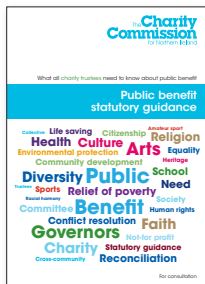


Supporting guidance for **charity trustees**

The advancement of health and the saving of lives

A word cloud of various terms related to charity and health. The words are in shades of blue and purple. The largest words are 'Health' and 'Charity'. Other prominent words include 'Arts', 'Improvement', 'Governors', 'Sports', 'Culture', 'Science', 'Diversity', 'Community development', 'Religion', 'Citizenship', 'Life saving', 'Trustees', 'Racial harmony', 'Committee', 'Conflict resolution', 'Faith', 'Not-for profit', 'Advancement', 'Relief of poverty', 'Human rights', 'Reconciliation', 'Cross-community', 'Amateur sport', 'Equality', 'Heritage', 'School', 'Need', 'Society', 'Environmental protection', 'Diversity', 'Science', 'Need', 'Society', 'Not-for profit', 'Advancement', 'Relief of poverty', 'Human rights', 'Reconciliation', 'Cross-community'.

Collective **Life saving** Citizenship **Arts** Amateur sport
Health **Culture** **Religion**
Environmental protection **Arts** Equality
Community development Heritage
Diversity **Science** **School**
Health **Need**
Trustees **Sports** **Health**
Racial harmony **Improvement** Society
Governors **Improvement** **Faith**
Conflict resolution **Faith**
Charity Not-for profit
Charity **Advancement**
Relief of poverty **Human rights**
Charity **Reconciliation**
Cross-community



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.



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Section 1: What is meant by the advancement of health and the saving of lives?

1.1 Definition

The advancement of health includes:

- the prevention or relief of sickness and disease;
- the promotion of health; and
- both conventional and complementary methods of treatment.

Assessing the effectiveness of different therapies depends on what benefits are claimed for it (**therapeutic, curative, palliative**) and whether it is offered as a complement to conventional medicine or as an alternative. The saving of lives includes a range of activity aimed at saving and protecting the lives of those in danger.

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.

- hospitals or healing centres providing medical treatment and care;
- providing comfort or services to people who are sick or convalescent, for example hospital radio;
- providing services and facilities for medical practitioners;

- ensuring proper standards of medical practice;
- promoting **activities** that have a proven beneficial effect on health;
- providing rescue services for example life boats, mountain rescue, fire and ambulance teams;
- provision of counselling services;
- raising awareness of the dangers of drugs;
- medical research organisations;
- assisting the victims of natural disasters or war.

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

Examples include:

- alternative medical practices which cannot demonstrate evidence of healing or wellbeing of **beneficiaries**;
- a trust set up to reform the laws on **temperance**, as this would be a political purpose.

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 health and the saving of lives

The guidance below sets out examples of how public benefit applies to an organisation with the purpose of advancing health or the saving of lives. 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 health or the saving of lives 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.

2.1 Identifying your intended beneficiaries

It must be clear what the intended or actual benefits of the purpose(s) of a charity are, and who the **beneficiaries** are or who they intend to benefit. For example, an organisation whose purpose is to provide cancer treatment may provide benefits to the people who receive treatment, to the families of sufferers or to society at large.

2.2 Identifying your benefits

Benefits should be appropriate to **purposes**. For example, if a charity is set up with a purpose to advance health in a particular area, and as a result of improving health, also improves ability to work and therefore advances the prevention or relief of poverty, the relevant benefit is the advancement of health. The others are wider, **incidental** benefits as they are not specifically related to the charity's purposes.

2.3 Ensuring your benefits are for the public

Benefit must be to the public or to a section of the public and must not be unreasonably restricted. For example, a private health farm run for profit and charging very high fees would not provide a benefit to a **sufficient section** of the public.

2.4 Balancing benefit against detriment or harm

Benefit must be balanced against **detriment or harm**. An example where there is detriment or harm that is greater than the benefit might be in the way in which a charity which aims to rehabilitate drug addicts may provide drugs as part of the process to help those addicts become clean.

This may be viewed as a harm to those addicts but may be found to be beneficial when taking a longer term view.

2.5 Public benefit rather than private benefit

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

For example, this would include the payment of necessary medical staff by a charity running a hospital. The payment confers a private benefit on the staff, but this is necessary and incidental in advancing the charity's **purposes**.

Again, it might be necessary in the furtherance of its purposes for a charitable health clinic to make use of the services of a private laboratory or nursing agency. The payments to these are incidental to the provision of services offered by the charity for the public benefit.

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 education supporting guidance

The advancement of religion 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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