

The relief of those in need

Supporting document for charity trustees

The relief of those in need – 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	3
Section 2	What is meant by the relief of those in need?	4
2.1	Meaning	
Section 3	Applying the principles of public benefit to the relief of those in need	5
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	8
	If you are dissatisfied with our service	9
	Freedom of information and data protection	10

Section 1: Overview

This supporting document is intended for charity trustees of organisations which have a purpose falling under the ‘relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage’ 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 relief of those in need 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 relief of those in need?

2.1 Meaning

This description extends to people in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage. Relief includes providing accommodation and care to those people.

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 relieving those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage for the public benefit might be set up to:

- provide for the care and upbringing of children or young people deprived of the opportunity to be looked after or brought up by a competent person, for example in a children's care home
- provide specialist care or accommodation to those in need by reason of old age
- provide specialist advice or equipment to those in need by reason of disability
- provide housing to people in need of accommodation by reason of financial hardship, such as housing associations and registered social landlords
- provide relief to refugees.

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

- to provide services to those who are not in need under any of the categories set out in the description
- to provide housing to those who are not in need.

The examples would not be charitable under this description as they are not limited to relieving the needs of people who are in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage. They therefore fall outside of the description. We will always, however, consider an organisation's purposes on a case by case basis.

Section 3: Applying the principles of public benefit to the relief of those in need

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 relieving those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage. 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 relieve those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage 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.

This is a very wide description of purposes and there are many types of **charities** that could fall under this heading.

3.1 Identifying your intended beneficiaries

In the case of organisations with a purpose of relieving those in need, the intended beneficiaries are those who are eligible for relief by reason of youth, age, ill-health, disability, financial hardship or other disadvantage.

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For example, the intended beneficiaries of a shelter may be people who are disadvantaged because they are homeless.

3.2 Identifying your benefits

Benefits must be clear and appropriate to purposes and so you must understand what need your organisation is seeking to relieve and who its intended beneficiaries are.

Normally it will be obvious that there is public benefit and therefore straightforward to prove. For example, the benefit to the public flowing from the relief of those in need by reason of ill-health will often be obvious. However, in some cases it may not be straightforward and we may require further information so that we can be satisfied that there is sufficient benefit to the public.

3.3 Ensuring the benefit is for the public

Benefit must be for the public or a **section of the public**.

For example, a charity's purposes may be confined to the relief of people in need because of age, or because of a specified disability.

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.

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.

The relief of people in need will rarely raise questions of harm. If, however, the purposes mean that the relief of the need will be provided in a way that causes harm to the beneficiaries or the wider public, that might outweigh the benefits conferred on the beneficiaries.

For example, in the case of an organisation which had the purpose of providing relief to those in need by reason of disability in accordance with particular principles or beliefs which necessarily involved the application of undue pressure to the beneficiaries to get them subscribe to those principles or beliefs or the improper restriction on their freedom in other

ways, the carrying out of the purpose might be said to cause harm rather than benefit.

3.5 Private benefit must be incidental

Any **private benefit** must be **incidental**. For example, if a charity provides sheltered housing to those in need of such accommodation by reason of old age, it might pay and provide accommodation at the premises to a warden if necessary for the furtherance of its charitable purpose. The warden receives a benefit in the form of salary and accommodation, but this is necessary and incidental in advancing the charity's purposes.

Again, the charity may need to buy food or other necessities for its beneficiaries. There is a private benefit to the suppliers of these items who are paid by the charity, but this is incidental to carrying out the charity's purposes.

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.

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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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