

The advancement of citizenship or community development

Supporting document for charity trustees

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The Charity Commission for Northern Ireland

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

Our vision

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.”

Further information about our aims and activities is available on our website www.charitycommissionni.org.uk

Equality

The Commission is committed to equality and diversity in all that we do.

Accessibility

If you have any accessibility requirements please contact us.

Online or in print

If you are viewing this document online, you will be able to navigate your way around by clicking on links either within the contents page or text.

We have produced a glossary that provides further information, definitions and descriptions of some key terms. The words in **bold green type** indicate words that are found in the *Public benefit glossary*.

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Section 1: Overview

This supporting document is intended for charity trustees of organisations which have a purpose falling under the 'advancement of citizenship or community development' description of charitable purpose.

It is one of 12 supporting documents covering each of the descriptions of charitable purposes listed in the Charities Act (Northern Ireland) 2008. It provides further information to assist charity trustees in understanding the *Public benefit requirement* statutory guidance and applying the principles of public benefit to the purposes of their organisation.

In sections 2 and 3 this supporting document explains what is meant by the advancement of citizenship or community development and applies the principles of public benefit to this purpose, providing practical examples.

You may also wish to refer to the Commission's guidance on:

- *Running your charity* which deals with operating your organisation for the public benefit
- *Registering as a charity in Northern Ireland* which explains the online registration process.

Section 2: What is meant by the advancement of citizenship and community development?

2.1 Meaning

This covers a broad range of **purposes** aimed at supporting social and community infrastructure. It must be focused on the community rather than on an individual.

There are two main areas into which these purposes may fall:

1. Developing and inspiring civic values and encouraging voluntary and community activity.
2. Regenerating communities through physical, social and economic improvements.

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.

A charity advancing citizenship or community development for the public benefit might be set up to:

- promote **rural or urban regeneration**
- promote social inclusion
- promote volunteering and the **voluntary sector**
- provide a community centre
- promote the effectiveness of charities and the effective use of charitable resources
- promote social investment.

By 'voluntary sector' we mean charities and other voluntary organisations. Voluntary organisations are independent of government and are established for purposes that add value to the community. They must not be political and are not permitted to make a profit for private distribution.

The ways in which a charity might promote the voluntary sector for the public benefit include:

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- the provision of assistance in the administration of funding programmes for the voluntary sector
- the provision of assistance in applications for grants by the voluntary sector
- the provision of legal, financial or management advice to the voluntary sector.

Examples of purposes which are not charitable under this description, or where the case is yet to be made, include:

- an organisation set up to train individuals in social behaviours or manners, where this does not promote social inclusion
- promoting volunteering for a political party.

In the first case this is because the purpose of the charity is not to advance citizenship or community development. In the second case this is because a charity cannot be set up for political purposes.

We will always consider an organisation's purposes on a case by case basis.

Section 3: Applying the principles of public benefit to the advancement of citizenship and community development

Your organisation's **purposes** must be for the public benefit and all of its **purposes** must be **charitable** in order for it to be a charity.

It must be clear what the intended or actual benefit of the purpose(s) of a charity are and who the **beneficiaries** are to be.

Set out below are examples of how public benefit applies to an organisation with the purpose of advancing citizenship or community development. 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 identify:

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
3. the **section of the public** that your charity's purposes are intended to benefit.

A charity aiming to advance citizenship or community development must:

- identify the **section of the public** or group of persons that can benefit
- determine how its purposes can benefit the public or section of the public.

The advancement of citizenship and community development is a relatively new charitable purpose and, as such, has not been tested by the courts. Therefore it is difficult to provide examples of the application of the law in this area.

However, we can look at how charity law deals with other similar matters and how public benefit is demonstrated in these cases, and apply the principles of public benefit more generally.

3.1 Identifying your intended beneficiaries

For an organisation concerned with the advancement of citizenship or community development to be charitable, it must be able to show that this would benefit the public. The people or groups of people who are the intended beneficiaries must be identified. For example, in the case of a charity concerned with the promotion of urban or rural regeneration, the beneficiaries would primarily be those living in the area of social deprivation in which the charity will operate.

In the case of the promotion of the voluntary sector, it may be sufficient to benefit a particular part of the sector. The part of the voluntary sector that your organisation is set up to promote, however, must be of value in serving a social and economic need. For example, a charity might provide assistance with grant funding applications to that part of the voluntary sector working to reduce social deprivation in minority ethnic communities or in particular areas.

3.2 Identifying your benefits

Benefits must be clear and any organisation that intends to advance citizenship or community development must clearly state what the benefits are. For example, if your organisation has been set up to promote the voluntary sector you will need to demonstrate the positive effects that your purposes will have on the voluntary sector and the wider community. This might mean showing that your organisation will do some or all of the following:

- Help establish new voluntary organisations to meet a need which is not currently being met.
- Assist voluntary organisations in extending their activities to further benefit the public.
- Extend the participation in the voluntary sector of sections of the community who are under-represented within the sector.
- Improve the services of the voluntary sector in terms of efficiency, effectiveness and quality.

Benefits must be related to purposes and appropriate to purposes. For example, if the purpose of an organisation was to promote volunteering and instead it educated young people about the benefits of environmental protection then, however beneficial this was, it would not be in furtherance of the charity's purposes. Charity trustees must further their

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organisation's purposes and be able to explain why the purpose is beneficial.

3.3 Ensuring the benefit is for the public

Benefit must be to the public or to a section of the public. For example, it is perfectly legitimate for persons of two particular faiths to attend events if the aim of the organisation is to promote religious harmony between these two groups only. An organisation that promotes diversity by working towards harmony between two different communities, for example, would be for the benefit of the public.

3.4 Purposes must be beneficial, not harmful

A purpose must be beneficial, not harmful. For example, an organisation which promoted the interests of one group in society but which was harmful to another may not be charitable.

3.5 Private benefit must be incidental

Any **private benefit** must be incidental. For example, a charity may employ staff if necessary to further its purposes. The staff may receive a private benefit in the form of payment, but this is justified if it is necessary and incidental in advancing the charity's purposes.

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Useful publications

Statutory guidance on the public benefit requirement PBR1

The prevention or relief of poverty supporting document PBS01

The advancement of education supporting document PBS02

The advancement of religion supporting document PBS03

The advancement of health or the saving of lives supporting document PBS04

The advancement of citizenship or community development supporting document PBS05

The advancement of the arts, culture, heritage or science supporting document PBS06

The advancement of amateur sport supporting document PBS07

The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity supporting document PBS08

The advancement of environmental protection or improvement supporting document PBS09

The relief of those in need supporting document PBS10

The advancement of animal welfare supporting document PBS11

Any other charitable purpose supporting document PBS12

Public benefit glossary PBG

Frequently asked questions (FAQs)

Running your charity

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If you are dissatisfied with our service

The Commission is committed to delivering a quality service at all times. However, we know that sometimes things can go wrong. If you are dissatisfied with the service you have received, we would like to hear from you, and have a procedure that you can use. You will find further information on these processes in our guidance, *Making a complaint about our services*, which is on our website www.charitycommissionni.org.uk

Freedom of information and data protection

Data Protection

Any information you give us will be held securely and in accordance with the rules on data protection. Your personal details will be treated as private and confidential and safeguarded, and will not be disclosed to anyone not connected to the Commission unless you have agreed to its release, or in certain circumstances where:

- we are legally obliged to do so
- it is necessary for the proper discharge of our statutory functions
- it is necessary to disclose this information in compliance with our function as regulator of charities where it is in the public interest to do so.

We will ensure that any disclosure made for this purpose is proportionate, considers your right to privacy and is dealt with fairly and lawfully in accordance with the Data Protection Principles of the Data Protection Act.

The Data Protection Act 1998 regulates the use of “personal data”, which is essentially any information, whether kept in computer or paper files, about identifiable individuals. As a “data controller” under the Act, the Commission must comply with its requirements.

Freedom of Information

The Freedom of Information Act 2000 gives members of the public the right to know about and request information that we hold. This includes information received from third parties.

If information is requested under the Freedom of Information Act we will release it, unless there are relevant exemptions. We may choose to consult with you first if this relates to your consultation or application. If you think that information you are providing may be exempt from release if requested, please let us know.

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Further information on our activities is available from:

**Charity Commission for Northern Ireland
257 Lough Road
Lurgan
Craigavon
BT66 6NQ**



www.charitycommissionni.org.uk

Email: admin@charitycommissionni.org.uk

Tel: 028 3832 0220

Fax: 028 3832 5943

Textphone: 028 3834 7639

Follow us on Twitter @CharityCommNI

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