

The advancement of health or the saving of lives

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 health or the saving of lives' 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 health or the saving of lives 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 health or the saving of lives?

2.1 Meaning

The advancement of health includes:

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

This can include **therapeutic, curative** or **palliative treatments**.

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.

Charities advancing health or the saving of lives for the public benefit might be set up to:

- provide hospitals or healing centres giving medical treatment and care
- provide comfort or services to people who are sick or convalescent, for example hospital radio
- provide services and facilities for medical practitioners to enable them to carry out their work
- ensure proper standards of medical practice
- provide rescue services for example life boats, mountain rescue, fire and ambulance teams
- provide counselling services
- raise awareness of the dangers of drugs
- conduct medical research
- rescue the victims of natural disasters or war.

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 provide alternative treatments which cannot demonstrate evidence of healing or wellbeing of **beneficiaries**

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- an association established to reform the laws on **temperance**.

These examples would not be charitable under this description. In the first case the benefit to public health cannot be shown. In the second case the organisation would have a political purpose, in that it seeks to change the law. An organisation with a political purpose cannot be a charity.

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 health or the saving of lives

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.

Set out below are 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 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 health or the saving of lives must:

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

3.1 Identifying your intended beneficiaries

It must be clear who your beneficiaries are. In the case of advancing health or the saving of lives, your beneficiaries will vary according to your purposes. Your purpose might be to provide treatment for the sufferers of a particular disease, or to provide general health services to the public at large.

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For example, an organisation providing cancer treatment or support may provide benefit to the people who receive treatment, to the families of sufferers or to society at large.

3.2 Identifying your benefit

Benefit 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 and are not the benefits that the charity is set up to provide.

3.3 Ensuring the benefit is for the public

Benefit must be to the public or to a section of the public.

The beneficiaries of a charity under this description cannot be connected by reference to a personal connection or connection to a particular employer. This would be a private class, rather than a section of the public.

A health scheme for employees of a company or firm would not confer a benefit on the public or a **section of the public**, but to a private group of individuals.

3.4 Purposes must be beneficial, not harmful

A purpose must be beneficial, not harmful. For example a charity which aims to rehabilitate drug addicts by providing a programme of treatment, which includes providing drugs as part of the process to help those addicts become clean. The provision of drugs may be viewed as causing harm to those addicts in the short term but, looked at over a longer term, the benefit to them should be apparent.

An example where harm rather than benefit might result would be if an organisation's purpose was to promote an unproven alternative treatment to be used instead of chemotherapy as a treatment for cancer.

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3.5 Private benefit must be incidental

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.

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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

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 Ireland 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:

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