

The advancement of education

Supporting document for charity trustees

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*.

Contents

Section 1	Overview	4
Section 2	What is meant by the advancement of education?	5
	2.1 Meaning	
Section 3	Applying the principles of public benefit to the advancement of education	7
	3.1 Identifying your intended beneficiaries	
	3.2 Identifying your benefits	
	3.3 Ensuring your benefits are for the public	
	3.4 Purposes must be beneficial, not harmful	
	3.5 Private benefit must be incidental	
	Useful publications	11
	If you are dissatisfied with our service	12
	Freedom of information and data protection	13

Section 1: Overview

This supporting document is intended for charity trustees of organisations which have a purpose falling under the 'advancement of education' 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 education 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; and
- *Registering as a charity in Northern Ireland* which explains the online registration process.

Section 2: What is meant by the advancement of education?

2.1 Meaning

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

- formal school, college or university education
- community education
- physical education
- religious education
- creative or aesthetic education (for example education in the arts or drama)
- vocational training and life-long learning
- research
- the development of individual capabilities, competences, skills and understanding.

The advancement of education for the public benefit 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. However, the material and/or processes used need to be organised and/or presented so that they are capable of advancing the knowledge or abilities of the intended recipients.

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.

Charities advancing education for the public benefit might be set up to:

- establish and maintain schools which have control and direction over their resources and governance
- provide learning through colleges and universities
- support educational establishments, for example parent-teacher associations, examination boards and student unions if they support the work of educational institutions
- provide out of school education groups, for example summer schools
- support the physical education of young people
- provide life skills training

The advancement of education – supporting document for charity trustees

- advance and disseminate knowledge through research foundations, **think tanks** and **learned societies**
- maintain museums, galleries, libraries and scientific institutes
- provide funds or grants for education
- provide an online distance learning programme.

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

- the provision of residences for teachers (unless necessary to perform their duties)
- the provision of political propaganda under the guise of education
- a trust to provide scholarships only for named individuals or **founder's kin** rather than a broader section of the public.

This is because case law, or principles drawn from case law, suggest that they are not charitable. In the first case, the provision of residences is not advancing education as it does not assist the teachers to perform their duties. In the second, the real purpose is not educational but political. A charity cannot have a political purpose. In the third, the benefit is to a private class, not to the public.

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 education

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.

Set out below are 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 understand how the public benefit requirement applies 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 education 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.

3.1 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 public 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 charity trustees see fit'.

In a case like this, we may suggest that some further information 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.

3.2 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 merely 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 harmful to the public, we will require its beneficial nature to be proved.

Benefits must be related to purposes and appropriate to purposes. Therefore any benefit which is not related to the purposes of a charity cannot be considered when assessing public benefit.

For example, an independent charitable school might reduce the burden on taxpayers who would otherwise have to provide for the education of the children attending it. That, however, is not the purpose of the charity and cannot be taken into account.

3.3 Ensuring the benefit is for the public

Benefit must be for the public or for a **section of the public**. 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 decided, however, that the common quality of the potential beneficiaries of the trust was employment by a particular employer and that this was not therefore a section of the public, but instead a private class. The trust was not charitable.

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

3.4 Purposes must be beneficial, not harmful

Purposes must be beneficial, not harmful. In assessing the purposes of an organisation, we will look at the possibility of any **harm** flowing from the purposes. For example, teaching computer skills to young children may be a method of advancing education but it may be considered by some to be harmful to the health of children because it promotes sedentary activity when young children should be doing physical exercise. However, in this example, we would take the view that, overall, the teaching of computer skills is necessary and useful as part of a child's total education.

3.5 Private benefit must be incidental

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.

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 the public benefit requirement PBR1

The prevention or relief of poverty supporting document PBSD01

The advancement of education supporting document PBSD02

The advancement of religion supporting document PBSD03

The advancement of health or the saving of lives supporting document PBSD04

The advancement of citizenship or community development supporting document PBSD05

The advancement of the arts, culture, heritage or science supporting document PBSD06

The advancement of amateur sport supporting document PBSD07

The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity supporting document PBSD08

The advancement of environmental protection or improvement supporting document PBSD09

The relief of those in need supporting document PBSD10

The advancement of animal welfare supporting document PBSD11

Any other charitable purpose supporting document PBSD12

Public benefit glossary PBG

Frequently asked questions (FAQs)

Running your charity

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.

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

Further information on our activities is available from:

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