your intended beneficiaries	
2.2 Identifying your benefits	
2.3 Ensuring your benefits are for the public	
2.4 Balancing benefit against detriment or harm	
2.5 Public benefit rather than private benefit	
Useful publications	8

Section 1: What is meant by the advancement of education?

1.1 Definition

Education is not limited to a classroom environment. It includes:

- formal school, college or university education;
- community education;
- physical education;
- vocational training and life-long learning;
- research;
- the development of individual capabilities, competences, skills and understanding.

Advancing education includes promoting and expanding individual and group knowledge, understanding and skills.

Examples

The following is a list of examples of the sorts of **charities** and **charitable purposes** which might fall within this description. The list is not exhaustive, so even if there is not an example which relates directly to your organisation's **purposes**, they may still fit under this description:

- schools which have control and direction over their resources and governance;
- colleges and universities;
- organisations supporting educational establishments for example parent-teacher

associations, student unions and examination boards;

- youth clubs;
- out of school education groups for example summer schools;
- organisations supporting the physical education of young people;
- organisations providing life skills training;
- research foundations, think tanks and **learned societies**;
- museums, galleries, libraries and scientific institutes;
- organisations which fund education;
- information media, for example an online distance learning programme.

Examples of purposes which are not charitable, or where the case is yet to be made

Examples include:

- the provision of residences for teachers (unless they are required to live on school premises to perform their duties);
- a trust to provide scholarships only for named individuals or founder's kin rather than a broader section of the public.

This is because principles drawn from case law suggest that they are unlikely to be able to do so. We will always, however, consider organisations' and trustees' rationale on a case by case basis.

Section 2: Applying the principles of public benefit to the advancement of education

The guidance below sets out examples of how public benefit applies to an organisation with the purpose of advancing education. It is not intended to be a full interpretation of the law in every set of circumstances. However, it is our intention that the examples we provide will help you to apply the public benefit principles to your organisation.

This should help you to clarify:

1. The benefits your charity's **purposes** are intended to provide;
2. Whether your charity's purposes are intended to benefit the public in general; or
3. The section of the public that your charity's purposes are intended to benefit.

A charity aiming to advance education must:

- identify the section of the public or group of persons to benefit; and
- determine how the actions of the charity can benefit that section of the public.

The advancement of education includes promoting, sustaining and increasing individual and collective knowledge and understanding of specific areas of study, skills and expertise. This does not have to be in a formal setting or part of a formal process.

2.1 Identifying your intended beneficiaries

In the case of organisations which advance education, the **beneficiaries** are those who are eligible to receive the education. For example, the beneficiaries of educational establishments are usually the students who have the opportunity to attend them.

For other forms of education, the benefits which arise from the **purposes**, or may reasonably be expected to arise, might extend to the public at large. For example, the beneficiaries of a library will be anyone who wishes, and has the opportunity, to take advantage of access to the library.

In many circumstances, the beneficiaries of the charity are clearly set out in its **governing document**. For example 'to advance the education of children at X school in the subject of geography'. In this case, the children at the school are the beneficiaries.

In other circumstances, this may not be clear in the governing document and an explanation or some documentary evidence may be required. An example of this might be; 'to assist with the teaching of history as the trustees see fit'.

In a case like this, we may suggest that some evidence to demonstrate beneficiaries is required or that the purposes clause is amended to reflect in more detail what the charity actually does or intends to do.

2.2 Identifying your benefits

In order for the advancement of education to be for the benefit of the public, it must be of educational value. Often it is very obvious what the educational value is as there is an easily recognisable benefit to the public.

Research in itself, which only increases knowledge, is not charitable unless it is accompanied by an element of teaching, education or publication. Just providing research information to people is not considered to be educating them.

To be of benefit, education must be of value and capable of educating the minds of those it is intended to educate.

The literary merit or content of writing is not something we would usually look at unless, for example, a publication is intentionally designed to teach **irrational** beliefs. However, any publication that legitimately stimulates debate and discussion may be considered to be of benefit to the public.

For example, whilst education can be uncontroversial, it does not have to be neutral or value free and can contain subjective views, opinions or arguments. However, informing people about a cause or issue with a view to have them support that cause is not

considered educational. For example, a trust for research and development of a new alphabet was found by the courts not to be of educational value. This was because there was no element of teaching, but instead was simply research and promotion of the donor's view as to the benefit of a new alphabet.

An example identified by the courts of an educational purpose which would not be of benefit to the public is a school for pickpockets. Where a purpose is not clearly of benefit to the public, or appears to be detrimental to the public, we will require its beneficial nature to be proved.

Benefits must be related to **purposes** and appropriate to purposes. Incidental benefit does not count as a benefit; only benefits which result from the charity's purposes are relevant. Therefore any benefit which is not related to the purposes of a charity cannot be considered when assessing public benefit.

2.3 Ensuring your benefits are for the public

Benefit must be for the public or for a **sufficient section** of the public and must not be unreasonably restrictive, for example to restrict an educational trust to a group of family members is not for the public benefit but rather for the **private benefit** of that group.

An example in case law is a trust that was **established** for the benefit of children of employees or former employees of a company. The potential employees and former employees numbered over 110,000. The court held however that the common quality of

the potential **beneficiaries** of the trust was employment by a particular employer and that, as a connection through common employment does not make the group a sufficient section of the community but instead a private class, the trust was not charitable.

However, each set of circumstances will be looked at individually by us when assessing whether a charity's **purposes** are for the public benefit.

2.4 Balancing benefit against detriment or harm

Benefit must be balanced against **detriment or harm**. In assessing the **purposes** of an organisation, we will look at the possibility of any detriment or harm flowing from the purposes. For example, teaching computer skills to young children may be a form of advancing education but it may be considered by some to be detrimental to the health of children because it promotes sedentary activity when young children should be doing physical exercise. However, in this example, we may take the view that the teaching of computer skills is necessary and useful.

2.5 Public benefit rather than private benefit

Any **private benefit** must be **incidental**.

For example, a charity running a school may pay teachers and other staff necessary for the fulfilment of its **charitable purposes**. They receive the benefit of a salary, but this is necessary in order to provide the charity's services to the public at all.

Again, participation in the charitable **activities** of a learned society may incidentally enhance the professional reputation of an academic, with an associated benefit to his or her career. An example of where private benefit may not be incidental is where admissions preference is given to the children of governors or staff of an educational establishment, or those of a major donor, ahead of children who are members of the public in the catchment area of a school.

Useful publications

Statutory guidance on public benefit

The 'public' and 'benefit' elements supporting guidance

The prevention or relief of poverty supporting guidance

The advancement of religion supporting guidance

The advancement of health or the saving of lives supporting guidance

The advancement of citizenship or community development supporting guidance

The advancement of the arts, culture, heritage or science supporting guidance

The advancement of amateur sport supporting guidance

The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity supporting guidance

The advancement of environmental protection or improvement supporting guidance

The relief of those in need supporting guidance

The advancement of animal welfare supporting guidance

Any other purposes supporting guidance

Glossary

Frequently asked questions (FAQs)

For more information on all of our work
please see the Charity Commission website:

www.charitycommissionni.org.uk

Our preferred method of contact is email:
admin@charitycommissionni.org.uk

The Charity Commission for Northern Ireland (CCNI) is the new regulator of charities in Northern Ireland, a non-departmental public body sponsored by the Department for Social Development.

Our aims

- the Commission aims to develop a regulatory framework in which the public have confidence and in which charities can grow and flourish, clear in the knowledge of their rights and responsibilities;

And

- manage the establishment of the organisation to a statutory non-departmental public body following the full implementation of the **Charities Act (Northern Ireland) 2008**.

Further information about our activities is available from:

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